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OUR OATS.

Always in the past the Best in Scranton. Will be in the future as good as oats that can be made by the BEST CLEANING MACHINERY

Which removes the foul seeds and dust. Try our "CLEAN OATS."

THE WESTON MILL CO., SCRANTON, OLYPHANT, CARBONDALE.

BEWARE OF COUNTERFEITS. THE GENUINE POPULAR PUNCH CIGARS. Have the initials G. B. & CO. imprinted in each cigar.

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PERSONAL.

D. J. Phillips, of North Park, is in Boston. Prothonotary and Mrs. C. E. Pryor are at Asbury Park. Dr. L. H. Gates returned yesterday from Lake Okauch and Deposit, N. Y. Rev. E. L. Miller has as his guest at Atterbury, James H. Grater, of Philadelphia. Mrs. B. Moore, Miss Esther Moore and Fred Moore are home from a sojourn at Long Branch. Mrs. J. S. Pritchard and Mrs. J. E. Francis have returned from a week's stay at Lake Umbagog and Atlantic City. J. Cohen, of New York, and his sisters, Mrs. Gilland and Misses Bessie and Rose Cohen, are visiting friends in the city. Miss Elsie Brown has returned after spending two weeks with friends at Bethlehem, Philadelphia and Atlantic City. Frank M. Lynch, son of James Lynch, of Olyphant, registered yesterday as a student-at-law in the office of O'Brien & Kelly. Miss Mary Farrell, of Philadelphia, and Miss May Brennan, of Shenandoah, are visiting Miss Anna May McGowan, of Lincoln avenue. Joseph W. Hanson, bookkeeper at Connelly & Wallace's, and his mother have gone for a ten days' trip to Philadelphia and Atlantic City. Miss Mary and Master Joseph McVine, accompanied by their aunt, Miss McHale, returned yesterday after a ten days' sojourn at Crystal Lake. Mrs. W. V. Parde, of London, England, returned to New York yesterday after spending two weeks with her mother, Terence McNulty, of Hampton street. The Misses Kathryn and Anna Hope, of Philadelphia, who have been the guests of Mrs. W. E. McVine, of the 31. Charles, returned home this morning. Among Scranton guests who registered at Hotel Senate, Atlantic City, during the past few weeks were the Misses Abnetta Kaye, Helen Barnes and Cora Morris Griffin. Harvey Long and Charles E. Trepp, of the Crystal Hose company, leave today for West Point, Peekskill, Newburgh, Poughkeepsie and Middletown, N. Y., to arrange for the trip of the Crystal Hose company in October. John Hill has returned from a trip through the western states and Alaska having three and a half months. Among the places he visited were San Francisco, Denver, Colorado Springs, Salt Lake, Portland, Seattle and Sitka. He is accompanied by his brother-in-law, F. H. Hopkins, of Ohio. On motion of Major Everett Warren, Ralph S. Hull was yesterday admitted to practice in the courts of Lackawanna county; Walter E. Gunter was admitted on motion of Attorney Charles H. Wells; Robert Peck on motion of Attorney George L. Peck; M. F. Casely on motion of Attorney J. Alton Davis; Patrick J. Manley on motion of Attorney Joseph O'Brien; Michael J. Huddy on motion of Attorney J. Alton Davis. Hotel Keeper D. W. Vaughan received a letter yesterday from his son, William S. Vaughan, who is a cadet on board the United States schooner "Scranton." The letter was dated Queensdown, and recited the fact that the boy, who is 16 years of age, had just returned from a three days' visit to the old home of his grandparents in County Clare. From Queensdown the "Scranton" was to proceed to Southampton and the cadets were to have seven days in which to do London. The ship will next proceed to Havre and then the cadets will spend five days in Paris. Afterwards the vessel will proceed to Gibraltar, Genoa and other ports.

It induces Steep-Horsford's Acid Phosphate. Dr. S. T. Lineaweaver, Lebanon, Pa., says: "It induces a quick sleep, and promotes digestion."

IT WAS THE BUSY DAY OF THE COURT

Large Number of Opinions Handed Down by the Judges.

