Seven Local Common Pleas Appeals Were Argued.

GREAT VARIETY OF QUESTIONS

An Appellate Court, for the First Much Disputed Constables' Bill, the resultant injury. That Rulings Made in the Days of Horse Cars Do Not Fit Questions Relating to Electric Cars Is Instanced in the Thayne Case.

Seven Lackawanna cases were argued before the Superior court yesterday: Edward Griffin, appellant, against Bernard Davis: Michael Reap against the city of Scranton, appellant; Richard Barron against the county of Lackawanna, appellant; Gilmore & Duffy against Margaret A. Dunleavy, appellant; Bixler & Carrell against J. B. Lesh, appellant; Ellen O'Donnett against Charles du Pont Breck, appellant; Edward Thayne against the Scranton Traction company, appellant.

In the Griffin-Davis case the action resulted from the neglect or refusal of Davis in his capacity of constable to serve a writ placed in his hands by the plaintiff. Griffin sued for the damages that resulted from this neglect, but was defeated. The defense was that after Davis refused to serve the writ the plaintiff placed it in the hands of Constable Coles and that Coles is the one who should be proceeded against. James Mahon appeared for Griffin, and Vesburg & Dawson for

The Reap case grows out of the selz ure by the city of a portion of the plaintiff's land on West Market street. E. F. Blewitt, then city engineer, gave lines to Anthony Knight, a contractor, a foot-bridge over Leach's creek. The lines transgressed Reap's land and the latter opposed the city's seizure. He took it to court and viewers awarded him \$500. An appeal was taken, but when it came to trial Reap elected to take a voluntary non-suit and proceed against the city for damages. The issue now is whether or not Reap lost his claim by electing to take one form of action after it had previously elected to take another, M. A. McGinley appeared for the city and C. Comegys for

CONSTABLES' FEE BILL. The constables' fee bill is the point at issue in the Barron against the county case. The county commissioners want to allow only 50 cents for serving a subpoena, no matter how many names it contains. Judge Gunster decided that 50 cents should be allowed for every name. This is the first time an appellate court has been called upon to interpret the law. The lower courts are greatly at variance in their reading of it. A strong point made by Carpenter & Fleitz, attorneys for the constables, is that the law reads \$1 for the "execution" of a war-rant and 50 cents for the "service" of a subpoena, and that the distinction between "execution," a completed ac-tion, and "service," which does not necessarily imply entire fulfillment, was intentional by the legislature. County Solicitor H. A. Knapp argued

for the appellant, Hon. J. C. Vaughan argued for the plaintiff and J. H. Torrey for the defendant-appellant in the case of Gil-more & Duffy against Mrs. A. Dun-Mrs. Dunleavy owed \$850 to the firm. After its dissolution, when she was sued for the bill, she paid it to Duffy, having knowledge, the plaintiffs claimed, that Gilmore was the authorized receiver. Judge Edwards decided that she had not discharged the debt and that she would have to settle with Gilmore. The check is still uncollected at the bank, it might be added.

The proper meaning of the word par tial is the point at issue in the Lesh case. He paid Bixter & Carrell in notes on a bank account. They admitted that the notes were accepted in partial payment of the book account. Lesh insists that therefore they have no right to sue him for the account, notwithstanding that the notes are not negotia-Bixler & Carrell hold that they only took the notes as security and that Lesh was to redeem them. Vosburg & Dawson represented Lesh, and Warren & Knapp appeared for the ap-

O'DONNELL-BRECK CASE.

