

MANDAMUS AGAINST CITY CONTROLLER

COURT DIRECTS HIM TO CERTIFY ASPHALT CONTRACT.

It Required Only Ten Minutes for Judges Archbald and Gunster to Concur in Mr. Burns' Argument That the Controller is Over-officious, and Mr. Torrey's Allegation That Controller's Reasons for Not Signing Contract Were Evasive and Tending Only to Befog Case.

Court on Saturday directed City Controller Howell to certify the Barber Asphalt repair contract. A mandamus issued forthwith and will be served by the sheriff this morning. It is possible, though, that the repairs will be further delayed as Attorney Cornelius Comegys, counsel for Controller Howell and the Alcatraz Paving company, took an exception to the court's ruling, with the avowed intention of appealing the matter to the Supreme court.

This apparently can result in nothing more than further delay, as the ruling of the local court was unquestionably based upon the decision of a decision of the supreme court, in an exactly similar case, the Commonwealth against George, which originated in Williamsport, and which was the ground work of Mr. Burns' argument.

In granting the mandamus Judge Archbald said that in the court's opinion the controller had but two questions to consider, first if the contract existed, and second if there was a sufficient appropriation. That a contract existed was not denied, and, as the record shows that the appropriation was made, the controller's duty is to certify the contract.

IN DIRECT LINE. This was in direct line with Mr. Burns' argument. He contended that the controller was simply a bookkeeper and devoid of any judicial power. His simple duty was to open his eyes and seeing the contract and appropriation before him, certify the same.

Mr. Comegys admitted the contract, but denied that there was a sufficient appropriation. The contract, he held, calls for an expenditure of \$175,000 and an appropriation of that amount should be made before the controller would be authorized in certifying the contract.

Mr. Burns in answer to this said that in cases where the assessment is to be laid against abutting property holders this holds good, but not when the money is to come out of the general funds of the city.

Attorney James H. Torrey appeared with Mr. Burns in favor of the mandamus. He said he represented a large element of the taxpayers who wished to see the streets paved. He called attention to the urgent need of proceeding at once with the repairs and particularly insisted upon the court the harm that is being done the city through the wretched condition in which its streets are allowed to remain.

SCORED THE CONTROLLER. Mr. Torrey also dwelt at length on the unreasonableness of an official like the controller, who by heretofore any legislative or judicial power, attempting to overthrow the work that had been done by the legislative and executive bodies of the municipality. In dealing with the controller's reasons for not signing the contract, Mr. Torrey said they were evasive and sought only to raise a cloud of doubt to befog the case.

Judges Archbald and Gunster, who heard the arguments, were in consultation only about ten minutes, when Judge Archbald came back upon the bench and handed down the ruling, allowing the mandamus. The costs were placed upon the city.

The hearing in the equity suit, brought by Mr. Comegys in the name of H. Campbell and William Farrell to prevent further action under the asphalt repair ordinance was put over to argument court.

Common Pleas Court. After being out nearly thirty hours, the jury in the case of the Winter Fuel company against the Poughkeepsie Coal company were discharged Saturday afternoon without coming to a verdict.

Friday afternoon they sent word that there was a dispute among them concerning certain portions of the evidence, and that they would like to have further instructions. Judge Gunster sent back word that Judge Purdy, who presided in the case, had gone home to Homestead, but if they wished it, he would send for him to return.

The jury replied that it did not care to wait, and would endeavor to arrive at an understanding of the case without any further outside aid. They wrangled late into the night and during all of Saturday morning and afternoon, and at 4 o'clock sent word again that they wanted further light on the evidence. Rather than hold them over until today to hear from Judge Purdy, Judge Gunster decided to discharge them.

In the case of H. P. Lowery against H. Driesen, a verdict for the plaintiff in the sum of \$54 was returned. A verdict for the defendant was returned in the case of Matthew McPherson

MUNYON'S INHALER CURES CATARRH



Colds, Coughs, Hay Fever, Bronchitis, Asthma and all Diseases of the Throat and Lungs.

Clouds of Medicated Vapor are inhaled through the mouth and enter the nostrils, cleansing and vaporizing all the inflamed and diseased parts which cannot be reached by medicine taken into the stomach.