OLYPHANT COUNCIL MUST ACT

Judge Edwards Allows a Peremptory Mandamus Directing the Borough Council to Levy a Tax and Perform the Other Duties That Devolve Upon It—No Change of Venue in the Jennings Case.

It was mid-summer court day yesterday and more business was disposed of than on any one day before this year. The judges make a practice of holding court every day during the middle of the summer to hand down opinions, hear motions and keep the wheels of justice from becoming clogged. Yesterday was that day and on account of the torn up condition of the upper floors of the court house, Judges Archibald, Gunter and Edwards sat in the arbitration room during the greater part of the day. They handed down more than thirty opinions, many of them of much importance and heard motions from fully one-half of the members of the bar. It was a record-breaking day with the court.

One of the important opinions handed down was written by Judge Edwards and directed that a peremptory mandamus issue against the Olyphant borough council commanding it to meet forthwith to levy the annual taxes. The proceedings for the mandamus are the result of the trouble that has existed in the borough council since its organization last Spring. Judge Edwards' opinion in part is as follows:

The petition in this case, at the relation of the borough of Olyphant, asks for a writ of mandamus against the members of the town council of said borough. It appears from the petition that the council met for organization on March 2, 1896, and continued to meet from time to time until March 11, when a president was elected. The election of president was contested and in a proceeding in court was declared valid.

COUNCIL EQUALLY DIVIDED. The petition further alleges, that on account of a division in the council—the members voting six to six—the business of the council has neglected, the annual tax has not been levied, orders and bills remain unpaid, no provision is made to meet the interest on outstanding bonds, the streets are neglected, the electric light dues are uncollected, workmen are clamoring for their pay and the affairs of the borough are in general disorder and confusion. We have examined this question at some length and are satisfied that the borough is a competent body. The office of borough is an important one and the functions have been separated from those of a member of the town council. He cannot now be a member of the borough and the members of the council, if they exercise their supervisory powers over the action of the council. He is vested with the veto power, as it is, in fact, between the council and the people. And if the members of council continue to disregard the plain and imperative mandates of law and duty, they will be interfering with the borough's interests, unless they were the borough's.

The answer made to this question is that the borough is not personally beneficially interested, and if the purpose is to enforce a public duty the petition should be at the relation of the attorney general or of the district attorney of the borough. The council is not interested in the borough and its competency as a relator in these proceedings and that our action in refusing the motion to quash on the grounds of its alleged incompetency was proper.

The council is composed of twelve members. When meetings are called six attend and six stay away. They elected a president by an accidental misapplication on the part of some of the recalcitrant members. This appears in the other case that was before us.

CANNOT BE ALLOWED. If such conduct is allowed there can be no government. Bills and claims against the borough are accumulating; unpaid orders are floating around; the annual tax is not levied and municipal progress is arrested. It is clearly of the opinion that a peremptory mandamus should issue as prayed for.

Members of town councils and all public officials are amenable to the law. As well said by Lowell, C. J. in Lamb vs. Lynn supra: "Official conduct is never free from law; it is always regulated more or less strictly; it must follow the path prescribed for it by the law of society and not individual will, is the measure of its freedom; and it is only thus that individual liberty is secured from official arbitrariness."

In accordance with the foregoing opinion we therefore direct that judgment be entered for the relator, with costs of suit, and the exigency of the case, in the opinion and discretion of the court requiring it, we direct the peremptory writ of mandamus to issue, commanding the council to meet at the council room in the borough of Olyphant to levy the annual taxes provided by law, and to perform the other duties that devolve upon it as a municipal corporation.

Judge Gunter dissented from the opinion of the court, but did not file an opinion. An opinion was handed down by Judge Gunter in the injunction proceedings of the borough of Winton against the Mount Vernon Electric Street Railway company to restrain the latter from building an electric road along the highway street. Judge Gunter refused to grant a permanent injunction and dissolved the preliminary injunction heretofore granted.