In the O'Donnell-Breck case the suit was to recover \$500 paid by the plaintiff to the defendant. She claimed she gave it as part payment on a property which he said he could secure for her. He alleged that it was given as a commission for services in securing the property. He secured it for her, but she refused to take it, saying that she was told he was charging her \$1,000 more than it could be bought for in the open market. He returned \$240 after

She took it and it is claimed said she would follow him for the rest of it. She did and secured judgment for the full amount. The appeal was then taken by Breck on the ground that the trial judge erred in his charge to the jury and in the admission of certain estimony. W. J. Hand appeared for the appellant and C. Comegys for the

Whether or not a passenger standing on the rear platform of an electric car, and who was injured in a collision, was builty of contributory negligence, was the important question at issue in the case of Thayne against the Traction company. Thay ne and a friend named McAvoy boarded a Providence car in the central city, McAvoy taking a sent inside and Thayne choosing to stand on the rear platform, although

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there were plenty of vacant seats inside. A collision occurred near the base ball park. McAvoy escaped injury, but Thayne was thrown back-wards over the rear dashboard and in the opinion of a jury in common pleas sustained damages to the extent of

FRIDAY, JANUARY 14, 1898.

The company appealed reiterating contention made at the trial that a compulsory non-suit should have been directed because of contributory negli-gence on the part of Thayne. The apreliee, through O'Brien & Kelly, argued An Appellate Court, for the First that Thayne's position on the car in Time, is Called Upon to interpret the no way contributed to the accident or

AN IMPORTANT POINT.

The superior judges listened extra attentively to the arguments on either side and indicated by their questions that they considered the point at issue was a very delicate and important one It was indirectly intimated that it was not altogether impossible but that the court would go into the matter at length.

The fact that the rulings made in this matter, which were made in the days of horse cars, are not altogether applicable to questions relating to trolley cars, was brought up and Judge Jessur led on by a hypothetical question from Judge Smith, said he hoped the court would go even to the length of making a ruling that it would be contributory negligence it itself for a passenger to ride on the platform of an electric car, as it is in the case of steam cars.

Three more Lackawanna cases re mair to be argued and then the court will go into consultation. It is expected that a number of opinions will be handed down Monday morning.

THE JUDGES DISAGREE.

Judge McPherson and Judge Albrigh Do Not View the Law Alike.

Some time ago the legislature of this state passed a law which was intended to assist justice in civil cases. It provided that where several persons were interested in a matter which was the subject of litigation the death of one of the parties sealed the lips of the other as to the transactions. In other words, the living could not go on the stand to misrepresent the facts, knowward to contradict them.

This act was framed by Judge Mc-Pherson, of Dauphin county, and a few months ago in the case of J.A. Gunster assignee of the defunct Scranton City bank, against George A. Jessup and the latter's bondsmen, which was tried before him here, he ruled that the death of Albert Beardsley, one of the bondsmen against whom the suit was brought, did not prevent Assignee Gunster from going on the stand and testifying to the facts with reference o Jessup's indebtedness to the bank. Yesterday on a retrial of the case th

same question came up with reference to the death of the late Dr. B. H Throop, who was also one of the sur eties as well as an officer of the bank and Judge Albright, before whom the case was being tried, ruled that As signee Gunster could not testify. Judge Albright said he was sorry to disagree with Judge McPherson, who framed th act, but he could not see his way clear to make a ruling that would agree with that of his brother jurist of Dau-phin county. The plaintiff pleaded surprise and secured a continuance of the case. The plaintiff was represented by C. H. Welles, S. B. Price, John F. Scragg and Walter Gunster, and the defendants by Judge Jessup, Major Warren and James H. Torrey.

In the case of Hiram Helmes, as signed to Martha Turner, a verdict for the defendant was returned yesterday. The jury concluded there was no cause

for action.

The case of Howley Brothers against R. E. Hurley was given to the jury

FOR SALE CHEAP—ON ACCOUNT OF ill health, 3 good show cases, 1 solid cherry legged counter. W. H. ANDERSON 1913 North Main avenue. yesterday, but up to adjourning time t had not agreed upon a verdict. The jury was also out at adjournment in the case of Edwards & Barthold

against Martha Pritchard. The entire day was consumed before Judge Gunster in the main court room in hearing testimony in the case of ing quality than in any of his previous stage work. He certainly made a great triumph in the role in New York, for not only is there the long run of "Hearts-ease" as evidence of this fact, but the Farrer & Trefts against W. M. Silkman & Co., which was called for trial Wednesday afternoon. It will be given

to the jury today. Before Judge Albright, when court adjourned, the interpleader case of Mrs. Bridget McDonald against Joseph Mc-Namara and Mary McNamara was on trial. Patrick McDonald, husband of the plaintiff, was the defendant in a slander suit in which the present defendants were plaintiffs.

