## \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* OXFORD TIE SHOES AT OXFORD TIE PRICES



Lot 4 contains LADIES TAN iLAZE KID HAND SEWED OX-FORDS, 8 different styles, ne-ually worth \$1.50, \$1.55 and \$2.00; very special morrow at

Lot 5 contains MISSES' AND CHILDREN'S TAN KID AND GOAT SHOES, including a lot of John Mundell's celebrated shoes, ill sizes, regularly sold it \$1.25 and \$1.50; here

Lot 6 contains BOYS' TAN RUS. SIA CALF SEAMLESS SEWED LACE SHOES, of extra fine quality, regularly sold at \$2; also Boys' Brown Kid Seamless Sewed Lace Shoes, regularly sold at \$2.25, here tomorrow \$1.35

It's a shoe chance that no other shoe store can equal at present, so don't miss it. I

## SCHANK & SPENCER

410 Spruce St. +++++++++++++++++++++++



Scranton at the news stands of M. Meinhart, 119 Wyoming avenue; Mac, Lackawanna avenue.

#### CITY NOTES.

Cards of thanks, resolutions of condo lence, obituary poetry and the like will be inserted in The Tribune only when paid for in advance, at the rate of 10

The Electric Engine company, of Dunmore, will hold their annual ball on Aug 29. A good time is anticipated.

There will be a flag raising at the Delaware, Lackawanna and Western round house between 12 and 1 o'clock Saturday. A marriage license was granted vester-Antonio Cama and Angiola Cagliandro, of Mayfield. day by Clerk of the Courts Daniels to

For striking a woman John Albright, 48 years old, a native of Switzerland, was arrested by the police Wednesday even-ing but was discharged from custody on account of the non-appearance of the woman, who said she would appear against him in police court.

### LEASE MAKES TROUBLE.

#### Causes the Arrest of Tenants on a Serious Charge.

W. D. Cole and O. S. Buckland were charged by Freeman Lord, before Alderman Kasson yesterday, with breaking eighteen window-lights and five window-sashes, digging the plaster from the walls, breaking door-knobs and doing other injury to a house owned by Lord and occupied by Cole and Buckland.

It was alleged the defendants malicjously injured the building after having had some trouble about the lease, They denied the charge and furnished bail for their appearance at court.

#### OBJECTED TO THE HOSPITAL. Injured Man's Wife Removes Him

in a Cab.

James D. Jackson, of 329 Hitchcock court, a blacksmith, employed at 33912 Adams avenue, was seriously injured yesterday. He was engaged at shoeing a vicious horse, that kicked him on the right side of his body. He was taken to the Lackawanna hospital in an ambulance.

Before the physicians had time to examine Jackson, his wife came in a cab and had him removed to his home. It is feared that one rib was broken.

### BOND FOR \$40,000.

#### Required of the Old Forge Township Tax Collector.

The bond of Henry Harding, tax collector of Old Forge township, was approved yesterday by Judge Archbald. The amount of it is \$40,000.

Harding's sureties are Charles Riddle, John S. Metz, Patton Taylor, Robert Johnson, William Dawson, John Surber, John W. Faraday, Wallace Ormston, Joseph Jones, Griffith Richards and Henry Mackinder.

### Card of Thanks.

We desire to convey our appreciation of the kindness of officiating ministers, church choir, members of societies and of Company B, Thirteenth regiment, and all other friends exhibited toward us during our bereavement by the death of our son, George Fischer.

Mr. and Mrs. Peter Fischer.

### DIED.

EVANS.—In West Scranton, July 28, 1838, the infant son of Mr. and Mrs. David El. Evans, of Eynon street. Funeral this efternoon from residence and private Interment at Washburn street come

FRECH .- In Scranton, Wednesday, July 27, 1898, Adolph Frech, age 54 years. Fu-neral services at his late residence, 826 Pittston avenue, at 4.30 Friday after-noon. Remains will be taken to Philaphia for cremation.

#### TWENTY-THREE LIVES WERE ENDANGERED

HURRIED EXIT OF MEN FROM RICHMOND MINE.

A Spark From a Small Locomotive Set Fire to the Roof of the Fan House at No. 3 Shaft-Fire Burned That Structure and Spread to the Engine House-Mine Foreman Mc-Cutcheon Went Down and Got the Men at Work Out By Another Opening-Mine Full of Gas.

