10

OPINIONS,

The Supreme Court Hands Down Decisions in 90 Cases the First Day.

The Attorney General Refused to Pay a Political Reward.

A PLEA FOR MURDERER CLOONEN.

The Court Thought It Wasn't Necessary to Hear Mr. Eurleigh.

WESTINGHOUSE WINS IN A TAX SUIT

A great crowd gathered for the opening of the Supreme Court yesterday morning. All the chairs in the little room were taken at an early hour, and citizens and lawyers were jammed together promiscuously. A great many people were there who are not in the habit of paying any attention to the work of the highest tribunal in State. Some were under the impression that the treason charges would be heard, and they were anxious not



Chief Justice Parson

to miss a point in what promises to be one of the most celebrated cases ever tried in the county. But the treason cases did not come up, and it might as well be understood now that they will be heard in the Court of Over and Terminer first with Chief Justice Paxson probably on the beach.

Soon after the court resumed and the people discovered that the Homestead cases were not on the list the crowd commenced to thin out. Lawyers left to attend to business in the county courts, and in a short time the bulk of the audience remaining was made up of attorneys and their clients from the rural districts. Visitors were coming and going all day, but they paid no attention to the argu-ments of learned counsel. They came to see the Justices and study their faces and manner. The tipstaves were kept busy running over the names of the Judges as they sat around the semi-circular table.

President of the Supreme Court.

Most people are familiar by this time Most people are familiar by this time with the portly form and sturdy teatures of Chief Justice Paxson. He was not hard to pick out, and his position in the center of the line of judges marked him as plainly as if he had been labeled. A great many wasted to get the defendants' liability as general partners for amount chained was practically conceded, unless the in avoid to plaintiff. On October 21, 1891, the Evangelical Association of North America met at In-dianapolis, and among other things decided is the to ofference of East Pennsylvania, pre-tide to get the defendants' liability as general partners for amount claimed was practically conceded, unless the roganization under the limited part-nership law relieved them from that re-liability, but a verdict was rendered for the plaintiff.

are affirmed with costs to be paid by the deaut appellant." WOULDN'T HEAR BURLEIGH. Rather Significant Action of the Supre

Court in the Cloonan Murder Case-T. M. Marshall Argued for Another Trial on the Ground of Error.

In the Supreme Court yesterday three non-prosses were issued as follows: Myers vs borough of Bunker Hill, error to Common Pleas of Westmoreland county; Jor-HENSEL MUST WHACK UP. dan vs Thornton et al, appeal and certiorari to Common Pleas of Venango county; appeal of W. S. Ross et al from Quarter Sessions of Jefferson county."

The list for the first week comprises the cases, numbering 43, from the counties of Clarion, Forest, Greene, Jefferson, Venango and Westmoreland.

And Westmoreland. As enpital cases take precedence, how-ever, the first case heard yesterday was one from Allegheny county. It was the case of Dennis Cloonan, con-

It was the case of Dennis Cloonan, con-victed of murder in the first degree and sentenced to be hanged for the murder of his wife, Bridget Cloonan, on March 17. Cloonan was a switchtender on the P. R. R. tor over 19 years. On the day in ques-tion he went home, at his supper, and afte-his children had gone out of the house, he beat his wife's brains out with a chair. Drunken insanity was the defense. The case was appealed on errors charged to the court below. Cloonan's attorneys, O.P. Scaile, Jr., and T. M. Marshall, made their arguments, after which District Attorney Burleigh arose to respond. Chief Justice Burleigh arose to respond. Chief Justice Paxson, however, motioned to him that it was not necessary to hear his side of the case. This was significant, and was taken to mean that Cloonan's cise is already deter-mined, and he can look for no hope from the