They were awarded damages in the um of \$10 and levied on the household goods of the McDonalds to satisfy the \$10 judgment. Mrs. McDonald objected to this, maintaining that the household goods were her personal property. A jury will try to decide just who they do belong to.

THEATRICAL ATTRACTIONS.

A Boy Wanted.

One of the liveliest and most entertain ing light performances seen at the Academy of Music for some time was given last night by "A Boy Wanted" company It is called an extravaganza on the house bill that probably describes it as well as is essential. There is enough of a plot to give an excuse for a lot of clever vaudeville to keep the front of the stage almost constantly during the three acts. It is an up-to-date entertainment in ev-ery respect in which nearly all the popu-lar ditties of the day are rendered in a nost acceptable manner.

Among those who are especially de-

serving of recognition for their work has night are Edward J. Heron, Harry E Allen, Claude Gillingwater, Frank C Young, Nellie O'Neill and Frances Hart ey. These are by no means all the good entertainers the company contains, however. The performance will be repeated this and tomorrow afternoons and even-

Bon-Bon Buriesquers.

At Music hall yesterday afternoon a company known as the Bon Ton Burlesquers began a three days' engagement. The entertainment they give opens with a musical farce "The Matrimonial Bureau." in which all of the members appear in striking costumes. There are some good musical numbers and equally good dancing in this part of the entertainment. tertainment.

tertainment.

Then comes the olio, one of the bright particular stars of which is Billy O'Brien. Pearl Stevens and Joe Nestor do a sketch and the Misses Lamb and Wable sketch and the Misses Lamb and Wable sing and dance well enough to get a lively encore. Kennedy and Brice, celtic comedians, were very amuring, and A. C. Lawrence, singer and ventriloquist, helped the good work along. A satire "Vassar Girls in Camp" and a burlesque on "Secret Service" conclude the entertainment which will be repeated this and tomorrow evenings. There will be a matthee tomorrow afternoon. vill be a matinee tomorrow afternoon.

Miller in "Heartsense." Henry Miller, who was for many years leading man of the Empire theater Stock company, is now a star under Charles Frohman's management, and in this new and inviting capacity he will make his second appearance in Scranton at the Lyceum, tonight, in a new romantic drama entitled "Heartsease." With the role of the lover in this play, Mr. Miller held New York enthralled for nearly 150 inights. The character is said to be the most delightful this favorite actor has

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the age; 1,500 life histories of famous successful women; 1,400 portraits, many fullpage plates. Very low price, richip illustrated, sells wonderfully. Ladies succeed remarkably. Extra profits now. Address
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WANTED - WELL-KNOWN MAN IN every town to solicit stock subscriptions; a monopoly; big money for agents; no capital required. EDWARD C. FISH & CO., Borden Block, Chicago, Ill.

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Advs. Under This Head One Cent a Word.

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WANTED--LADY AGENTS IN SCRAN-ton to sell and introduce Snyder's cake leing; experienced canvasser preferred; work permanent and very profitable. Write for particulars at once and get benefit of holiday trade. T. B. SNYDER & CO., Cincinnati, O.

WANTED IMMEDIATELY-TWO ENER-

W getic saleswomen to represent us. Gnaranteed \$6 a day without interfering with other duties. Healthful occupation. Write for particulars, enclosing stamp, MANGO CHEMICAL COMPANY, No. 72 John street, New York.

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ever appeared in, and the artistic graces

and dramatic strength for which Mr. Miller is admired are present, it is asserted,

in stronger evidence and more convinc

enthusiasm which marked every perform-

ance amounted to a nightly ovation. Mr. Miller is ably supported, Manager Froh-man having given him as fine a company

as can be found in America. It includes Arthur Elliot, Leslie Allen, Prince Lloyd, Thomas A. Hall, Heffry Molten, Frank

Beamish, James A. Leahy, R. Lacey, E. J. Mettler, Miss Margaret Dale, Miss Maud Hosford, Miss Josephine Levett,

Uncle Tom's Cabin.