Twenty-three men and boys were it the most imminent danger of death at 4 o'clock yesterday afternoon in Richmond No. 3 shaft of the Elk Hill Coal and Iron company, and their safety is due to the promptness with which they were notified to vacate by Mine Foreman Hugh McCutcheon and his assistant, James Eckersley.

A spark from the locomotive which hauls the coal to the breaker set fire to the roof of the fan house. In twenty-five minutes the fan went tumbling down the shaft. Smoke poured in and filled the gangways and chambers and suffocation would be the certain fate of any person caught. The men got out through the second

opening, which is 1,800 feet from the main shaft. Five mules were underground, but they would not be led through the smoke and had to be abandoned. In thirty minutes the fan and engine houses were reduced to ashes. The frame work around the opening of the shaft was all that remained standing.

Engineer Courtney remained at his post awaiting a signal from below until the fire came so close as to burn his shirt. Those who saw his beroid conduct speak in terms beyond praise about it. He waited until the very last minute to be of assistance to the men in the mines had a call come from

NO TIME TO SPARE. The men inside when the fire broke out were: John Donnelly, of Oak street, a brattice man; John Dougherty, of Marvine street, a miner; Dennis Gallagher and John Bibbes, miners; James Hawley, a driver boy; and eighteen Polish laborers whose names could not be obtained. All except two were in the bottom vein. They didn't have

a minute to spare. Indirectly all of them owe their lives to Mine Inspector Edward Roderick. At his instance the works were closed down last winter because there was not a second opening from the bottem vein, as required by law. The main shaft is situated in the angle formed by the Lackawanna river and the Ontario & Western railroad a few any doubt. hundred feet north of Parker street. Its depth is 505 feet.

The first vein below the surface is the 14-foot vein. That is worked out. The second is the Clark vein, The Clark vein is 368 feet from the surface, and there is another opening 1,800 feet from the main shaft which goes down to the Clark. The Dunmore No. 3 vein is 137 feet below the Clark, Mr. Roderick's reason for stopping work at the shaft was because the only way out of the Dunmore vein was through the main opening through which coal was hoisted. Furthermore the boilers at the second opening were never steamed up, except in the event of an accident to the machinery in the

main shaft. Mr. Dodori about it. By his attorneys Willard, Warren & Knapp, he applied for an injunction to restrain operations until a second opening was driven to the bottom vein, and also that the company be required to keep steam up at the second opening always when men were in the shaft. Attorney W. J. Hand appeared for W. H. Richmond, president of the company and the

largest stockholder in it. INJUNCTION GRANTED.

Judge Gunster granted an injuncion as prayed for by Mr. Roderick and the mine suspended operations, The company proceeded then to complete the opening between the Clark and Dunmore veins. A slope was driv-en to connect them. On June 16 last Mr. Richmond's attorney petitioned court to dissolve the injunction on the ground that the second opening had been completed.

Ity agreement between both parties, approved by the court, the company agreed to keep up steam at the second opening until the case came on for a final hearing. The company wanted to be absolved from the obligation of keeping steam up always, as the evidence showed that the second opening was used only twice in six years, and steam could be raised in an hour.

If steam had not been up yesterday at that opening the men would have had a still closer call, for the fan was burned down at the main shaft in a half hour, and in less than fifteen min utes after that the mine was filled with gas and smoke.

Mr. Rederick was in Carbondale until 8 o'clock in the evening. On his arrival home he went to the shaft and took charge of operations.

The fire broke out at 4 o'clock. brought the two North End companies to the scene. Chief Hickey sent in a call for the General Phinneys of Green Ridge to get their hose, but the combined hose of the three companies was not enough to reach from the nearest hydrant to the shaft.

The combustible character of the fan and engine houses gave the fire free rein. By the time the fire companies were ready both structures were a mass of burning ruins. Some of the men in charge refused to permit Chief Hickey to turn a stream on the embers, and as the fire had eaten up all it could except the bunting and beams around the shaft the chief was not particularly anxious to ignore the com-