It reaches the sore spots—It heals the raw places—It goes to the seat of disease—It acts as a potent stimulant to the whole system—\$1.00 at druggists or sent by mail. 1508 Arch St., Phila.

COURT HOUSE NEWS NOTES.

The hearing in the Old Forge election case, which was set down for Saturday, was put over to argument court.

H. H. Costen was on Saturday appointed to take testimony in the divorce case of Grace I. Swingle against A. F. Swingle.

TO SUPREME CONCLAVE.

Large Party of Local Heptasophs Leave for Buffalo—Will Make an Effort to Secure Honors for Scranton.

The Scranton delegation to the Supreme convolve of the Improved Order of Heptasophs, which will be held in Buffalo this week, leaves the city this afternoon at 1:15 in a special car. They will be accompanied by delegates from the various conclaves in the surrounding towns and will number about fifty all told.

They go with the avowed intention of securing the convention for Scranton in 1901, the convolve assembling but once every two years. The delegation is prepared to make a strong fight for the convolve, and say that the prospects of securing it appear very rosy at the present time.

In case they are successful it would be the means of bringing to Scranton about 70 delegates and innumerable visitors and excursionists. If they are unsuccessful it is very probable that they will endeavor to have some one from this section elected to the office of supreme archon, the highest in the gift of the society. Ex-City Treasurer C. G. Boland will, in all probability, be the man upon whom the delegation will unite.

At the convention in Louisville two years ago, Mr. Boland could have been elected to this office almost unanimously if he so desired, but he positively declined the honor. What his position is now cannot be ascertained, but it is thought that he can be persuaded to enter the field as a candidate if the occasion demands.

The Scranton delegation is composed of the following members: Supreme Trustee C. G. Boland, District Deputy Supreme Archon Walter V. Handricks and E. D. Jones, and D. E. Neeld, J. W. Carpenter, C. C. Donovan, O. P. Miller, Roger Evans, G. A. Kramer, R. L. Brown, L. Goodman, George Gifford, D. W. Powell and J. S. Miller.

ANTHRACITE COAL TRADE.

What a Trade Journal Has to Say About It.

Concerning the present condition of the anthracite coal trade, the Engineering and Mining Journal of Saturday has this to say:

"The movement of coal west is now heavy and docks at upper lake ports are very busy. In the case of consumers at most points a waiting policy is being followed. A considerable volume of business was called out by the announcement of the contemplated advance on July 1, but things eased off again quickly and there is little to note. The output for May is stated to have been very near 3,500,000 tons. This is considerably in excess of what was thought the market needed, but stocks have not accumulated to any perilous extent and the large companies have been pretty strict on quotations.

"It is evident now that the fall and winter buying will in all probability be very heavy indeed, and if the producing interests hold together a couple of months longer there will be a profit for everybody. The prospect also is against labor troubles of any importance and as soon as fall buying starts the miners are likely to find things coming their way. The heavy demand for labor in many western mining fields is likely to be felt and there is a possibility that anthracite operators may find themselves short-handed.

"The shake-up in Delaware, Lackawanna and Western that has followed Mr. Sloan's retirement has been a remarkably thorough one. It is fair to presume that there will be some change in the road's manner of doing business in certain ways. It is also fair to presume that the road will earn just as good profits for its shareholders.

CARPENTER-JUDD NUPTIALS.

Two Prominent Young People Married, Saturday.

At high noon, Saturday, Miss Georgia Judd, daughter of Mr. and Mrs. H. H. Judd, of Vine street, was united in marriage to Frank T. Carpenter, of Harrison avenue. The ceremony was performed at the home of the bride's parents, by Rev. Robert P. Y. Pierce, of the Penn Avenue Baptist church. Miss Florence Doud was bridesmaid, and Fred L. Carpenter, brother of the groom, was best man. The bridal party entered the parlor to the strains of a wedding march played on the piano by Miss Edna Judd, and assembled beneath a canopy of daisies where the knot was tied. After the reception Mr. and Mrs. Carpenter left for the Thousand Islands. Upon their return they will reside on Harrison avenue.

