

RIGHTS OF RAILWAYS

Operated by Electricity to Occupy City Streets Legally Decided.

The decision rendered by Judge Stowe on Saturday, in favor of the Duquesne Traction Company, in the suit for an injunction brought against that company by Negley avenue property owners, is full of interest. It states the law as to the rights of abutters and the rights of the public with such facilities that we give it in full. Only a brief synopsis of it has yet been published. This is supposed to end all attempts at obstructing the Duquesne, which is now making rapid progress, and will be running early next fall.

POLES AND WIRES ARE NO NUISANCES

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The streets are dedicated to public use and he has certain special rights as an abutting owner, but I cannot see how a wire run over the street can be taken as an abutter's right to be taking or injuring or destroying his property. But

ANOTHER QUESTION ARISES In reference to the poles in the ground for the support of the wires by means of which the cars are moved. It has generally been understood in Pennsylvania that the abutting owner has a fee to the middle of the roadway, and upon that he has a right of passage or easement over it. Chambers versus Furry, 1 Yeates 16. Lewis versus Jones, 1st Pa. St. 393. But this must not be taken in its literal and especially narrow sense. What might be considered an invasion of private right, so far as the use of a highway is concerned, might not be so in a city. Thus, if a street or avenue, or general authority, may build sewers, and the adjoining proprietor is not entitled to have damages assessed, as for a servient tenement, or the servient tenement, 20 Grand 21; Cone versus Hartford, 23 Conn. 583; Traphagen versus Jersey City, N. J., 58 N. J. 321. In such case the street is not a fee simple, but a public easement for the use of the sewer. So the right to lay down gas pipes, and sewers, and other utilities, in Pennsylvania that I know of, Justice Street, in Sterling's appeal, and other cases, has been recognized by the courts as a public use, and as such an additional burden which entitled the owner to damages in the case of such servient tenement. This is a public use and as such is a public use and as such is a public use and as such is a public use.

Plaintiff's bill avers in so far as material to the complaint that the defendant planned and is now planning to erect poles and wires on Negley avenue in the city of Pittsburgh. It is said that the defendant has already installed poles and wires on Negley avenue in the city of Pittsburgh. It is said that the defendant has already installed poles and wires on Negley avenue in the city of Pittsburgh. It is said that the defendant has already installed poles and wires on Negley avenue in the city of Pittsburgh.

The case of Taggart versus The Newport Street Railway, decided this year by the Supreme Court, is the one on which the city and point, and if good law, covers the case in hand. My own impression is that the use of poles, wires, and the other necessary appliances such as proposed being used by plaintiffs, is not in violation of the public right of passage, but ownership of the adjoining property owners on Negley avenue is not entitled to have damages assessed, as for a servient tenement, or the servient tenement, 20 Grand 21; Cone versus Hartford, 23 Conn. 583; Traphagen versus Jersey City, N. J., 58 N. J. 321.

UNDER MUNICIPAL CONTROL The use of the streets for sewers, tunneling, public utilities, gas pipes, water pipes and other improvements is under municipal control, and the convenience of the citizens of cities, so long as they do not substantially interfere with the use of the streets as such, appears to be under municipal control. This is a public use and as such is a public use and as such is a public use.

THE CRUISER STREET RAILWAY COMPANY CLAIMS TO HAVE THE RIGHT TO ENTER UPON AND CONSTRUCT A STREET RAILWAY ALONG NEGLEY AVENUE, IN THE CITY OF PITTSBURGH, AND TO RUN THEREON CARS. The case of Taggart versus The Newport Street Railway, decided this year by the Supreme Court, is the one on which the city and point, and if good law, covers the case in hand.

PROPELLED BY ELECTRICITY As a motive power, and for that purpose to tear up and destroy said pavement and to replace same with an inferior block pavement, and to erect along the lines of said street in the properties of plaintiffs a line of poles on each side of said street, and to suspend wires from said poles, and to suspend wires over each of the tracks running lengthwise of said street.

Such poles will be erected in such groups as defendants may elect at or about the curb lines of said street at the height of about 15 feet and about 75 feet apart, and the tracks to be laid will be about seven feet from the curb line on each side of said street, and a continuous trestle upon said tracks, and the actual interference with their rights to use the streets is concerned with so many lamp-posts, and if constructed, will be a nuisance for the ground taken by them, neither should it be for the pass supporting the wires in this regard.

Thus far I have assumed that the charters of the city of Pittsburgh, and the acts of the Legislature, authorize the construction, maintenance and operation of a street railway on Negley avenue. But I am not sure of this. The highest court in Pennsylvania has held that the act of the Legislature authorizing the construction of a street railway on Negley avenue is not unconstitutional.

UNABLE TO CONCUR The act of May 18, 1888, entitled an act for the incorporation and government of street railways in this Commonwealth, and which requires that a street railway company be organized for the purpose of operating and operating a street railway in this Commonwealth, and which requires that a street railway company be organized for the purpose of operating and operating a street railway in this Commonwealth.