Supreme Court. The other cases argued were: Lyiad W. Brown vs A. V. R. R. Co., an action for damages for the death of plaintiff's husband, who was run over at Foxburg, appealed by the defendant from the Common Pleas of Clarion county; George Walters vs Joseph McElroy et al, a suit to prevent the defendants from carrying coal over plaintiff's land, appealed by the plaintiff from the Common Pleas of Chrion county; Welsh & Blank vs Huckestein & Co., an action on a contract, appealed by the defendants from the Com-mon Pleas of Westmoreland county; J. B. Foster vs J. W. Verner, a partnership sait, appealed by the defendant from the Common Pleas of Clarion county; J. F. Budd vs N. Finley et al, an action in ejectment, appealed from the Common Pleas of Westmoreland county; William Thornton vs N. T. Sykes et al, a partnership suit, appealed by the plaintiff from Common Pleas No. 3 of Philadelphia county.

ONE FOR BOWMAN.

The Bishop's Ousted Preacher Reinstated by Justice Green.

In the case of Gross et al vs Wieand, appeal from Common Pleas of Northampton county, Justice Green handed down an opinion. This case was peculiar. Rev. Mr. Gross claimed the title to his office as preacher at Bangor, Pa., by virtue of an appointment made by a body claiming to be the true East Pennsylvania Conference of the Evangelical Church, which presided over by Rev. Mr. 1538 The defendant, Rev. Mr. Haman. Wieand claimed title to the same office of preacher by an appointment made by a body also claiming to be the true East Pennsylvania Conference presided over by Bishop Bowman. Which of these was the true East Pennsylvania Conference was the true East Pennsylvania Conference was the matter in dispute. The hearing in the lower court was for a preliminary in-junction by the plaintiff, Rev. Mr. Gross. An answer was filed deny-ing the plaintiffs right, also deny-ing the conference that appointed him to be the right conference. After con-idening the group the hore court desided

reason of the location of the tracks. A re-covery was had for the damages sustained for the property fronting on the street, but the Judge of the Court below instructed the reason of the location of the tracks. jury that there could be no recovery for the other piece. Justice Williams says:

THE PITTSBURG

other piece. Justice Williams says: "The general question thus raised is whether a lot owner whose lot does not ap-proach nearer to a line of railroad than from 100 to 200 feet, but who is within reach of the noise and dust produced by the or-dinary operations of the road, may recover damages for the consequential injury by reason of such noise and dust. If so, it is not ever to see why all citizens of Potts. not easy to see why all citizens of Potts-ville living near enough to notice the noise or dust might not sustain an action.

"The proposition that two distinct tracts of land connected only by means of a way, whether public or private, cannot be treated as one for the assessment of damages is well settled. As a general proposition the prop-erty must be that which is invaded in the exercise of the right of eminent domain, or that which abute on a highway that is invaded."

HENSEL MUST WHACK UP.

The Attorney General Declined to Pay Political Reward He Offered.

Chief Justice Paxson affirmed the judgment of the courts of McKean county in the case of B. J. Wilmoth against W. U. Hensel, Chairman of the State Democratic Committee in 1882. It was alleged that in a speech in McKean county, Mr. Hensel declared that his committee proposed to put a stop to bribery and corruption at elections, and that he had \$1,000 to pay for

elections, and that he had \$1,000 to pay for the arrest and conviction of persons who would violate any of the election laws. B. J. Wilmoth, the plaintiff, on the night before election procured a tax receipt from E. N. Howard, the Tax Collector of Brad-E. N. Howard, the Tax Collector of Brad-ford township, purporting to have been issued to E. S. Johnson, a fictitious person. Howard was arrested, and at the trial of the case he pleaded guilty. Wilmoth then de-manded the reward, which Mr. Hensel re-fused to pay on the ground that the violation had been invited, and that the prosecution was not bons fide. The case was tried in the lower court and resulted in was tried in the lower court and resulted in a verdict for Wilmoth. On the question involved Chief Justice Parson says: "Offenses against the election laws are

"Onenses against the election laws are the most deadly perils which the State has to endure. They strike at the foundation of social order. No surer method of reaching them has ever been devised than that of offering a reward. There are numerous instances in which it has here successful of which the which it has been successful, of which the present case is one, and those who have procured this result are entitled to com-mendation for their liberality and public spirit. The case was fairly submitted to the jury and the verdict appears warranted by the testim ony."

