

CANNOT KILL DOGS.

It Is Decided Unconstitutional to Slaughter Canines. Allegany's Ordinance Vetoed. Have No More Right to Remove Them Than to Burn Property.

THE CITY IS LIABLE FOR DAMAGES

Canines of Allegany City and of the whole State, in fact, may hereafter bay at the moon unmolested and laugh at the dog catcher and his net. They may make night hideous and have nothing more to fear than the gentle geophors or the soothing whir of the passing biplane. Allegany's City Solicitor has decided it unconstitutional to kill dogs.

On the strength of this opinion Mayor Kennedy, of Allegany, yesterday vetoed the ordinance providing for the licensing of dogs and the establishment of a pound. The ordinance was passed by both branches of the Council some time ago, and approved by Chief Murphy, of the Department of Public Safety. When it was given to Mayor Kennedy for his approval, he turned the matter over to the City Solicitor for his opinion.

Mr. Elphinstone completed his opinion yesterday and on the strength of it the ordinance was vetoed. Mr. Elphinstone was of the opinion there was no legal right to kill unlicensed dogs. He says dogs are property and a city has no more right to kill them for non-payment of taxes than they would have to burn down a man's house for the same neglect.

He further held that people who have had dogs killed in Pittsburg by the city authorities can bring action for damages and recover. The opinion is as follows:

Dear Sir—I am in receipt of your request for an opinion upon the constitutionality of the ordinance imposing a license fee or tax upon the owners of dogs, and providing for the destruction of such unlicensed animals. I have given the subject the serious consideration that its importance deserves. From the beginning of time the dog has been a faithful companion of man, and a member of the human race. In our beautiful city there are thousands of such animals, and it is entirely proper that they should be licensed and taxed. It is enacted providing for the wholesale and retail destruction of canines, that the ordinance cannot be sustained upon any ground of public safety or health. It is entirely proper that the city should have the power to license dogs, and to provide that any dog found running at large without the license plate (such plate being evidence that the dog has been paid) shall be impounded, and if its owner does not appear within 48 hours and pay the fee and cost of the impounding of the animal, that it shall forthwith be destroyed.

No Power to Kill Dogs. The charter of the city of Allegany (Act of April 1, 1851), Chapter 1, Section 1, provides that the Council shall have power "to prevent the running at large of dogs, and to license or otherwise regulate, and to impound, and if its owner does not appear within 48 hours and pay the fee and cost of the impounding of the animal, that it shall forthwith be destroyed."

A dog is as much at large with a metal plate attached to his collar as a dog without one. The dog is as much at large with a license as without one. It cannot be contended that the ordinance is unconstitutional because it provides for the destruction of canines in any case or to any extent it is warranted by the public safety or health.

This is the law to-day and I believe the value of every dog destroyed under the ordinance in question. The Constitution provides that no man can be deprived of his property without due process of law. It cannot be contended that the dog catcher with his net, ambulation and drowning apparatus constitutes due process of law. We have no more right to kill an unlicensed dog than we have to destroy a man's property because he had not paid his business taxes. The penalty for the violation of an ordinance providing for the destruction of a dog is the destruction of personal property, for which the owner may recover. The ordinance may be fixed up in some satisfactory manner. The punishment of a dog is a good thing, if some constitutional penalty can be attached for non-payment. It might be collected like any other delinquent tax.

OPULANT EXCURSION Via Allegheny Valley Railway, Tuesday, July 19. Lake Champlain and return, \$5.00. Toronto, Canada, and return, \$9.00. The good of the excursion is that it is a good thing, if some constitutional penalty can be attached for non-payment. It might be collected like any other delinquent tax.

THE SAFE DEPOSIT AND TRUST COMPANY OF PITTSBURGH. DIVIDEND—THE DIRECTORS OF THIS COMPANY have this day declared a dividend of ONE DOLLAR per share on the capital stock, payable on demand. W. M. ADAMS, Secretary.

There Are More Babins Photographed by Aufrecht at 715 Fifth Avenue. Excursion to Wheeling to-Morrow. De Witt's Little Erie River. Silverware. Special bargains this month. Steinhilber's, 105 Federal street.

SIXTY BARRELS AN HOUR.

The Oakdale Gas Company Strikes a Big Well on the Kobb Farm at McDonald—Several Other Wells in and Showing—Some Good Siderwater Wells.

There was a genuine surprise sprung in the McDonald field yesterday when the Oakdale Gas Company's new art well on the Kobb farm came in at 60 barrels an hour. It is located northeast of Oakdale a couple of miles and only half a mile southwest of the Wetmore place.

No well of any dimensions can be opened by this well, it is surrounded by gas wells and dusts. It is a scratch pure and simple, and it is a surprise to most of the country. A big well is possible along the Wetmore place, and it is possible that a well was reported out in the afternoon that it was making 100 barrels an hour, but this was a mistake.

The Florence Oil Company's No. 1 on the Kobb farm, south of the Kobb farm, is a good for 40 barrels per hour. The same company's No. 4 on the Mrs. Robb farm, near the Gordon place, is a good for 20 barrels per hour. The just casing will be put in on Tuesday. No. 5 is drilling, and a rig is being built for No. 6, which will be put in on Wednesday. The Kobb farm, near the Colburn place, is a good for 100 barrels per hour. The Forest Oil Company's No. 1, on the Kobb farm, is a good for 100 barrels per hour. The No. 2, J. C. McMichael, of the Kobb farm, is a good for 100 barrels per hour. The No. 3, J. C. McMichael, of the Kobb farm, is a good for 100 barrels per hour.

Showing Oil in the 100-Foot. The Oakdale Gas Company's No. 3 on the Kobb farm was reported to be flowing from a depth of 100 feet.

Bovard & Co.'s well on the McCoy farm, in the northeast part of the McCoy farm, is reported to be making considerable oil. It is a good for 100 barrels per hour. The McCoy farm, near the McCoy farm, is a good for 100 barrels per hour.

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WANTED.

Male and Female Help Wanted. UNTIL FURTHER NOTICE ADVERTISEMENTS ON THIS PAGE Classified under the following headings will be accepted at the rate of...

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Cor. Smithfield and Diamond Streets.

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Assistant Bookkeeper at once and a good penman. Baker—Good baker to go on short distance from the city. Barber—First-class barber for neighborhood.

WANTED.

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WANTED.

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WANTED.

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Hand Tools. Hand Tools. Hand Tools. Hand Tools. Hand Tools.

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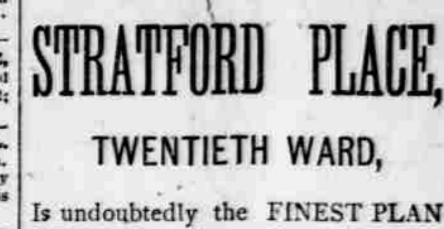
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