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OF INTEREST TO WATER COMPANIES

IMPORTANT CASE BEING HEARD BY JUDGE ARCHBALD.

Spring Brook Water Supply Company Disputes the Right of the Commissioners of Lackawanna County and the Township Authorities of Spring Brook to Levy Taxes on the Lands Acquired for the Protection of Supply Streams.

A case of great importance to water companies was heard before Judge Archbald in equity court yesterday. It will determine the right of county commissioners and municipal authorities to tax land acquired by water companies for the protection of its water sheds. The case now pending is the Spring Brook Water Supply company, lessee of the Spring Brook Water company, against M. J. Kelly, treasurer of Lackawanna county and S. W. Roberts, John Demuth and Giles Roberts, county commissioners.

The bill in equity was filed for the purpose of having the court restrain the defendants from selling certain lands of the plaintiff in default of the payment of certain taxes. The company alleges that the land is necessary for to carry on the business for which it was incorporated and is part of its capital stock on which it pays tax to the state.

The Spring Brook Water Supply company was incorporated March 2, 1896 and on March 31 of the same year leased the plant of the Spring Brook Water company for a term of fifty years. It owned a large tract of land which was necessary for carrying on the business of the company and this land forms a part of the capital stock of the company. The commissioners of Lackawanna county and township authorities of Spring Brook caused the land to be assessed and a tax levied for the years 1895 and 1896. This it is contended they had no right to do.

In default of the payment of these taxes the county treasurer advertised to sell the land on June 13, 1898, and an appeal was made to the equity side of the court to prevent the injury to the company that would be wrought by this sale.

In their answer to this bill the defendants said that only a small portion of the 8,000 acres of land of the company is used for its "public works and necessary for the purposes of its incorporation." Upon these lands taxes have been assessed for county, township, poor and school purposes, and should the court deny to the local taxing authority the right to assess and levy taxes upon this great body of land, it would very seriously cripple the finances of the said township. Sufficient money could not be raised by taxation for the maintenance of the school and the proper maintenance of the roads of the township, and it

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At \$1.95—A jaunty reefer front jacket of Tan Covert. Tight fitting back. Finished with tailor seams and lapel pockets.
At 6.98—A Tan Covert double breasted "dip" front jacket; finished with tailor seams and lined with silk serge.

At \$9.95—Black Clay Diagonal silk lined throughout, "dip" front with circle corners. Fancy Armour silk facings to revers.
At \$14.95—A Tan Broadcloth, scolloped finished fly front, and tight fitting back. Double stitched tailor seams, and stitched cuffs. Fancy stripe and plaid silk linings.

Silk Waists

The combination of the new styles and our low prices are proving as attractive as we anticipated. There's a big gathering here, yet it changes daily for our policy of one-of-a-sort, doesn't permit of any one style remaining long. The charming originality of styles, the finish and trimmings are too well known to need especial comment. In these regards we set the standard for other people.

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ISAAC LONG.
WILKES-BARRE, PA.
MARCH 23, '99.

would be a great hardship to the residents, citizens, inhabitants and taxpayers of the said township."

Ex-Lieutenant Governor L. A. Waters appears for the water company, and County Solicitor H. A. Knapp and Attorney John P. Kelly for the defendants.

The witnesses examined yesterday were Robert C. Adams of this city, secretary of the water company; A. M. Lane, of Plymouth, general manager; S. J. Church, of Spring Brook, superintendent of dams and water shed and Professor W. H. Dean, of Wilkes-Barre, the chemist of the company. Their testimony was to the effect that the lands acquired by the company are necessary for the protection of the water sheds that contribute to the streams from which the company gets its supply. Today testimony on the part of the defense will be heard.

When court convened yesterday the injunction case of J. S. Saunders against Dr. R. F. Taylor was resumed. The witnesses heard were J. S. Saunders, Dr. H. S. Saunders and H. M. Morrison on the part of the plaintiff. For the defense Dr. R. F. Taylor, Harry Hopewell and Albert Keisling were called.

Suit Against the Poor District.

An action in equity was brought yesterday by O. D. Hollister against the Scranton poor district to prevent the latter from polluting a creek that is close to the Hillside Home.