The attraction at the Lyceum Saturday afternoon and evening will be Stetson's "Uncle Tom's Cabin," which is said to give the best production of that historic drawa now on the boards,

Waites' Comedy Company.

Walte's Comedy company opens it's annual engagement at the Academy on next Monday evening, and things in the

way of a repertoire show, will be torn

loose at that time. The plays and peo-ple this season, are said to excel anything

ever before attempted at these prices

break all previous records for a Monday night house in this city. The company are at Wilkes-Barre now, and are using the standing room only sign every af-

JERMYN AND MAYFIELD.

The Fate of Eddie Cordner -- News

From Jermynites in the Klondike.

The fate of Eddie Cordner, the boy who

eft home on the 5th of September last,

was the topic of conversation on the streets yesterday. If the version of Mr. George Cordner, the father of the boy, is

true, it should cause an investigation or

part of the water company. Mr. Cordner stated yesterday that a woman by the name of Forkel, who lives between Arch-

bald and the Ridge, said that her son had told her that he saw the missing boy

drown in the reservoir. The Forkel boy

is now in New York working for a man by the name of George E. Hutchings,

from whom Mr. Cordner expects to re-ceive a letter in a few days. Mrs. James Lewis, of Mayfield, received

a letter from her son, John, who left in company with Charles Smith and James Merrett about nine months ago, stating

that he was located on Douglas island.

John L. Baker, of Rushbrook street, an

employ of the Delaware and Hudson company, received a painful injury to his foot by barring some coal. Mr. Baker will be unable to work for some time.

John Merrett, who passed away on Wednesday evening, was one of the oldest residents of this town. Mr. Merrett was

a well respected citizen and a man who was well liked by all with whom he came

in contact. Mr. Merrett was born in Cornwall, England, about 60 years ago, and cams to this country about thirty-three years ago. The deceased was a member of the Ddd Fellows lodge of Jer-

Frohman's great success "The Wife" the opening play, which will no do

Miss Laura Clement

ternoon and evening.

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Free of Charge.

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A GENTS-WHAT ARE YOU GOING TO do about Safe Citizenship-price \$1. Go-ng by thousands. Address NiCHOLS, Saperville, III. WANTED-TRAVELING SALESMAN to sell most complete line of lubricating oils, greases, specialties, etc., on the market; liberal terms to proper party. Address, THE ATLANTIC REFINING CO., Cleveland, O.

SALESMEN—SCHOOL SUPPLIES; COUN try work; \$100 salary monthly, with liberal additional commissions. R. O. EVANS & CO., Chicago.

STOCKHOLDERS' MEETING.

NOTICE IS HEREBY CIVEN THAT the annual meeting of the stockholders of the Scranton and Pittston Traction company will be held at the office of the company, room 304 Board of Trade building, Scranton, Pennsylvania, February 7th, 1898, at 10 a. m., for the election of directors for the ensuing year, and for such other business as may properly come before the meeting.

ROBERT C. ADAMS, Secretary.

NOTICE IS HEREBY GIVEN THAT THE annual meeting of the stockholders of the Lackawanna Valley Traction company will be held at the office of the company, room 304 Board of Trade building, Scranton, Pennsylvania, February 1st, 1898, at 10 a.m., for the election of directors for the ensuing year, and for such other business as may properly come before the meeting.

ROBERT C. ADAMS, Secretary.

FOR RENT-WOODWORKING FAC FOR RENT-ONE FLOOR FOR BUSI-FOR RENT-NINE-ROOM HOUSE, BATH, range, furnace, 309 Madison avenue, Green Ridge.

SECOND FLOOR OF 242 PENN AVENUE; eight rooms, bath, modern improve-ments. P. W. STOKES, Autorney, 136 Wyo-FIGHT-ROOM HOUSE, BATH, MODERN improvements, 700 Electric avenue, Green Ridge. P. W. STOKES, Attorney, 136 Wyoming avenue.