NO CHANGE OF VENUE. A change of venue will not be allowed in the trespass case of John G. Jennings, of Minooka, against the Lehigh Valley Railroad company as will be seen from the following taken from Judge Edwards' opinion on the subject: "There is no reason shown why the parties cannot have a fair trial in this county. The action belongs to the ordinary class of negligence cases which are tried in our courts every term. It is true that a jury disagreed once in this case, but that is not an unusual occurrence, considering the large number of cases tried in the county. It is also true that twice a juror was withdrawn, and the case continued; once, because a juror started during the trial that he had formed an opinion as to the merits of the case, and another time on account of the action of the plaintiff's counsel. This case is like other cases and should be tried in the usual course of the administration of justice in our courts. A change of venue is refused and the rule is discharged."

GILES IS ALL RIGHT. Bernard Giles will continue to act as a councilman of the borough of Winton, Judge Edwards yesterday entering judgment in his favor on a writ of quo warranto obtained by Burgess Charles Sheridan, of Winton. At the election held February Giles was elected councilman but his election was contested on the ground that at the time of the election he had not paid his taxes within one year prior to his election. Giles, after the election and before the organization of the council, made a tender of his taxes to the tax collector, who refused to accept the taxes—in all \$26.25—until considered by the court. When the council met and organized

Giles resigned the office to which he had been elected, and at the same meeting he was elected by council to fill his own unexpired term for the remainder of the year. As his taxes were paid and no legal disability was raised to his holding the office for the term for which he was appointed, Judge Edwards holds that he is entitled to the office of councilman by virtue of his appointment thereto. Ex-Judge Knapp, W. W. Lathrop and J. Alton Davis were appointed some time ago to amend and revise the rules of court. Their report was presented to court yesterday and was approved. A number of changes are made in the quarter sessions rules and those governing cases brought before the court on certiorari. The new rules will be issued in pamphlet form.

FEES OF VIEWERS. One of the new rules bears upon the fees that will be charged by viewers appointed by the court. It is as follows: "The fees in connection with the appointment when not otherwise fixed by statute shall be as follows: For each day when employed for not less than five hours to each viewer \$2; when employed for less than five hours, no charge shall be made; for passing boundaries along the line of the municipal improvement, ten cents for each hundred feet, together with six cents mileage for each mile necessarily traveled going and coming, once around; for securing a location on property owned, for the first party served, 20 cents, and 25 cents for each additional person or property notified; together with six cents mileage for each mile necessarily traveled going and coming once around."

OTHER COURT MATTERS. A rule to strike off report in the matter of grading Swedland street was discharged. The report of viewers in the matter of grading Arch street was confirmed conditionally. Court approved of the charter of the Scranton Slaters' union and allowed it to be incorporated. Frank Williams was appointed deputy constable of the Tenth ward and subscribed to the oath of office. Sixteen names were shown on the date for holding the inquest to determine the mental condition of John Lierman. New trials were awarded in the cases of Connel & Sons against Zeller and Winton against the Pancoast Coal company. George Stevenson, J. W. Graves and A. L. Newton were appointed commissioners to lay out a private road in Greenfield township. Court approved of the appointment of Jacob Newman, of the Eighteenth ward, as the deputy constable of Thomas J. Walsh, of the Sixth ward. C. J. Thomas' bond as tax collector of Dalton borough in the sum of \$7,500 was approved. The names of O. W. Mason, O. P. Still and B. E. Smith. The report of Commissioners E. A. Bard, M. J. Donahoe and Isaac Richards dividing the township of Winton into two election districts was confirmed finally. In regard to the grading of Swedland street a reargument was ordered and a rule granted to show cause why final confirmation should not be taken off. James Mangin was appointed auditor of Lackawanna township to fill the vacancy created by the removal from the township of Eugene Driscoll.

FRANKLIN TROUBLES WILL BE SIFTED

Official Investigation to Be Held Tomorrow Night.

CHARGES WILL THEN BE READ

Accusations Against Permanent Man Sprouts and Other Phases of the Difficulty Will Be Laid Before the Fire Department Committee of Councils—What Some of the Members Think About the Matter.

The trouble at the Franklin Engine house is to be officially probed. The city has decided to take a hand in the matter and bring about a settlement of the difficulty, amicably if possible, but a settlement at all events. Pursuant to a call of Mayor Bailey, the joint fire department committee of councils met with him at his office last night to advise with him as to what course should be pursued in dealing with the difficulty. Little time was lost in arriving at the conclusion that the whole affair should be thoroughly sifted and something done to put an end to the trouble. Tomorrow night will be fixed as the time for holding the investigation and it was agreed that all the interested parties should be summoned to present their stories. The charges against Permanent Man Sprouts, which are in possession of Mayor Bailey, will be then laid before the committee and arguments in substantiation or refutation will be declared in order.