Mr. Hollister is the owner of a farm of about one hundred acres of land situated in the township of Newton, where he resides and carries on the business of farming, being engaged chiefly in the milk business, keeping upon his farm a herd of about fifty milk cows. His farm and stock are supplied with water by a small brook which runs through it, being his private property so far as its course is within the lines of said farm.

Along the line of this brook and above the plaintiff's farm the Scranton poor district owns a farm upon which its buildings are erected for the care of paupers and insane. The district keeps several hundred paupers varying at different times from five to eight hundred, besides a stock of horses, cattle and hogs and has constructed a sewer connected with its buildings into which is collected all of the sewerage from its dormitories, stables and out buildings and conducted away from the buildings by a sewer pipe which discharges the sewage into an open field at a point not far from the brook into which the field has its drainage, so that the sewage flows into the brook particularly in times of wet weather, and thereby the water becomes so polluted that it exhales the foul and noxious odors.

Mr. Hollister alleges that ten of his cows have sickened and died from drinking the water of the brook and his family have suffered inconvenience and injury to their health.

The plaintiff avers that unless the nuisance can be abated he will be obliged to abandon his milk business, as it is not possible for him to keep and maintain his stock of cows without their getting access to the brook. He has from time to time during the past year called the attention of the officials having charge of the premises to the matter and begged them to abate the nuisance, and its dangerous character has been made known to them through the health officers of the commonwealth, who have had occasion to inspect the premises, but as yet no step has been taken toward the abatement of the nuisance. The plaintiff therefore avers that unless the defendant is restrained from further discharging sewage from their premises into the brook or at a point where by natural causes it will necessarily find its way into the brook, irreparable damage will be done him and he therefore asks that an injunction be issued by the court, preliminary in the first instance and afterwards perpetual, restraining the defendant, its officers, agents, servants and employees from further discharging and depositing into said brook or at any point directly drained thereby the sewage and effluents from its buildings on its farm in the said township of Newton.

The paper book in the case was filed for Mr. Hollister by Attorney E. C. Newcomb.

Judge Gunster granted a rule to show cause why the defendant should not be restrained by preliminary injunction and made it returnable April 1 at 9 a. m.

Rule Is Discharged.

In the case of E. P. Price against Alvin Bingham an opinion was handed down yesterday by Judge Gunster discharging the rule to show cause. Mr. Price on April 1, 1898, rented to Mrs. Bingham one side of the lower floor of the Price building for a dining room at the rate of \$125 a month rent. The lease was drawn up in the office of George B. Davidson, her attorney, and it contained a confession of judgment for the whole rent unpaid with interest and costs.

On June 21 of the same year judgment was entered by Price against her for \$125, or ten months' rent. She tried in court to have the judgment opened on the ground that Price used false representations to induce her to enter into the lease. Judge Gunster finds from the facts in the case that there were no false representations held out to her and refuses to allow the judgment to be opened.

Not a Qualified Voter, 'Tis Said.

It is alleged that William Edmunds, of Mayfield, did not have his taxes paid at the February election when he was selected as a member of the Mayfield borough council, and now an effort is being made to have him ousted from the office of which he took possession on March 5.

Mr. Edmunds was a candidate at the February election and legally elected, but it has since been learned, it is alleged, that he was not a qualified elector at the time of his election for the reason that he had not paid a tax within the required length of time, and yesterday residents of Mayfield, through District Attorney Jones, the proper official in such cases, asked for a writ of quo warranto to compel Edmunds to show by what right he holds the office of council. The applicants are represented by Attorney Joseph O'Brien and

Frank Lynch. A rule was granted to show cause why the writ should not issue. It is made returnable next Monday.

Did Not Want to Testify.

A case against Mabel Gray, the proprietress of a disreputable resort on Lackawanna avenue, was before the grand jury yesterday and Annie Battle, who acted as cook at Mabel's establishment, was subpoenaed as a witness. She decided not to answer and a capias was issued for her. After she had been brought before the court the grand jury had adjourned for the day and Miss Battle was sent to the county jail for the night.

She begged piteously to be allowed to go when Deputy Melvin started from the sheriff's office to the county jail with her. She cried and protested violently that she did not want to go to the county jail. But she went. This morning she will be taken before the grand jury.

Will Observe Holiday.

The grand jury will make its first report this morning and this afternoon will not sit, in deference to the patriotic holiday.