SITUATIONS WANTED.

AN OLD SOLDIER WISHES EMPLOY-ment as watchman or any light work; has had three years' experience; can give very best references. Address, J. G. K., 1017 Luke street, city.

SITUATION WANTED-BY A YOUNG man as teamster or take care of horses; can furnish best of references. Address, P. A. M., 1036 Luke street.

SITUATION WANTED-BY A LADY AS housekeeper, in or out of city. Address HOUSEKEEPER, Tribune office.

A tion taking care of horses; references. Address 901 Price street, City.

SITUATION WANTED-BY A FIRST class waiter in private or hotel car; furnish 12 years' experience. Call at 411 Madison asenue.

Nowashing, ironing, or go out by the day washing, scrubbing, or any kind of work by the day. Rear 420 Franklin avenue.

SITUATION WANTED - BY EXPER-ienced engineer and fireman. Will work at anything. F. S., 526 Lavelle's Court.

SITUATION WANTED-BY RELIABLE boy, age 18 years; willing to do any honest work. Has had three years experience in barber shop. Address, X, 325 Emmett street.

SITUATION WANTED—BY YOUNG man; has experience in double entry bookkeeping and can furnish the best of reference Address, J. M., care Tribune.

A TAILORESS WOULD LIKE TO GO out to do plain sewing by the day or week, or would go as dressmaker's assistant; charges moderate. Address TAILORESS, Tribune office.

FOR SALE Boilers, Engines and Machinery.

We will sell you New or Second-Hand. We will sell you new or take old in ex-change, or we will rent you anything you want in the Machinery Line. Spot Cash paid for scrap Iron and Metals.

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A GENTS-THE "MONARCH" IS THE best and cheapest telephone desk on the market; retail price, including one roll of paper, \$1; liberal discount; exclusive territory. W. W; HAMILTON & CO., 21 Milk street, Boston, Mass.

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A GENTS-TO SELL CIGARS TO DEAL-ers; \$25 weekly and expenses; experi-ence unnecessary. CONSOLIDATED MFG CO., 48 Van Buren St., Chicago.

THE ANNUAL MEETING OF THE stockholders of The St. Ulair Coal company, for the election of directors and the transaction of such other business as may properly come before it, will be held on Monday, January 24th, 1898, at the office of the company in Scranton, Pa., at 2 o'clock p. m. No transfer of stock will be made for the ten days next preceding the date of above meeting.

E. P. KINGSBURY,
Secretary.

THE ANNUAL MEETING OF THE stockholders of The Enterprise Powder Manufacturing Company, for the election of directors and the transaction of such other business as may properly come before it, will be held on Wednesday, January 26th, 1898, at the office of the company in Scranton, Pa., at 3.36 o'clock p. m. No transfer of stock will be made for ten days next preceding the date of the above meeting.

E. P. KINGSBURY, Secretary.

VOTICE IS HEREBY GIVEN THAT THE

CITY SCAVENGER.

A. B.BRIGGS CLEANS PRIVY VAULTS and cess pools; no odor. Improved pumps used. A. BRIGGS, Proprietor. Leave orders 1100 N. Main ave., or Eleker drug store, corner Adams and Mulberry. Telephone 6040.

CHAS. COOPER. CITY SCAVENGER, All orders promptly attended to, day or night. All the latest appliances. Charges reasonable. 719 Scranton street. House 1125 Washburn street.

CHIROPODIST AND MANICURE, CORNS, BUNIONS AND INGROWING nails cured without the least pain or drawing blood. Consultation and advice given free. E. M. HETZEL, Chiropodist, 330 Lackawanna avenue. Ladies attended at their residence if desired. Charges moder-

PLAIN SEWING AND FAMILY DRESS-making wanted, by a young woman who has learned the trade; wages \$1.00 per day; rather rapid worker. Address, MISS M. M., 1247 Washington avenue.