### DANGEROUS SITUATION.

But when Mr. Roderick came he found the shaft so full of gas that it was up within a foot of the surface, A spark from the embers could fly into the opening and there would be an upheaval that would throw the dynamite shells of the Vesuvius into the shade. There was a crowd hanging around the mouth of the shaft that numbered from 100 to 200 persons. Nothing could save the majority of them if the gas ever exploded, and it needed only a stump of a lighted cigar or a spark of any kind to do it. The day was so oppressively hot that not a treath of air was stirring. Woe be tide the curious people if a wind had

been blowing. Consequently, Chief Hickey was no tified to come up again. The chief got permissaion to use some extra hose. He took 500 feet from the Centurys, 150

from the Crystals, 350 from the Niagaras and 400 from the Libertys; and brought the Centurys up with their wagon in order not to deprive the North End of protection in case of fire At 11 o'clock he had the last spark

Foreman McCutcheon said he had no difficulty in finding all the men and getting them together. Three had just gone down on the night shift, and the others were preparing to go home. The mules balked when the smoke came down and nothing could be done with them, Assistant Foreman Eckersley ran toward the second opening when Mr. McCutcheon went down to alarm the men, and he had the carriage prepared to lift them out. He came forward to meet them from that side and

to help any that might be in need of it Later on McCutcheon and Eckersley went down the second opening to reconnoitre and see how the mine stood with regard to gas. They could not enter the Clark vein, it was so filled with the deadly fluid. The fan will have to be rebuilt and the air passages repaired before there can be an attempt to enter. It is one of the worst mines for gas in the coal fields. The capacity of it is small, about fifty cars a day.

RODERICK GRATIFIED.

Mr. Roderick was thanking his stars that he took the steps he did. He said last night that the lives of the men would surely have been on his shoulders but for the second opening.

Mr. Richmond is at Hot Springs. The hoisting engine is destroyed and one of the carriages went tumbling down to the bottom, doing a great deal of damage no doubt to the slides and bunting. The damage is probably \$15, 000, and little or no insurance.

This shaft has been pursued by fire a great deal. Last November the gas in the Dunmore vein was ablaze, soon after the vein was epened, and it took a lot of trouble to extinguish it. Just a year ago a part of the boiler house was burned. The boiler house was all that escaped from yesterday's flames It is fifty or sixty feet away from the shaft. The number of men and boys employed in and around the shaft is about sixty.

#### ACCUSED MEN ARRESTED

Are Charged With the Murder of Santoro, the Bandmaster.

Pascere and Griecco, the two men suspected of the foul murder of Bandmaster Santoro, were arrested yesterday afternoon by Warden Simpson and Deputies Phillips and McGouldrick, and it now develops that they had nothing to do with the crim-They were taken to the county jail and will have a hearing at 2 o'clock this afternoon before Alderman Kasson. They will be discharged beyond

Pascere has no less than a half dozen of the best kind of witnesses to prove that he was bossing a gang of men digging a water trench on Pittston avenue in the upper part of the Twentieth ward at the time Santoro was slain. Pascere was there all day, That is at least six miles from Lack-

awanna station. Griecco has indisputable evidence to prove that he was not near the place when the crime was committed, for he was present in the arbitration room of the court house, subpoenaed as a witness in the Langstaff-Kelley contest. However, he was at no time charged with staining his hands with any of Santoro's blood. The suspicion resting on him was as an accessory before

### HE HAD PASCERE.

When Warden Simpson was on his way toward Old Forge yesterday he met Superintendent Ben Harris, of the Spring Brook Water Supply company driving this way with an Italian in the carriage.

"Who have you there?" asked the warden.

"This is Pascere," was the reply. Mr. Harris told Mr. Simpson that Pascere would go up any time he was wanted. Pascere then went around to two gangs of men to give some orders about work, and at 1 o'clock he returned to Mr. Harris' office and surrendered to the officers. In the meantime Griecco had been arrested. A carriage was secured and the two men were taken to the county jail.

Attorney W. R. Lewis was engaged to defend them. At the hearing today proofs of an alibi will be so strong, Mr. Lewis said, that the men will be dis charged.

And at the same time a sensation is promised. There was a statement made yesterday by one of Pascere's friends that the murder was committed by a man who held \$350 of the band's money, and who resided in the same house with Santoro.