RIGHTS OF LIMITED PARTNERS.

The Decision of the Lower Court Susta

in the Gearing-Carroll Case, Justice Sterrettaffirms the decision of the Common Pleas Courts of Allegheny county in the case of H. C. Gearing vs D. W. C. Carroll & Co. Suit was brought against the defeudants for \$3,642 20 for lumber and material. The defense was that "nothing is due to plaintiff from deponents or any of them as individuals, and that they are not general partners, nor liable as such; that the sum claimed by plantiff is a debt contracted by D. W. C. Carroll & Co., Limited, which is a limited association. The plaintiff by counter affi-davit denies that the detendants had complied with the requirements of the act au-thorizing the formation of limited partnership associations, and alleged that their articles of association were fatally defective in that they did not set forth the full names of the partners; that the amount of capital stock unbordhed is in many instances subscribed subscribed is in many instances subscribed

in bulk, etc." On the trial of the case the defendants'

OCTOBER 4, 1892 DISPATCH, TUESDAY,

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Glearing vs Carroll et al; C. P. No. I, Allegheny ounty; affirmed, Germantown Pass B. Co. vs. Citizens, Pass B. Germantown Pass, R. Co. vs Citizens Pass, R. o., apt.; C. P. No. 4, Philadelphia county; af-

firmed. Philadelphia va Citizens Pass. R. Co., apt.; Q. P. No. 4. Philadelphia county: affirmed. Hermany et al vs Fidelity Mutual Asson., apt.; C. F. Lehigh county: affirmed. Wilmington Steamshup Co., apt., vs Haas et al; C. P., Deiware county: reversed. Stephens vs Weldon in re, apts.; C. P., Schuyl-kill county: reversed. C. P., Delaware county; reversed. Stephens vs Weldon in re, apts.; C. P., Schuyl-kill county; reversed. Penna., Schuylkill Val, R. Co. vs P. & R. R. Co., apt., C. P., Berks county; affrmed. Aktinson, apt., vs Shoemaker, C.P. No. 4, Phila-delphia county; reversed. O Brien vs Philadelphia, apt., C. P. No. 1, Phila-delphia county; affirmed. Theks vs Philadelphia, apt., C. P. No. 1, Phila-delphia county; affirmed. Ehret Go. vs Schnytkill Val, R. Co., apt., C. P. No. 1, Philadelphia, apt., C. P. No. 4, Philadel-phia county; affirmed. Ehret Go. vs Schnytkill Val, R. Co., apt., C. P. No. 1; Philadelphia, C. P. No. 4, Philadel-phia county; affirmed. C. No. 1; Philadelphia county; affirmed. Hosico, vs. Philadelphia county; affirmed. City of Erle, apt., vs Young Men's Christian Association, C. P., Erle county; affirmed. Commowealth's appeal, Small's estate, O, C., York county; reversed. Small's appeal, o. C., York county; affirmed. Dickson ami wife, apts., vs McGraw, et al., C. P. No. 1, Alepheny county; reversed. Graz vs Weber, et al., apts., C. P., Lancaster county, antonal Bank of Nexding, apt., vs Went-

Krumbhaar, apL, vs Grifflins et al. C. P. No. 1, Philadelpilia county: affirmed. Second National Bank of Reading, apt., vs Went-rel, C. P., Berks county: affirmed. Whelen, apt., vs Phillips et al, C. P., Philadel-phils county: affirmed. Lane's appeal, J. W. Mercur's estate, O. C., Bradford county; affirmed. Cutier & Hines vs Richley, apt., C. P., Erie zounty: affirmed. Baker vs Borough of North East, C. P., Erie zounty: affirmed. county: reversed. Halicock vs McAvoy, C. P. No. 4, Philadelphia Halisburg vs Segelbarro, P. No. 4, Philadelphia city. amrmed. Heller, apt. vs Royal Insurance Company, C. P. No. 4. Philadelphia county: reversed. Boyer vs Chty of Reading, apt., C. P., Berks county: affirmed.