The committee last night had little to say pro and con concerning the case, resolving to wait until the case was more clearly presented before giving an expression. Some of the members however, took occasion to commit themselves and it would appear that sentiment is pretty well divided as to merits of the objector's claims. Captain Moir believed that inasmuch as Sprouts was not, nor never has been a member of the company and is and always has been objectionable to a majority of them, he should not be permitted to occupy the position he holds as a member of the company. He holds the position of a member of the company and the apparatus turned over to a new company. The outcome of tomorrow night's session is awaited with much interest.

CONSTRUCTING A NEW AIR-SHIP. Indiana Aeronauts Believe They Have Solved the Problem. Ligonier, Ind., Aug. 17.—Cusab brothers, aeronauts, of Walkerton, are constructing a new air-ship.

With regard to the proposed road in Jefferson township Judge Archibald in his opinion overruled the exception to the report of the viewers and confirmed the report finally. In the application of the borough of Olyphant for a writ of mandamus to compel Alberman C. Donovan, of the Twelfth ward, to levy the annual taxes, the peremptory mandamus was granted. Rule for a new trial was discharged in the trespass case of James Gavigan against the Atlantic Electric company. The case was tried several months ago and a verdict returned for Mr. Gavigan. New trials were refused in the cases of Stevens against the Lehigh Valley Railroad company against Griggsville Salt and Mining company; Cobb against Cobb; Griffiths & Jones vs. Mrs. Seckly. The bond of G. W. Collins, collector of taxes in Jefferson township, with Dwight Collins and Zacharias Kizer as sureties, was approved by the court. It is in the sum of \$4,500. Mr. Collins was appointed yesterday to fill the vacancy caused by the resignation of G. R. McLaughlin. Charles Kessler was appointed an overseer of the poor of Clifton township to fill a vacancy that has occurred on the board. The same person was appointed supervisor of Clifton to fill the vacancy caused by the failure of Joseph Smith to qualify. Elisha Lane collector of taxes of Jermyn borough, having failed to file his bond for the collection of taxes for the year 1896, court declared the office vacant and appointed Joseph Hiller to fill the vacancy. The same condition of affairs existed in Mayfield borough, where P. F. Brady did not qualify. Robert Lee was appointed collector.

In the matter of a road in Hanson and Lackawanna townships Justice Archibald handed down an opinion which overruled the exceptions to the report of the viewers and confirmed the report so far as it related to the laying out of the road, on the subject of damages the report was referred back to the viewers to consider the damages alleged to have been retained by the Mount Vernon Turnpike company by reason of the appropriation of a part of its right-of-way to make further property thereon.

In the proceedings growing out of the will left by the late Isaac W. Cobb, Justice Archibald handed down an opinion directing that "as issue has been attempted by the said Scipinia E. Cobb, mother, and Ada A. Jodry, sister of the decedent, shall be plaintiffs, and Carrie E. Cobb, the principal executor under the will of the said decedent, shall be defendant, to determine whether or not at the time of the execution of the said will the said Isaac W. Cobb was of sound mind and disposing mind and memory and possessed of sufficient testamentary capacity to execute said will and let the same be certified in the court of common pleas for trial."

China Cream Jugs, 10c
Mauve Trays, 25c
Odd Fine Plates, 50c
Covered Mustards, 10c
Cut Glass Sals and Peppers, 15c
Silver-Plated Tops, for 15c

Always watch for our annual "odd ware" sale. They know what it means—that it means useful, desirable crockery and glassware of almost every kind at half of regular prices. That a piece of crockery is "odd" in our stock does not imply that it's any less desirable to you, and you can buy it for half price.

1847 ROGERS' TEASPOONS. You who were disappointed last time. A new lot to go today at the price you like. \$1.00 for Six.

REXFORD'S 303 Lackawanna Ave.

CHINA HALL, MILLAR & PECK, 134 Wyoming Ave. "Walk in and look around."