## PRIZES FOR WHEELMEN.

#### Over 300 Distributed at the Wilkes-Barre Meeting.

Prizes aggregating over \$300 were von at the first annual meet of the Wilkes-Barre Wheelmen at the Young Men's Christian association park. The prizes were pretty well distributed, as indicated in the following list: W. F. McMichael, Berwick, \$75; C. W. Krick, Sinking Springs, \$70; Earl Bovee, Binghamton, N. Y., \$30; C. A. Brown, Wilkes-Barre, \$25; W. Croughn, Wilkes-Barre, \$25; W. Richards, Stockton, \$25; Joseph J. Weber, Pittston, \$13; W. H. Miller, Wilkes-Barre, \$13; "Chie" Coleman, Pittston, \$12; J. M. Morgan, Nanticoke, \$12; Grant Behee, Wilkes-Barre, \$8; T. J. Schmitt, Wilkes-Barre, \$6; J. W. Townsend, Tunkhannock, \$4; W. S.

Following are the summaries of the important events:

Jelber, Nanticoke, \$4.

Mile open-First, Krick; second, Bovee; third, McMichael. Time, 2.16 1-5. Half mile handicap-Brown, first; Mor-gan, second; Bovee, third. Time, 1.00 t-5. Club championship-The race was taken by W. Croughn. Time, 2.16 4-5.
Mile lap-Krick won, scoring 8 points-2 firsts and 2 thirds; McMichael made 7

points-1 first and 2 seconds; Coleman was third with 6 points-2 first and 1 third, Time, 2.19.
Two-mile handicap-McMichael, first; Richards, second; Webber, third. Time

Other events were: Exhibition quarter-mile by Joe Rice, thirty seconds; exhibition half-mile by W. H. Croughn, who broke the track record, making the distance in fifty-nine seconds.

### IS CRITICALLY ILL.

### George W. O'Kell in a Precarious

Condition at Moscow. George W. Okell is critically ill at Moscow. He became ill while visit-

city are at the sick man's bedside.

ing friends there and is not likely to Relatives and physicians from this

#### OPINION IN JERMYN'S ASSESSMENT SUIT

LOWER COURT IS REVERSED BY THE SUPREME COURT.

City Assessors Raised Joseph J. Jermyn's Assessment Between Triennal Years and the Court of This County Decided They Had No Right To-The Supreme Court Says the Assessors Were Right-Opinion Was Written by Justice Green and Is An Exhaustive Document.

The opinion of the Supreme court in the suit of Joseph J. Jermyn against the city assessors and the board of revision and appeals, reversing the lewer court, is as follows:

The plaintiff, being an owner of teat state in the city of Scranton, complains that the assessed valuation of his property has been changed, and increased in year between two periods of triennia assessment. The defendants reply that the change was made by the board of city sessors in obedience to a precent o the board of revision of taxes and ap-peals. The plaintiff in his bill alieges that the year 185 was the last preceding triconial assessment year, and that under that assessment his property was asessed at \$11,000 and in the year 1897 the city board of essessors made another assessment of the same property by which the valuation was increased to \$14,-\$00. The bill, further alleging that the next triernial assessment year was the year 1898, avers upon information and be-lief, that the increase of the assessed valuation was made under the authority of the fifth section of the act of May 23, 1835, by virtue of a precept from the board of revision of taxes and appeals to the city assessors, in pursuance of the authority conferred by the act of 1895. The bill further avers that the assessment made by the city assessors in 1897 was illegal and void, because the act of 1895 is unconstitutional for various reasons stated in the bill. The defendants demurred to the bill on the ground that it sets forth no facts which entitle the plaintiff to the te-llef prayed for, either at law or in equity.

QUESTION RAISED.

The question raised on these pleadings whether the fifth section of the act of May 23, 1895, P. L. 119, is unconstitu-tional. The section is a very long one, but as only that part of it which authorizes the board of revision of taxes and appeals to cause an assessment of prop-erty to be made in other than trienmal years is impeached as being contrary to the constitution, that part only will need consideration. The first clause of he section directs the election of five citizens of cities of the third ity of whom shall constitute a quorum, may in any year other than a triennial year, if they shall deem a new assers-ment necessary, on or before the first day of September, issue their precept to the power and authority to revise, equalize objection is made in the present care, and or alter such assessments in any and every year by increasing or reducing the a moment. It is equally certain that all valuations, either in individual cases or assessments of property that are made by wards or parts of wards, and to add to the du-to the assessment books, and to the du-plicates thereof in the hands of the city objection to the official character of the treasurer any subject of taxation omit-ted therefrom," etc., etc. The remainder