Boyer w Carl of Acavoy, C. P. No. 2, Philadel-Hisncock, apt, vs McAvoy, C. P. No. 2, Philadel-phin county; reversed. By Paxson, C. J.: Wilmarth vs Hensel, C. P. McKean county; affirmed. Appeal of S. W. Cooper, C. P. Philadelphia county; reversed. Mick reary vs Boneberger, C. P. Dauphin county; reversed. Appeal of D. S. Ewing, C. P. Philadelphia Haley vs Keim, C. P. Northumberland county;

reversed. Appeal of Conestogs Road Company, C. P. Lan-caster county; reversed. By Green, J.: Gross et al vs Weland, C. P. Northumberland county; reversed. Mensch vs P. R. R. Co., C. P. Center county; affrond affirmed. Kriffer vs Hummelstown borough, C. P.Dauphin county; reversed. Kehler vs Swenk, C. P. Northumberiand county; affirmed. Silitiman vs Haas, C. P. Schuyikill county; re-

verse i. By Williams, J.: Lewisvs Baker et al. C. P. Union county: re-Lewisvs Baker et al. C. P. Union county: reversed. Herstein vs Lehigh Valley R. R., C. P. North-ampion county: reversed. Bowmay, vs Bradley, C. P. Dauphin county; reversed. Zimmerman vs Lebo, C. P. Dauphin county; re-versed. Wills et al vs Link, C. P. Wayne county; re-Williams vs Fulmer, C. P. Lehigh county; affirmed. Episcopal Academy, of Philadelphia., vs City of Philadelphia, C. F. of Philadelphia county; af-

firmed. Appeal of Fidelity Insurance & Trust Company, C. P. Philadelphia county; reversed. Pennsylvania Company for Insurance of Lives vs P. & S. V. H. R. Co., C. P. Schuylkill county; affirmed. Jones & Erin vs Wyoming Valley R. R. Co., C. P. Lackawanna county; reversed. By McCollum, J.: Weils vs Northern Central R. R. Co., C. P. Brad-

And conty; reversed. Haud et al, Exg'rs. vs Weidner, C. F. Lacka-vanna county; affirmed, Ramsey et al vs D. L. & W. Ry. Co., C. P. Lu-erne county; reversed. Barclay vs Alsip et al, C. P. Bradford county; reversed. Klinbels ex'rs vs Spalter, C. P. Philadelphia Sounty: reversed. Weber vs Rober, C. P. Montgomery county: reversed. Ferguson vs Anglo-American Telegraph Co., C. P. Philadelphia county; affirmed. City of Scranton vs Decker, C. P. Lackawanna conny; affirmed. Mendenhail's appeal, C. P. Chester county; af-fermed

Mendennan's appear, or relegraph Co., C. P. Smith vs Western Union Telegraph Co., C. P. Philadelphia county; reversed. Grigge vs Cable Vermilyasop, C. P. Warren county; affirmed. Water Commissioners City of Erie vs Dunlap, O. P. Erie county; affirmed. McNeary vs City of Reading, C.P. Berks county; affirmed. Herkins' appeal, C. P. Montgomery county; re-In re Sherman's estate, C. P. Sullivan county;

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By Hydrick, J.: By Hydrick, J.: Extate of William Drinkhouse, C. P. Philadel-phis county: affrined, Common wealth vs Westinghouse Air Brake Com-pany, C. P. Dauphin county; reversed. Lynch vs City of Erie, C. P. Erie county; af-

ALARMINGLY FREQUENT.

Are Women Slaves of Weakness?