THE QUESTIONS RAISED By the bill, under which all are alleged to be an inquiry as to the defendant, or other, then shows the legal right to construct, operate and maintain a railway on Negley avenue as proposed by them. The question raised by the bill, under which all are alleged to be an inquiry as to the defendant, or other, then shows the legal right to construct, operate and maintain a railway on Negley avenue as proposed by them.

HEALTH, HABITS AND MANNERS OF BOYS. These all receive special attention at Keany Military Academy, Gambier, Ohio, where boys are prepared by efficient masters for college. The academy is a large and modern training of the whole boy is the object of the school.

Ladies' suits. We are selling a great many white suits, both ladies' and children's. We are offering the best bargains we have ever shown in our line of goods. The loss is not ours, as we bought out of the largest and best manufacturers in the country.

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White flannel blouses, high shoulders and deep cuffs. More at the old price of 52. CAMPBELL & DICK.

With a light pair of lasting gaiters or slippers, for ladies 75c. and for men at \$1.00. CAMPBELL & DICK.

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NEARLY A HUNDRED.

Yesterday's Sun Shoved the Mercury Up to 97 Degrees in the Shade.

The Wood street railroad crossing in Wilkensburg has long been the subject of criticism by the people of the borough. The Pennsylvania railroad runs diagonally through Wilkensburg and the peculiar crossing at Wood street, in the business and residence part of the place, is regarded as dangerous in the extreme. There is a narrow board walk at the junction of Wood and Rebecca streets, and the railroad passes so close to it that there is very little room for pedestrians between the track and the street, especially on the side that happens to be a board walk at that spot when a train passes.

DRIVING PEOPLE TO THE PARKS

The Excursion Beats Do a Rushing Business All Day Long.

This year's June broke the record

Old Sol wooed the earth yesterday with ardent glances, and the heat of his affection was distressing to the 360,000 human beings who reside in the twin cities at the headwaters of the Ohio. Even the Signal Service thermometer, on the roof of the Schmidt & Friday building, succumbed at 4 p. m., and throwing up both hands, recorded 97° in the shade.

When the average citizen arose yesterday his first impulse was to utter harsh remarks about the weather. This he would keep up until he became limp and exhausted, and then he would try to think up some scheme for keeping cool.

Early in the day thousands started for the parks, and all the trains were filled. Some carried lunch baskets, with evident intention of spending the day in the woods, while others were going to take the wharves very early morning until the shades of evening fell. It looked as if the old boardwalk, especially, did a big business. Every freight was handled. Every boat that went out was loaded to the guards by warm clothing.

But it was in the parks that the crowds were to be found. Thousands of persons took their initial visit to Schenley Park, and the weather was just as hot as yesterday, but after that we get some relief. The hottest day of the month was the 24th, 97°.

IN THE COOL OF THE EVENING As the sun went down and the temperature began to follow its example, nearly everyone in the two cities left the shelter of their homes and turned their steps toward Schenley Park, hundreds went to Highland Park, where they could get the cool breezes from the Allegheny river, while the Allegheny park, with its many lakes and fountains, the bright dresses and fair faces of the ladies forming a kaleidoscope of beauty.

The gentleman who assists in outlining our joint weather says to-day will be about as hot as yesterday, but after that we get some relief. The hottest day of the month was the 24th, 97°.

UNCLE TOM'S CABIN WRECKED. The members of the Combination Stranded Miles Away From Home.

WATER GATE. A recent member of a defunct "Uncle Tom's Cabin" combination, who took the train on Monday, June 29, and left his baggage at the Central station last night until he could raise enough money to take him to Quincy, Ill., where he has been offered a position in a printing office. He belongs to the Knights of Pythias, and members of that order will secure him transportation to-day.

PROPOSALS FOR ORDINANCE SUPPLEMENTING THE ORDINANCE OF WASHINGTON, Pennsylvania, June 25, 1890. Sealed proposals, in triplicate, will be received until 10 o'clock p. m. on Monday, July 7, 1930, at the office of the city engineer, for the purpose of providing for the construction, maintenance and operation of a street railway on Negley avenue, in the city of Pittsburgh.

NOTICE-MEMBERS OF FORT PITT. A recent member of a defunct "Uncle Tom's Cabin" combination, who took the train on Monday, June 29, and left his baggage at the Central station last night until he could raise enough money to take him to Quincy, Ill., where he has been offered a position in a printing office. He belongs to the Knights of Pythias, and members of that order will secure him transportation to-day.

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SAFETY GATES WANTED.

Display advertisements one dollar per square for one insertion. Classified advertisements on this page, per line, for ten days.