DRUG CLERK JUNIOR—YOUNG MAN with two years' experience wishes a po-sition, German, best of references. Address "SALOJ," 969 Paul street, City.

SITUATION WANTED-BY A YOUNG man as double-entry bookkeeper; good references. Address Box 164, Jermyn. HUSTLER LOOKING FOR A POSI

SITUATION WANTED-BY MARRIED man as receiving clerk or shipping clerk or any kind of work around store; has had 10 years' expansions had IO years' experience in general store. Address E. R., Tribune.

SITUATION WANTED-BY A GERMAN girl in small family; good references. 1034 Luke street, City.

SITUATION WANTED-TAKE HOME

SITUATION WANTED AS CLERK IN office: good education and understands bookkeeping. Address F. A. C., 1358 Wash-ington avenue.

SITUATION WANTED BY A GROCERY salesman; has had seven years experience in the grocery business and can speak six different languages; can furnish references. C. L. W., Rooms 300 and 301 Mears Building, Washington avenue, City.

A YOUNG MARRIED MAN WISHES A situation at any kind of work, driver preferred; can furnish best of references, call or address, G. JAMES, 337 South Decker Court.

A FIRST-CLASS, ALL-AROUND COOK, desires situation; highest reference for ability and character. MRS. R, FISHER, 124 Penn avenue.

LAPLIN & RAND POWDER 00'S ORANGE GUN POWDER 709 West Lackawanna Avenue. Electric Batteries, Electric Exploders, for ex-ploding blasts, Safety Fuse, and

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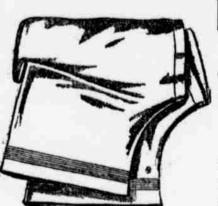
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It's always a January event in this store. More so this year than ever, because the stock is larger and better, and the prices lower than ever before. Our goods are all clean and fresh, made by intelligent people, in the best factory in the business. Our immense purchases cause these remarkably



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SPECIAL PRICES—45c, 50c, 58c, 69c, 89c. \$1.15, \$1.25, \$1.35, \$1.50, \$1.65, \$1.75, \$2.25, \$2.50. Hill make. Will cause sharp buying at these prices—45c, 69c, 89c, \$1.15, \$1.25, \$1.35, \$1.50, \$1.65, \$1.75, \$2.50. good makes are used in our garments.



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In all the different shapes, styles and finishes.

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ICE SKATES That Cut Ice,

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Steam and ATTEND TO YOUR EYES NOW Hot Water

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AMUSEMENTS.

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Three Days Commencing Thursday, January 13, Matinees Friday and Saturday. Charles E. Blaney's

ABoy Wanted 32-PEOPLE-32 More Music Than a Comic Opera.

Big Extravaganza Success,

Two Solid Weeks, Beginning

15 High Class Vaudeville Acts, 15

Dime Matinees Dally After Opening Day. WAITE'S Comedy Company

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And Grand Orchestra. 35 Artists. New People. New Plays, Grand Scenery. Walte's Original Prices, 10, 20 and 30 cents.

Prohman's Great Success, "THE WIFE,"

Lyceum Theater. Reis & Burgunder, Lessees Friday, January 14th.

Return Engagement of HENRY MILLER,

In the Successful Romantic Comedy, HEARTSEASE

'Heartsense'' had a run of over 100 nights at the Garden Theater, New York.

Prices—\$ 1.50.81.00, 75c., 50c., 25c. Sale of seats beginning Jan. 12.

Saturday, Jan. 18, Matinee and Evening George P. Stetson's

Uncle Tom's Cabin

The Barnum of Them All. Under the Management of M. F. Luce 50 Men, Women and Children, 50

Double Band and Orchestra. A Great Company. A Great Cast. PRICES-Matinee, Children 10c, Adults, 25c, 50c. Evening, 25c, 50c. 75c.

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Gorgeous Costumes, Magnificent Scenery and

Elaborate Electrical Effects. Reserved seats now on sale at Short & Hig gins' Cigar Store, 207 Lackawanna Avenue

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