Va

For eight years I have been constantly under the

stantly under the care of doctors, but found no relief, nor, from what the doctors toil me, did I expect to get did 1 expect to get any better. I was convinced that they did not understand my case, so I thought I would try Dr. Greene's Nervura

blood and nerve remedy, and the result has been truly wonderful. I now feel in better health than for the last 20 years. During all this time I have been suffering with Malaria, Heart Disease, Kidney and Liver complaints, nervous prostration and sleep lessness. For the three months before taking this wonderful remedy I had been confined to my room, and most of the time to the bed. I feel, with the blessing of God, Dr. Greene's Nervura blood and nerve remedy has given me a new lease of life and health, and that I am cured of all my troubles. I have a great desire that others may be benefited as I have been, and take every opportunity to recommend Dr. Greene's Nervura blood and nerve remedy to the sick. Mrs. E. S. Bogart. Bantist Home, Sixty-eighth St., New York

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 Aliantic Express daily at 3:30 a. m., arriving at Harrisburg 0:20 a. m., Pulladelphia 1:25 p. m., New York 2:00 p. m.
 Aliantic Express daily at 3:30 a. m., arriving at Harrisburg Accommodation daily, except Sunday, 5:53 a. m., arriving at Harrisburg 2:50 p. m., Day Express daily at 5:00 a. m., Arriving at Har-risburg 3:20 p. m., Philadelphia 6:50 p. m., New York 9:25 p. m., Philadelphia 6:50 p. m., New York 9:25 p. m., Philadelphia 6:50 p. m., New York 9:55 p. m., Philadelphia 6:50 p. m., New York 9:55 p. m., Philadelphia 6:50 p. m., New York 9:55 p. m., Philadelphia 6:50 p. m., New York 9:55 p. m., Philadelphia 6:50 p. m., Yashing-ton 8:15 p. m., Philadelphia at 5:50 a. p. m., Yashing-Yashing Sang Accommodation at the proventee thereing at the philadelphia for a maximum for the philadelphi for maximum for the philadelphi for a maximum for the philadelph

rows 925 p. m., Bailimore 6:45 p. m., Washing-ton 8:16 p. m. Mail train Sunday only, 8:40 a. m., arrives Harris-burg 7:00 p. m., Philadelphia 10:55 p. m. Mail Express daily 12:56 p. m., arriving at Harris-burg 10:00 p. m., connecting at Harrisburg for Philadelphia.

. m. For McKeesport, Elizabeth, Monongaheis City ad Belle Vernon, *540, 11:56 a. m., *1:00 p. m. From Belle Vernon, Monongaheis City, Eliza-sth and McKeesport, 7:40 a. m., 17:55, *5:55 p. m.

birg 10:00 p. m., connecting at harrisong to Philadelphia. Philadelphia Express daily at 4:30 p. m., arriving at Harrisburg 1:00 a. m., Philadelphia 4:25 a. m., and New York 7:10 p. m. daily, arriving Har-risburg 2:10 a. m., Baltimore 6:29 a. m., Wash-ington 7:39 a. m., Philadelphia 5:65 a. m. and New York 7:40 a. m. Past Line, daily at 8:10 p. m., arriving at Harris-burg 3:30 a. m., Philadelphia 6:50 r. m., New York 9:30 a. m., Baltimore 9:20 a. m., Washing-ton 7:30 a. m. "Dally. Tsundays only. City Ticket Office, 639 Smithfield Street

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4.20, "2.45 p. m. For Sniamanca, "5.09 a. m., 7.55, "3.45 p. m. For Youngstown and New Castle, 5.09, "3.60, 11.20 a. m., "1.55 [3.30, "4.20, "9.45 p. m. For Beaver Fails, 6, 50, 7.60, "4, 60, 11.33 a. m., "1.55, 1.51, "4.20, 5.20, "9.45 p. m. For Charliers, "5.39, 5.23, 6.60, 76, 45, 7.60, 7.37, "7.50, "5.00, 3.30, 4.65, "4.23, "4.23, 5.10, 5.20, "5.00, "1.63, 2.00, 3.30, 4.65, "4.23, "4.23, "5.10, 5.20, "5.00, "1.64, 10 p. m., "1.55, 5.20, "

6, 5.20, 75,03, 75,45, 10 p. m. RITY N. From Civerend, 75:20 a. 7:30 p. m. From Civeriand, 75:20 p. 14, 75:30 p. m., 75:30 p. m. 7:30 a. m., 75:30 p. m. From J 16:30 a. m., 75:30 p. m. From J New Castle, 4:30, 97:35, 75:30 p.