The offices in the court house will also be closed this afternoon.

Yesterday's Marriage Licenses.

Richard Benjamin Evans ...Scranton.
Rachel Jenkins ...Scranton.
Oscar Ayer ...Scranton.
Rebecca Evans ...Pleasantburg.
Charles A. Stoddard ...Fleetville.
Josie L. Rink ...Wallisville.
John Mellers ...Blakely.
Fanny M. Telford ...Blakely.

GLASS SPONGES.

Beautiful Specimen Recently Found on the Coast of California.

From the Scientific American.
It is not generally known that the beautiful animals known as glass sponges are found within the borders of the United States, yet one species at least is common, though rarely taken, off the coast of the southern California islands, especially in the so-called grouper banks of Santa Catalina, where fishing is carried on in water five hundred or six hundred feet deep.

It was here that an attractive specimen was found, being brought up by a fish hook. The sponge was a species of Holtenia, probably Holtenia Carpentaria, about twelve inches in height and nearly six in diameter. The long glass-like roots had been torn off when it was brought up. In appearance the sponge was a veritable porcupine, long needle-like spicules standing out all over it, the longest three inches in length, so sharp and brittle that it was difficult to hold or touch the sponge, and at a glance it resembled some odd or fanciful cactus.

The sponge was vase-shaped, and would hold three pints of fluid, bulging out in the center, with an opening at the top sufficiently large to admit the closed hand. The long spicules reaching out from it presented a splendid appearance when held up to the sun, and resembled glossy hairs, gleaming and scintillating wherever the sun flashed along their surfaces. Many of the spicules were overgrown with an attractive coralline, so that they appeared branched like the limbs of a tree. In these mimic branches hung pendant many miniature planktonic star-fishes and shrimps, white fastened to them, coated and interlaced, were the narrow-like egg cases of a skate.

That these sponges are fairly common in deep water off-shore is evident by the small specimens often brought up and the pieces found on the outer islands, especially San Nicolas; but never before has so large and perfect a specimen been seen.

The glass sponges are so called because their skeleton, or the spicules, resemble glass, being formed of silica instead of lime, and closely resembling spun glass.

The most beautiful of the group is the Venus flower basket, or Euplectella aspergillum, which represents a vase of spun glass of the most beautiful description. When the first specimen was found it was sold at a fabulous price, and its true nature was not suspected. But finally a specimen was taken by a naturalist, who made the interesting discovery that the delicate and fragile glass-like vase, that seemed to be the work of some cunning East Indian, was nothing more nor less than the skeleton of a sponge whose spicules were silicious. In the water and alive the sponge is not an attractive object, being of a gray color and half buried in the mud, anchored by long glass-like streamers. But once dead and relieved of its covering, it becomes one of the most resplendent objects of the sea—a fairy vase, that might well have been modeled by the sea gods as a gift to Venus.

This sponge has the spicules so arranged that they present the appearance of squares. It is closed at the top and sides, hollow in the interior, and is occasionally the prison of small crustaceans, which enter the interstices when very young, and, unable to escape, become prisoners for life, and in

the skeleton may be seen with their claws protruding through the opening, creating much wonder among the uninitiated as to how they obtained ingress into the glassy prison.
Another interesting glass sponge is Hyalonema, which resembles a glass rope. The sponge itself is a small cup, perched upon a long series of glass-like stems, which is buried in the mud. This was for a long time sold as the skeleton of the little coral polyps which are parasites on its stems.

CEYLON AND INDIA TEA

America Giving Paris a Lead.

The European edition of New York "Herald," regarding the relative merits of China and Ceylon tea, says:

"China tea has a coarser taste, and you might think it stronger, but in reality it is not."

"It is perfectly certain that Ceylon tea is better and more popular, and can be made stronger than any other kind."

For ordinary tastes you would not have to use so much tea."

Our dainty, fastidious American ladies have already discovered this.

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Ceylon Tea
REFRESHING, DELICIOUS
Sold only in Lead Packets.
50c, 60c, and 70c per pound.

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Hood's Pills
Restore full, regular action of the bowels, do not irritate or inflame, but have all the delicate digestive action in perfect condition. Try them. 25 cents. Prepared only by F. J. Hood & Co., Lowell, Mass.

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WILLIAM H. PECK, Cashier.
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