The Intercollegiate Boat Races.

will take place on June 26 and 27, over the Highland-Poughkeepsie course. The New York, Ontario and Western railway will sell round-trip tickets to Poughkeepsie and return for this occasion at the fare one way. These tickets will be good going on the 25th, 26th and 27th, returning up to and including the 28th inst. Further information can be obtained from nearest O. & W. agent, or J. C. Anderson, general passenger agent, 56 Beaver street, New York city.

FIRST ANNIVERSARY OF HIS PASTORATE

CELEBRATED BY REV. ROBERT F. Y. PIERCE.

At the Morning Service in the Penn Avenue Baptist Church He Delivered a Sermon on "The Psalm of Prosperity and Peace"—Good Work He Has Accomplished Since He Became Pastor—Eighty-seven New Members Received Into the Church During the Year.

Rev. Robert F. Y. Pierce, pastor of the Penn Avenue Baptist church, observed the first anniversary of his pastorate in this city yesterday. The morning service was characterized by the preaching of a sermon by the pastor on "The Psalm of Prosperity and Peace." Mrs. Brundage sang the offertory solo.

In the evening Rev. Dr. Pierce took for his theme, "The Battle Sermon," being an object lesson, and used illustrations given at the International Young People's meeting.

The past year has been the most prosperous in the history of the church. When Rev. Pierce assumed charge of the work here many serious problems confronted the church, and all have been blotted out, and his efforts along the line of solidifying the membership have been very successful.

Several legal differences have been adjusted, and an indebtedness of \$8,000 has been cleared, and the benevolent contributions have been up to the standard. The church mission and parsonage property are now controlled by the church, and altogether there is an increase in the financial valuation of the property of about \$15,000, taking into consideration the cancellation of the indebtedness of the church and the acquisition of real estate.

When Dr. Pierce came to this city over a year ago he was invited to supply the pulpit for two weeks, and, after performing his required duties the first two Sundays, the advisory board requested him to supply the church as pastor for three months. During the first month of his labor the pastor was called upon to bid farewell to nineteen young men from the church and Sunday school who responded to the president's call for volunteers.

On Monday, May 16, of last year, Dr. Pierce addressed the members of the board of trade on behalf of a soldiers' relief association, and on June 8 a call was extended him to become the permanent pastor of the church. On June 19 Mr. Pierce accepted the call, and his work since has been very enduring, yet pleasant in every sense.

Rev. Pierce was installed as pastor of Penn avenue church on Sept. 20, and the following week the pastor and Mrs. Pierce were tendered a reception by the members. On Dec. 26 the silver wedding anniversary of Mr. and Mrs. Pierce was observed and participated in by members of the church and friends. The Memorial Day service at the church, on May 23 of this year, was one of the triumphs of Rev. Dr. Pierce's pastorate, and the Children's day exercises were all so special features.

During the year the pastor officiated at twenty-two funerals, seventeen weddings, and welcomed into the church eighty-seven new members by baptism, letter and experience.

"The Least Hair Casts a Shadow."

A single drop of poison blood will, unless checked in time, make the whole impure. Hood's Sarsaparilla is the great leader in blood purifiers. It casts no shadow, but brings sunshine and health into every household.

Dyspepsia—"For six months my system was out of order with dyspepsia and impure blood. Spent lots of money in vain, but Hood's Sarsaparilla cured me thoroughly." Jos. S. Zauba, Genoa, Neb.

Eruptions—"I had annoying eruptions caused by impure blood, and physicians' treatment failed to benefit. Hood's Sarsaparilla removed them, and I am no longer annoyed." W. R. Hudson, Natrona, Pa.

Hood's Sarsaparilla Never Disappoints.

Hood's Pills cure liver ills; the non-irritating and only cathartic to take with Hood's Sarsaparilla.

The Newank Store advertisement featuring an illustration of a woman in a dress and a man in a suit, with text promoting their shoe store and various goods.

The Newank Store advertisement featuring a large illustration of a woman in a dress and text promoting their shoe store and various goods.

WAS IT AN ACCIDENT?

Illuminating Gas Almost Ended Career of "Eddie" Asphlet.