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DEFART for Toledo, points intermediate and beyond: 17.10 a.m., *12.20 p.m., *1.00 p.m., 111.20 p.m. ARRIVE from same points: ¶1.15 a.m., *6.35 a.m., †6.45 p.m.
DEFART for Cleveland, points intermediate and beyond: †6.10 a.m., *7.10 a.m., †1.30 p.m., *11.05 p.m., *6.55 p.m., 16.50 p.m.
DEFART for Martins Ferry, Bridgeport and Bellaire: †8.10 a.m., †1.30 p.m., †1.00 p.m., ARRIVE from same points: 18.00 a.m., 11.50 p.m.,
DEFART for Martins Ferry, Bridgeport and Bellaire: †8.10 a.m., †1.30 p.m., †4.10 p.m., ARRIVE from same points: 18.00 a.m., 11.55 p.m.,
DEFART for New Castle, Erie, Youngstown, Ashta-bula, points intermediate and beyond: 17.20 a.m., †12.20 p.m. ARRIVE from same points: 125 p.m., #8.40 p.m.
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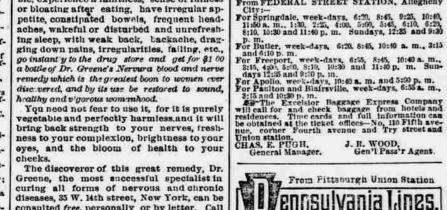
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Hands

wanted to get a glimpse of the man who issued the warrant in the treason case.

Promptly at 10 o'clock the Justices, ar-rayed in long black gowns, filed into the court room and took their places. It is sur-prising how much of awe and dignity the black covering lends to the appearance of these distinguished men. On the street these distinguished men. On the street they look like other people in the profes-sions, but as soon as they step into this sacred costume of their office, one is re-minded that they are more than ordinary men, that they constitute the highest court of the State from whose decisions there is no appeal. Those gowns make a deep impression on the average man. To the right of Chief Justice Paxson sat

Sterrett, who will succeed him three years hence, and Williams and Mitchell. On the left came Green, McCollum and Hevdrick in the order named. The full, round and cheerful face of Justice Ciark was missed. In his old seat sat McCollum, and on the end was Justice Heydrick, of Franklin, who was appointed by Governor Pattison to take the place made vacant by the death of Justice Clark. Mr. Heydrick looks like a typical Judge, and he acted as if he had been accustomed to trying cases all his life. He is a grave, dignified man, and it was noticed that he gave careful attention to the arguments of the lawyers.

Recognized as an Able Lawyer.

Mr. Heydrick before his appointment was recognized as one of the ablest lawyers in the oil country. His party nominated him for the place, and he is now a candi-date for election against Judge Dean of Islair county. Justice Heydrick made a used inversion on the aread good impression on the crowd. The death of Justice Clark caused a

change in the seats of the Judges. Will-iams and McCollum have moved up toward the Chief Justice, and the end men are now Justices Mitchell and Hevdrick. Mitchell is rather youthful in appearance, in spite of his thin, gray hair which he parts in the middle. He is very handsome also, and an able judge.

The preliminary work of opening the court was transacted without much cere-mony, and then Chief Justice Paxson commenced the work of the day by reading the titles of the decisions he had to hand down. The other Justices followed. There were 90 decisions in all, and they can be found in what follows. Arguments in Clarion county cases were called first, and the day was occupied by them. Allegheny county will be heard beginning the third Monday of the month.

THE ARBITRATOR SUPREME.

No Right of Appeal Provided in the Special Act of 1870.