Wilkensburg has long been the subject of criticism by the people of the borough. The Pennsylvania railroad runs diagonally through Wilkensburg and the peculiar crossing at Wood street, in the business and residence part of the place, is regarded as dangerous in the extreme. There is a narrow board walk at the junction of Wood and Rebecca streets, and the railroad passes so close to it that there is very little room for pedestrians between the track and the street, especially on the side that happens to be a board walk at that spot when a train passes.

THE PITTSBURGH DISPATCH

FOR THE SOUTH SIDE, NO. 102 CARSON STREET.

BRANCH OFFICES ALSO BELOW, WHERE TRANSPORTATION ADVERTISEMENTS WILL BE RECEIVED UP TO 9 P. M. FOR INSERTION.

MISCELLANEOUS. ALL BOLDERS WITH A DEBILITATED...

EVERYBODY TO KNOW THAT WE ARE...

EVERYONE TO MAKE HOME HAPPY WITH...

COMFORTABLE BRICK HOUSE OF SIX ROOMS...

THE BUSINESS OFFICE OF THE PITTSBURGH DISPATCH IS NOW CORNER SMITHFIELD AND DIAMOND STREETS.

WANTED. NICE LIGHTLY USED NEARBY...

ACTIVE MAN FOR EACH SECTION.

ADVERTISING SALESMAN - EXCLUSIVE.

AGENTS - THE GREATEST SELLING WORK.

AGENTS - 900 OUTLET ON 30 DAYS.

AGENTS - FIRST-CLASS HOTEL COOK.

BOY TO LEARN THE BARBER TRADE.

BARBER - GOOD MAN - WAGES \$7 PER WEEK.

BARBER - GOOD MAN - CALL AD. ADDRESS D. T. STUMPF, WILKENSBERG.

BARBER - GERMAN, APPLY JOE GIBSON, 218 W. PENN. AVE.

BARBER - STEADY WORK, APPLY R. E. ACKERMAN, 218 W. PENN. AVE.

BARBER - FIRST-CLASS MAN AT J. H. STEVENSON'S, 41 Federal St., Allegheny.

CARPENTERS - TEN UNION MEN TO WORK AT Fair Grounds at Tartan, Pa. Apply UN. CARPENTERS' UNION, 41 Federal St., Allegheny.

COACHMAN - GOOD REFERENCE REQUIRED. Address A. W. Dispatch office.

DRUG CLERK - REGISTERED. ADDRESS Dispatch office.

EXPERIENCED OPERATORS - ON SINGER Sewing Machine, 41 Federal St., Allegheny.

GARDENERS - TWO - ONE DRIVER, OTTO MINKER, Landscape Gardener, 75 Sheffield St., Allegheny.

GOOD BUTCHER. APPLY TO MEAT MARKET, 101 Butler St., city.

MAN - MIDDLE-AGED, PRACTICAL MAN with mechanical and electrical knowledge. Inquire 914 W. PENN. AVE., Allegheny.

MAN - TO DRIVE AND CARE FOR TWO cars. Inquire 914 W. PENN. AVE., Allegheny.

PLASTERERS - TWO UNION MEN - WAGES \$12 PER WEEK. K. BARNES, 41 Federal St., Allegheny.

RELIABLE BOOKKEEPER - WITH KNOWLEDGE of bookkeeping and general office work. Address G. E. Dispatch office.

SALSMEN - ON SALARY OR COMMISSION. See advertisement in Dispatch office.

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YOUNG MAN - WITH HIGH SCHOOL EDUCATION. See advertisement in Dispatch office.

COOK - FIRST-CLASS EXPERIENCED COOK. See advertisement in Dispatch office.

GIRL - A GOOD GIRL FOR HOUSEWORK. See advertisement in Dispatch office.

GIRL - TO DINE ROOM GIRLS AND ASSISTANT. See advertisement in Dispatch office.

LADY AGENTS - TO CANVASS JONES' MAGIC Suits. See advertisement in Dispatch office.

TEACHER - AN EXPERIENCED LADY FOR a girls' school. See advertisement in Dispatch office.

LEGAL NOTICES. CHAS. B. FAINE, Attorney at Law, 102 Federal St., Allegheny.

ESTATE OF W. J. WILKENSBERG, DECEASED. Notice is hereby given that letters of administration have been granted to Mrs. W. J. Wilkensberg.

NOTICE - STEAMBOATMEN - OBSTRUCTION on or about JUNE 25, 1930, for pier 12. See advertisement in Dispatch office.

EDUCATIONAL. HOLLYDAWSBURG, PA. SEMINARY - Home school for young ladies. Limited number. Method of teaching and training for the home.

PENSIONS. For ALL SOLDIERS who are now disabled, whether disabled by the service or otherwise. See advertisement in Dispatch office.

WANTED.

MONEY TO LOAN - IF YOU WANT MONEY quickly, we have it on hand and will lend to you at a low rate. See advertisement in Dispatch office.

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