THE SCHOOL OF THE LACKAWANNA SCRANTON, PA. Opens its 23d year under eight experienced teachers. Fits for any College or Technical School, English, Business and Classical Departments. Send for Catalogue to REV. THOS. M. CANN, LL. D., OF WALTER H. BULL, A. M.

structing an air ship. The ship consists of a cigar-shaped balloon, with a car underneath. The balloon will be fifteen feet long and four feet in diameter, made of oiled silk. The car will be five feet long. A battery for the manufacture of gas will be placed in the car, which will supply the ship with a continuous stream of gas. There will be one propeller at the rear of the ship and two in front. The air ship is being built for public tests, and if it proves satisfactory the Cusab brothers are confident they can solve the problem of aerial navigation.

SET FIRE TO A NEWSBOY'S FEET. Colored Man Pours Oil on the Lad and Applies a Match. New York, Aug. 17.—A special call to the Journal from Berlin says that King Oscar of Sweden, while traveling through Norway yesterday left the train at Storaen. Most of the men on the station platform removed their hats. Several of them, however, kept covered, and the king was in a rage. He strode up to Ole Fostes, a laborer, who had kept his hat on, and knocked the head covering off. Fostes lost his temper and started to attack the king, but his friends in the crowd held him back. Most of the men in the crowd who had removed their hats promptly put them on again.

TWIN SHAFT FUND. Yesterday's contribution to the Twin shaft fund was: Previously acknowledged \$14,328 94 Through Hunt & Connel—Powder Radiator and Manufacturing Co., Johnston, Pa. 5 00 \$14,333 94 Received by The Tribune—Sheridan Lodge, Knights of Pythias, of Peckville 5 00

NEW GOODS. We opened and placed on sale today a case of Dresden China, our own importation, fresh from Fatherland and a credit to Germany and German art. They go at August prices, that means little prices.

Handled Cake Plates, 25c
3-Piece Oat Meal Sets, 75c
Olive Dishes, 10c
Cream Pitchers, 15c
Bone Dishes, 15c
Large Salad Dishes, 50c
Moustache Cups, 25c

COPYRIGHT NOVELS. A thousand to pick from. Good type and paper. Good authors, too. Such as these: Robert Louis Stevenson, Walter Scott, Mrs. E. D. N. Southworth, Charlotte Bronte, Frances Hodgson Burnett, The Duchess, Dickens, Hentz, and hundreds of others: 10c., Not 25.

WELSBACH LIGHT. THE IMPROVED WELSBACH LIGHT makes an incandescent electric light cost a shadow. Will readily give more light than three ordinary gas lamps, and do it with half the gas you now consume. THE GAS APPLIANCE CO., 120 N. Washington Ave.

AYLESWORTH'S MEAT MARKET. The Finest in the City. The latest improved furnishings and apparatus for keeping meat, better and eggs. 223 Wyoming Avenue.

THE KEELEY CURE. Why let your home and business be destroyed through eating drugs or narcotics when you can be cured in four weeks at the Keeley Institute, 228 Madison Avenue, Scranton, Pa. The Cure Will Bear Investigation.

M. P. M'CANN, Matter 205 WYOMING AVENUE. Others are getting on Straw Hats. Ours have been cut all season. KNOX AGENCY.

"BROWNIE" BIB Overall. Makes the Boy Proud. He Can Play in the Dirt. FOR SALE BY COLLINS & HACKETT, 220 Lackawanna Ave. SCRANTON.



RECEIVED BY THE TRIBUNE—Sheridan Lodge, Knights of Pythias, of Peckville 5 00

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DISSOLUTION SALE.

We have never had such a sale and would not now if we were not compelled to do so to get back just what the goods cost us.

Will sell every pair of Ladies' Russet, Tan or Black Oxford Ties, formerly sold for \$2, shall be sold for \$1.25. All Men's Tan and Russet Shoes, all shape toes and sizes, and widths to fit, \$1.89. Our Best Men's Patented Leather Shoes, every shape toe there is made, sold for \$5.00, Our price, \$3.75.

ALL GOODS SOLD DURING THIS SALE ARE STRICTLY CASH.

SCHANK & KOEHLER, 410 SPRUCE STREET.