The case of Cutler & Hinds against Frederick Richley, Eric county, is interesting in view of the local labor troubles, because it bears directly on compulsory arbitration. One of the specifications of error in the case was the order of court setting aside the appeal from award of the legal arbitrator. Justice Sterrett, who disposes of the case,

"It cannot be doubted that in entering the rule and choosing the legal arbitration the parties intended to proceed under the special act of April 6, 1870. There is nothing in the act of 1870 which gives a right of appeal in what is termed a legal arbitration. On the contrary it provides other modes of procedure for the purpose of correcting errors of the legal arbitrator, and finally a writ of error to this court. A legal arbitrator could not be chosen without the consent of both parties, the implied consent of the party entering the rule and the expressed written consent of the other party. The sole purpose of the act was to provide a special voluntary mode of procedure before a single arbi-trator, learned in the law, without right of appeal and trial by jury. There appears to be nothing unconstitutional about this. of appear and trial by jury. There appears if endant company has its tracks. The to be nothing unconstitutional about this. There was no error in setting aside the appears the two pieces are connected by a tier of building lots. In this this case, and the orders of the court below the plaintiff sceks to recover damages by connty; reversed.

sided over by Bishop Bowman, to be th only lawful conference of the association in that district and its acts and appointment of preachers were the only valid appointments for the year 1891. Justice Green holds that the General Association being the Supreme Court of the church having decided the dispute in favor of Rev. Mr. Wieand, that the claim of Rev. Mr. Gross is clearly illegal, and the

decision of the lower court is reversed. KICKED ON THE TOLL.

Lancaster Peopl Must Buy the Franchise to Get Rid of a Gate.

The case of the city of Lancaster against the Conestoga and Big Spring Valley Turnpike Road Company is an interesting one, and the Supreme Court speaks out rather plainly on the policy of the city of Lancaster. The road company built a turnpike in 1869 and located a toll gate inside the city limits, at which tolls have been collected ever since. According to the testimony in the case the city "threatens to reove, tear down, prostrate and destroy said ll-gate," In ruling against the city Chief toll-gate. Justice Paxson says: "It may very well be that by reason of

"It may very well be that by reason of the growth of the city of Lancaster, a toll road, and especially a toll gate within its limits, has become objectionable and a burden to its citizens. We may assume, however, without any violent strain, that it is the toll and not the gate which is the cause of the trouble. The more manly and at the same time the honest way to free the city from toll would be to purchase and pay the company for its franchises. What the city now proposes to do amounts prac-tically to confiscation. This is a short way to get rid of chartered rights, but is one the law does not express of It the law does not approve of. It the gate in question is a public nuisance, it is singular the city has been 23 years finding it out. The appellant com-pany has committed no encroachments on the public rights of the city of Lancaster. On the contrary it has been acting strictly within the line of its chartered rights." A perpetual injunction was ordered against the city to restrain it from confis-cating the toll gate and the costs of the ap-

NO MONEY FOR A LIFE.

peal are placed on the city.

Mine Owners Not Responsible for Incor petent Bosses Unless They Know It. Chief Justice Paxson reverses the decision of the Common Pleas Court of Northumberland county in awarding damages to Barbara E. Haley in her suit against the Philadelphia and Reading Coal and Iron Company, owners of the Greenback colliery in that county, in which the

plaintiff's husband lost his life. There was a fire in the mines which was alleged to have been due to the negligence of Andrew G. White, the mine boss. On this point Chief Justice Paxson says: "We have repeatedly held that the owner

of a mine is not responsible for the negli-gency of the mine boss unless he is incompetent and the owner knows him to be so. To allow a recovery in this case would be to fritter away this rule."

A JUDGE SUSTAINED.

Damages for Only Property Invaded by a Railroad Can Be Obtained.