of the section makes provision for the methods of proceeding, and for appeals and other watters not important to the | ments in the years between the trionnial particular provision of the section which is claimed to be contrary to the onstitution, and upon which the learned ourt below so decided, is one which authorizes assessments of property to be made in the years other than the trien-nial years. The point upon which the rifing was made in the court below seems to be that the making of intermediate assessments was left to the discretion of the board of revision, which it was con-tended was a delegation of legislative power, and necessarily tended to produce discrimination and uncertainty in the system in different cities, so that in one city there might be no intermediate as- | tract between private parties. The whole dessment, in others there might be an-uual assessments, and all depending upon the mere discretion of the board of re-The argument was that there should be but one system, and that a triennial assessment only, prevailing in all cities alike. The contention that there might be an abuse of the discretion thus conferred upon the board of revision is without force. The question is rather as to the validity of the system which coners a discretion. If the system is valid ts abuse in particular cases can not affect its validity. We said this much in Bruce vs. Pittsburg, 166 Pa. 152, where our Brother Dean in delivering the opin-

"That the system prescribed

on said:

by the act is liable to abuse in no way affects its validity." CONSTITUTIONAL PROVISION. Recurring to the general subject it is annual assessments It is impossible to certainly difficult to discover any pro-vision of the constitution which is imsigned by this enactment. None is pointout in the opinion of the court below, out the contention seems to be expressed in the following words, "The one thing lacking is the criterion by which the eccessity for a new assessment is to be idged; this is vital and should appear by law itself. The legislature do not say that under such and such circumces, if the board of revision deem it secessary a new assessment may be ordered, but that upon the mere say so of be that a mere enlargement of the casions for the exercise of the power the board, without other let or hindrance, this may be done. This is not the orditary creation of a municipal function the comployment or non-employment of which is left to the discretion of the persons invested therewith; with such as that we have no certroversy; it is on the contrary the unlimited delegation to the person who is to exercise the function in ques-tion, of the power to say under what circumstances that function shall exist." It seems to us that conceding this to be a legitimate argument against the wisdom or expediency of the legislation, it can not reach the dignity of a constitutional objection. The act of 1895 was an amendment of the act of 23d May, 1889, P. L. 271, which itself created a board of assessors with power to exercise the same, or a very similar function, and was clothed also with the power to "revise, after and qualize the said assessments (triennial and to so far modify such assessments during the years succeeding the year of the triennial assessment, as the changes of ownership or the condition of the im-provements thereon shall require." While the fifth section of the act of 1895

created a heard of revision of taxes and appeals with the powers specially designated therein, it was only an amendment to the fifth section of the act of 1889, which created a similar board called "a board of apeals." with power to hear and determine all appeals from assessments and whose decision was made final, write from the decisions of the board of re-vision created by the act of 1895, an ap-peal was given to the court of common deas. By the act of 1889 a triennial as-essment was provided for with power to the board of assessors to alter, equalize and modify the assessments during the intermediate years for certain enumerated purposes. By the fifth section of that act a board of appeals was created with power to hear and finally determine all appeals from the board of assessors By the third section of the act of 1885, amending the third section of the act of 1889, that board of assessors was directed | require frequent changes in the assessed

to make a triennial assessment, and report a list of all properties exempt from taxation. And they were also required during the years succeeding the triennial year, upon the precept of the board of rerision to make out and return an essessment as directed by the precept. By the fifth section of the act of 1895 the loard of revision and appeals was authorized to issue a precept during the intervening years if they deemed it necessary, to the board of assessors requiring them to nake another assessment of all property and then that board of revision was renuired to take both the triennial and annual assessments, and, "revise, equalize or alter such assessmens in any and every year by increasing or reducing valuation."

PLAINTIFF'S CONTENTION.