Illuminating gas almost ended the career of "Eddie" Asphlet in a room over Kauffman's cafe on lower Lackawanna avenue, early Saturday morning. Occupants of the building detected a strong smell of gas coming from Asphlet's room and forced an entrance into it. Asphlet was found lying unconscious on a bed and gas was pouring from an open jet. It was with no little difficulty that his life was saved.

OBSERVED CHILDREN'S DAY.

Pupils of the Adams Avenue Chapel Held Exercises Yesterday.

The annual Children's Day exercises were held in the Adams avenue chapel yesterday afternoon, the members of the primary class taking a prominent part in the services. The programme consisted of singing, recitations, solos, choruses and readings.

Rev. C. E. Robinson made an address and presented the children with Bibles. The exercises were of a pleasing character and were well attended.



CUTICURA RESOLVENT is so pure, sweet, and wholesome that all ages may take it with pleasure and benefit. Its mission is to cool and cleanse the blood in eczema and other torturing, disfiguring humors, rashes, and irritations, while warm baths with CUTICURA SOAP cleanse the surface of crusts and scales, and gentle anointings with CUTICURA Ointment soothe and heal itching, burning skin.

"TAKE TIME BY THE FORELOCK." BABY CARRIAGES AND GO-CARTS. Car load just arrived. All styles, and prices the lowest. Workmanship guaranteed even up.



THE CHEAPER GRADES. Keep us in mind and you won't regret giving us your patronage—you will get goods as represented—giving you our easy terms of payment or very lowest prices for cash. Immense stock of Household Goods—Stoves, Carpets, Iron Beds, etc. Five large floors full to the ceiling—at

Thos. Kelly's Stores, 131 and 133 Franklin Avenue

THE MOOSIC POWDER CO. Rooms 1 and 2, Com'ith B'ld'g. SCRANTON, PA.

Mining and Blasting POWDER Made at Moosic and Rush Lake Works.

LAFLIN & RAND POWDER CO.'S ORANGE GUN POWDER Electric Batteries, Electric Exploders, for exploding blasts, Safety Fuse and

Rapauco Chemical Co's HIGH EXPLOSIVES

Connolly and Wallace

SCRANTON'S SHOPPING CENTER.

Important Glove News

The Glove man comes forward this morning with an offering of women's Gloves that means money in the purses of those who get here in time to benefit by the chance. Its an importer's sample line of a thousand pairs of Fabric Gloves, consisting of cotton, lisle, taffeta and silk, ranging in value from 25c to 75c pair, which we offer at from 10c to 25c.

A HINT.

- At 10c pair Children's and ladies' lisle and taffeta Gloves in greys, tans and browns. Also a few silk Mitts. Value 25c. Choose from the lot at 10c a pair.
At 15c pair Ladies' Gantlet Gloves, value 25c to 75c. Ladies' cotton and lisle gloves, value 25c to 50c. Ladies' taffeta Gloves, value from 25c to 40c. Colors—Black, tans, browns, blues, greys, reds, modes, etc. Choose from this choice lot at the ridiculous price of 15c pair.
At 25c pair Ladies' fine lisle Gloves in blacks, modes tans and browns. Ladies' black silk Gloves. Ladies' black taffeta Gloves. Ladies' mode and tan taffeta Gloves. Ladies' white silk Mitts, elbow length. Not a pair in this lot worth less than 50 cents and much of the lot worth 75 cents. Choose at 25 cents.

CONNOLLY & WALLACE, 127 and 129 WASHINGTON AVENUE

The Boy "Snow White" advertisement featuring an illustration of a boy and text promoting flour products.

A Chair Bargain. Rocker advertisement featuring an illustration of a rocking chair and text promoting furniture.

E. Robinson's Sons Lager Beer Brewery advertisement featuring text promoting beer products.

In a Bicycle advertisement featuring an illustration of a bicycle and text promoting bicycle products.

MOUNT PLEASANT COAL advertisement featuring text promoting coal products.

THIRD NATIONAL BANK OF SCRANTON advertisement featuring text promoting banking services.

Choking Your Wick Headlight Water White Oil advertisement featuring an illustration of a lamp and text promoting oil products.