Justice Williams affirms the decision of the courts of Schuylkill county, in the case of the Pennsylvania Company for the insurance of lives against the Pennsylvania Schuylkill Valley Railroad Company. The plaintiff holds the title of two pieces of real estate in the borough of Pottsville, one of which fronts on a street on which the defendant company has its tracks. The other does not front on the street but the two pieces are connected by a tier of building lots. In this

CAPITAL STOCK TAXES. Tangible Property of the Westinghous

Company in the State Subject to Taxes. Justice Heydrick reverses the courts of Dauphin county in the case of the Commonwealth of Pennsylvania against the Westinghouse Electric Manufacturing Company and enters judgment in favor of the State in the sum of \$6,661 89, being State taxes due on capital stock. After referring to the acts under which the defendant company is chartered, Justice Heydrick says, in gen-'It does not follow that the defendant is

taxable upon its entire capital. Part of its capital is invested in patent rights, and that it is not taxable upon that part is so clearly and forcibly shown by the learned court below as to render further discussion of that subject undesirable. It is equally clear that it is not taxable upon another part in-vested in manufacturing plants situated in New York and New Jersey. This, how-ever, is not controverted, but in addition to the item more which the tax more inserted. the items upon which the tax was imposed by the judgment of the court below, it is taxable upon so much of its tangible prop-erty as is situated in this Commonwealth."

HIS CREDIT NOT INJURED.

The Western Union Delayed for a Day to Pay Money Sent by Telegraph.

Justice McCollum reversed the verdict of Common Pleas Court No.1, of Philadelphia, on the appeal of the Western Union Telegraph Company vs. Thomas C. Smith. In this case Mr. Smith had a note for \$87 25 fall due on Saturday, September 17, in the Philadelphia National Bank, and being in Philadelphia National Bank, and being in New York, he sent the money by telegraph. The telegraph company failed to pay the money on Satur-day and the note went to protest. The money, however, was paid by the company on the following Monday, at the same time making an explanation of the de-lay. Mr. Smith thought that by the delay in the payment of the money his credit had been damaged, and he brought suit and was awarded \$1,000 damages, but this amount was reduced to \$500 by the Coart. Justice McCollum held in his opinion that Mr. Smith's assumption of impairment

that Mr. Smith's assumption of impairment to his credit was erroneous and that he failed to show any pecuniary loss as a consequence.

NOT ABUITING PROPERTY.

Street Improvements Must Be Paid for Out

of the General Taxes. In the appeal of the City of Reading from the decree of the common plens of Berks county in equity, Justice Sterrett affirmed the lower court. It was a street case in which the city attempted to collect for improvements from the abutting property owners.

Judge Sterrett said: "We are tar from being convinced that the 'necessities of the times,' or any commendable consideration requires us to reverse or so modify the de-cisions referred to as to permit the cost of repaying public streets, for the benefit of lected from the property abutting on such streets, and because we are not so convinced we think there was no error in granting the injunction complained of."

THE OPINIONS HANDED DOWN.

A Big Batch From All the Justices-**Colonel Taylor Folled From Collecting** Tax on a Philadelphia Charitable School-Decisions in Detail. The list handed down at the opening of

PATENT SHEET-IRON ANNEALING BOXES. the Supreme Court yesterday morning was as follows: With an increased capacity and hydraulio-machinery, we are prepared to furnish all work in our line cheaper and better than by the old methods, Repairing and general machine work. Twenty-ninth street and allegheny Valley Hallroad. fel5-50-The



reme Court handed down an opinion this tired of them? Your poor hands are. morning, upholding the constitutionality of the weekly payment law. The Court held

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the weekly payment law. The court held that corporations, being created by the Leg-islature, were subject to any limitation the Legislature might impose, and did not come within the privileges accorded citizens under the provisions of the Constitution of the United States. M. MAY, SONS & CO. FINE DYEING AND CLEANING.

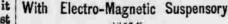
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For Washington, Pa., 7 20, 53 10 and 29 30 a m, * 00, 54 45, 7 30 pm. For Wheeling, 7 20, 55 10 and 19 30 a m, * 100, 7 10, 111:35 pm. For Cincinnati and St. Louis, 7 20 a m, 7 30 and 111 55 pm. For Cincinnati 11 55 pm, Sat-urday only.

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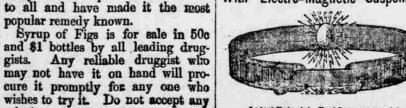
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