ention is, that this authorization to make

As we understand, the plaintiff's con-

intermediate annual assessments if the board of revision deemed it advisable, is illegal and void because it is in contra-vention of the constitution. The learned ounsel for the appellee contends that the adgment of the court below can be sustained on three grounds. The first of them is that the valuation of the plaintiff's property was made by a so-called assistant assessor, but who was not a legal officer, for the reason that in the year when the assessment was made no such office existed. The averment con tained in the seventh clause in the bill is referred to as authority for this contention. But the fifth clause of the bill as-serts that the board of assessors of the city of Scranton made the increased assessment, and it is therefore their act, no matter who reported the valuations to them. If they adopted them they asthem. sumed all the responsibility for the acunder consideration. The second reason alleged for sustaining the action of the court is that the plaintiff's real estate was changed in a year other than a tilennial year under color of an unlawful delegation of legislative power. This contention raises the whole question of the unlawful authority. The argument must suffice to prove that the delegation of the particular authority to make an as sessment in a year other than the tri-ennial year is unlawful. If it does not establish that proposition it is of no avail. Now it is not at all denied for the ap-pelies that the entire taxing power of the ommonwealh must be exercised by the egislature. Nor is it at all denied that the legislative power to impose taxation in the municipalites of the commonwealth lawfully be committed to the munic ipal authorities. The decisions on this subject are absolutely without qualifica-tion. Thus in Durach's Appeal, 62 Pa 494, it was said by Sharswood, J.: "The municipal government is but a branch of the government of the state, and what ever powers of taxation the legislature possess they may lawfully grant or dele-gate to such bodies." In Butler's Appeal, 73 Pa. 448 we said: "Whatever power of taxation the legislature possesses, it madelegate to a municipal government, to be legitimately exercised within its corporate limits." In Fa. R. R. Co. vs. Pitts-burg, 104 Pa. 522, Mercur, C. J., said: "The taxing power in this commonwealth is vested absolutely in the legislature, and class who shall constitute a board of re- when not prohibited by the constitution, vision of taxes and appeals, once in every three years. The next clause is in the by its discretion only. • • • Whatever lowing wards, "Said board, a major- power it possesses it may delegate to a municipal government to be legitimately exercised within its corporate limits." These propositions being incontrovertible, it will be seen at once that the ques-tion at issue is narrowed down to this: city assessors, requiring them to make out and return a full, just and equal assessment of property within the city or class to make assessments in other years such parts thereof as the said board of than the triennial years? There can cer-revision may deem advisable, and they tainly be no constitutional objection to biall take and receive the triennial the creation of a board of revision and carly assessments as returned by the appeals with all the powers incident to board of city assessors, and shall have the functions of such a board. No such

rsons who are to exercise the function, there remains only the single and very narrow question, is it unconstitutional for years? The argument presented in the opinion of the court below has been already considered. In the argument of the counsel for the appellee, in addition to the contention that the legislation in question is an unlawful delgation of nower, which has already been answered, a point is made that the case of O'Neil vs. Insurance Co., 196 Pa. 72, rules the question in favor of the plaintiff. An examination of that case shows that the question there raised and decided has no analogy to the question we are now considering. It was an attempt to delegate to a single individual person the power to prescribe a compulsory form of consubject was submitted to the official without any kind of limitation or restraint and without responsibilty to any supervising agency. In other words it rested only with the official designated to say what kind of contract should be made, and it conferred upon him the whole power of the commonwealth to enforce the terms that he should prescribe grave question whether the legislature itself possesses any such power, but it it does it is most manifest that only the law making power itself can exercise it. for it is the making of law, it is the very creation of a legal status. But here the authority conferred is nothing but a matter of detail, it does not involve the pow-er itself. It is simply a question whether the annual assessments may be made in addition to the triennial assessments conceive why this may not be done. In point of fact annual assessments are always made, though as a rule the valuations as made in the triennial assessments are followed. But it is quite possible for many reasons, that facts may transpire after the completion of the triennial assessments which may require changes to be made. This was recognized under the old law in the cases of change of ownership or the condition of the improvements, and the new law simply enlarges the field of possibilities

make changes is fundamentally illegal, when the power to make some changes is conceded, or can not be impeached. We are very clear that such enlarge-ment is not a delegation of legislative power but a mere addition to powers already lawfuly conferred. In this conn ion the following citation from the opin on of Chief Justice Black in the case of Moers vs. City of Reading, 21 Pa. 181, is quite opposite, viz.: "Half the statutes on our books are in the alternative deending on the discretion of some person or persons to whom is confided the out; of determining whether the proper occas ion exists for executing them. But it can not be said that the exercise of such a discretion is the making of the law." NOT MADE LOCAL

that may demand a change. It can not

Some contention is also made in the ar gument for the appellee that this change in the law nakes it local, and therefore in violation of section seven of article of the constitution. We are obliged to say that the argument in support of this contention does not convince us. It is urged that one city may have triennial assessments only and another city might have a new assessment every year. Tho answer is that if the circumstances that required an annual assessment were pres-ent in one city and not present in an-other, there would be no occasion for a change in the latter while the reason to a change in the former might be most orgent and potential. But this difference is not radical or fundamental to the exist-ence of the power, it relates only to the difference in the existing conditions in the different cities. The very same arin the case of changes of ownership of in the condition of the improvements. In one city where population was rapidly growing, and new business enterprises constantly developing, such changes would be frequent and would necessarily

valuations, while in another city wher both the population and business were at a standstill, no such changes would be required. Yet surely these differences would afford no valid argument against the legality of a statute which recognized their possibility and made corresponding provision for them. Upon the whole case we are of opinion that the legislation in question is lawful class legislation, and is not local in its character, and therefore is not prohibited by the constitution. The assignments of error are all sustained

The decree of the court below is re-versed, the demurrer of the defendants is sustained and the plaintiff's bill is dismissed with costs.

TRIED TO COMMIT MURDER. Pittston Man Fires Five Shots at His Wife.

Thomas Healey attempted to kill his wife Wednesday evening with a re-volver at their home in Pittston. Healey fired five shots from the weapon, but fortunately none of them took effect in the woman's body. After this he held at bay for nearly two hours the officers who were trying to serve a warrant on him, and a crowd of several hundred people. Later Healey was placed under arrest after a lively tussie.

Mrs. Healey says her husband's mind had become deranged. She sooke of his queer actions on several previous occasions, and at other times when he had threatened to kill her. "I was just entering the kitchen to get a lunch," Mrs. Healey said, "when I saw my husband behind the door

court. In default of this, he was committed to jail. Healey is a miner at Twin shaft and is a large and muscular man.

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Thoroughly renevated and refurnished, has hot and cold water baths. Heart Lake is on the line of the D. L. & W. R. R., three miles from Montrose; high elevation, pure air, pure water, pure milk, row boats and fishing tackle free to guests. Good bicycle roads, fine shady grounds, large plezzas, dancing hall. For prices and particulars write

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#### THE BICYCLE CONTEST

is postponed for four weeks to give everybody a little more time; come in and take a look at it; it is the best in the mar-

A few of the leaders here: 

 Sam Kemmler
 217

 Charles Greaver
 1,411

 Cora Hallet
 207

 John Kurtz
 2,156

 Katle Kirst ...... 524 Charles Wagner ...... 136

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DECORATED ICE CREAM DISHES I saw my husband behind the door with a revolver pointed directly at my face and a dangerous light in his eye. Just then I screamed and ran for assistance. As I did so, I stumbled and fell and the first bullet passed over my head. I ran out of the house while he was firing, but fortunately his alm was not very good and I escaped injury."

Yesterday morning Healey was given a hearing before Alderman Barrett. When questioned he said his wife was unfaithful to him. The alderman held him in \$500 ball for his appearance at court. In default of this, he was committed to jail. Healey is a miner at the safe and the s

FOT COVERS, 5 to 11½ inches

\$x12 SQUARE PANS
GALVANIZER soap dishes
LARGE BASTING spoons
FUNNELLS—all sizes
GRATERS—all sizes
GRATERS—all sizes
SILVERINE TRAYS, 13-inch size
QUART MEASURES, ½ pint up
CANDLE STICKS
COFFEE OR TEA POTS
MINING LAMPS
DON'T FORGET TO ASK WAR DON'T FORGET TO ASK FOR BI-CYCLE VOTES-ONE GOES WITH EV-ERY 4c. PURCHASE,

THE GREAT

310 Lacka. Ave. JOHN H. LADWIG.

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Baby Bazaar. Try the Knit Night Drawers,

Knit Drawers, for Ladies and Chil-

Dresses, long and short, Waists, Undervests, Sacques. Blankets,

Hosiery and Shoes. In great variety and daintiest design.

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Suitable for Stores, Offices, Banks, Etc. ONE NOW RUNNING IN SCRAN-TON SAVINGS BANK SINCE DE-CEMBER LAST; VARIES ONLY

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THE LARGEST AND FINEST STOCK

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At Retail. Coal of the best quality for domestic use and of all sizes, including Buckwheat and Birdseye, delivered in any part of the city, at the lowest price. Orders received at the office, first floor, Commonwealth building, room No. 6; telephone No. 2524 or at the mine, tele-phone No. 272, will be promptly attended to. Dealers supplied at the mine.

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