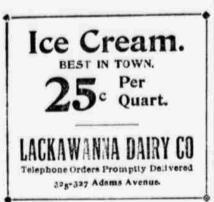
#### THE SCRANTON TRIBUNE-WEDNESDAY, NOVEMBER 8, 1899.

# What! Leave Scranton?

competitors who are, ne doubt, anxious to see us go, have been busying themselves telling this Story about. We think it time we had a word to say. With the fine line of goods we have, and the prompt way of handling our customers, we are gaining friends our customers, we are gaining frame and patrons rapidly. Our Planos are, without question, some of the finest to-day on the market. The very best possi-ble to buy is the Knabs. If you want a high grade plano at the least possible ex-pense, buy a Briggs or a Vose & Son. If you want a good, well built plano at a response ble cost buy a Ludwie. If you you want a good, well built plant at a reasonable cost buy a Ludwig. If you want to patronize a Solid and Reliable firm buy your plane at Perry Brothers. Phonographs. Graphophones and sup-plies. Mail orders promptly attended to.

read by Mr. Albert E. Sholl, affirmative. PERRY BROTHERS

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S; (ciallies-Surgery, Diseases of Woman Office Hours ... 210 4 m. m. 710 8 p. m. At Residence ... Office 210 Connell Building Residence-210 South Main Avenue.

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### HUNTINGTON'S BAKERY. CREAM, ICES AND FROZEN FRUITS 420 Spruce Street.

Masonie Temple.

C. S. SNYDER. The Only Dentist In the City Who is a Gradua's in Medicina. 420-422 SPRUCE STREET.

DR. H. B. WARE,

SPECIALIST

DISCUSSED LEADING QUESTIONS Young Men's Forum Has an Interesting and Profitable Evening. The Young Men's Forum held their

VIOLENT

Thomas

J. Folcy

Charged with

Murder.

IS IN THE COUNTY JAIL

He Is a Hotel Keeper of Priceburg

and a Well-known Citizen of That

Place-Friends of Zelinski Allege

That Foley Shoved Him Down the

Steps in Front of Fadden's Hotel

and That Because of the Push

Zelinski Received the Injuries from

Frank Zelinski died in a very myster-

lous manner last evening at Priceburg

county jall charged with being respon-

Zelinski is about 21 years of age

what could be gathered last night he

was around drinking all day yester-

day and got into several minor scrapes.

About 7.45 o'clock last night he came

to Fadden's hotel, which is located

REFUSED A DRINK.

door in the man's face.

on the edge of the porch.

could be given him.

street, in a state of intoxication.

Which He Died.

sible for his death.

regular meeting last night in the Guernsey building. In a quiz on cur-rent topics by F. C. Baker, B. S., the colonial department and management of the new colonies, was thoroughly discussed by Messrs. Sholl and Price. The latest phase of the situation in South Africa was taken up by C. Zimmerman and L. Carter. Owing to the many complications in which the Eu-

opean nations are at present interested it was concluded that European intervention in the Transvaal would be probable. George C. Switzer gave a very interesting recitation and a pa paper on "The Spanish Character" was

In a debate, "Resolved, That Citles Should Own and Control the Franchises Generally Granted to Private Corporations," Attorney W. J. Douglass and F. A. Kaiser argued for the ane negative was upheld by A. E. Sholl and R. M. C. Michatel. Both sides were thoroughly presented with illustrations and statistics. The judges, Ralph Weeks, G. Switzer

and Truman Surdam, gave their decl-sion in favor of the negative. AS TO OFFICERS' PAY.

Mr. Vosburg Believes That Hockenberry and Davis Became Regular Patrolmen When Appointed.

Appended is the opinion of City Solfeitor A. A. Vosburg on the question submitted to him by City Controller Esdras Howell regarding the pay of Patrolmen Hockenberry and Davis, These patrolmen were nominated by Mayor Moir August 18, but were not confirmed by select council until last Thursday. For forty days of the interim a bill was submitted for their pay as special officers, under appointment of the mayor for ten day periods. This bill was approved by the mayor. The controller asked the solicitor to enlighten him as to how he should pay them, as regular or special officers. The

solicitor's answer follows: Stranton, Nov. 7, 1809. Esdras Howell, esq., City Controller, Dear Sir: Replying to your communi-cation of the 3d inst., with respect to the right of compensation of Police Of-fleers David J. Davis and W. S. Hock-enberry, I would say, that, of course, those officers cunnot collect as special and regular officers, and therefore it is necessary to consider, first, whether they are entitled to compensation as regular

olice officers of this city. In an opinion previously furnished by ne, I held that under the provisions of Article 7, Section 4, of the act of May 23, 1880, P. L. 277, police officers could only be removed by the mayor, "by and with the advice and consent of the select council." The same rule applies to the pointment of police officers under the etion to which I have referred. The mayor of the city of Scranton sent

a communication to the scleet council removing Officers Dyer and Saul, and appointing David J. Davis and Wells S. Hockenberry as police officers, to fill the position of the police officers removed. At first, the select council refused to concur in this action of the mayor, but

mayor, Officers Dyer and Saul did not actually perform any work as police officers, but the newly appointed officers. Davis and Hockenberry, at once entered upon the duties of their appointment, and

when Coroner Roberts, who has been notified, makes a post-mortem examinhave served as collec officers from that time to the present, Although the action of the mayor in

ation teday. About an hour after the death of

exact cause can only be determined

IF WORN OUT CORPORATIONS IN Use the WORLD-FAMOUS VIN MARIANK **DEATH OF** Body, Brain and Nerve Tonic-Combats MALARIA GENERAL DEBILITY and LA GRIPPE. ZELINSKI ALL DRUGGISTS. AVOID SUBSTITUTES Portraits and endorsements sent postpald. MARIANI & CO., 53 W 15th SL New York.

> much of the success of the evening in IS her plano accompaniments. Miss Grace Spencer scored a flattering triumph both with her dramatic work and her beautiful solo at the finale. Miss Richmond played the overture which was followed by a pretty little sketch given with much spirit and

taste by Mr. and Mrs. Dixie and called "My Aunt's Legacy." The Intermezzo was a solo by Ralph A. Williams, who

also gave an original musical comedy entitled "My Sweetheart," which contained a number of bright specialties including a bell-ringing number, very well performed indeed, and solos by noon adjournment. both performers which were enthusias-

tically applauded. made in "The Chance of the Season" the little play adapted by Mr. Sander-

ladies presented a most attractive appearance, Miss Anderson wore a ially becoming to her tall graceful figand Thomas J. Foley, proprietor of ure. Miss Spencer was handsomely Fadden's hotel, that borough, is at the gowned in cld rose. The plot of the sketch lies in the con-

RECORD TESTIMONY.

fession of Miss Dale (Miss Spencer) to her friend of other years, Mrs. Jack and resided with his parents. From Creighton in the person of Miss An. of a record character, the plaintiff rederson, regarding a love affair by lying mainly on deeds and like con which she had discarded the man, to whom she was devotedly attached be- The defendant will present about twencause of certain statements discredit- ty witnesses to give oral testimony and able to him which had been made to it is probable the case will consume at the corner of Main and Storrs her by a close friend of his. She still all of today and a good portion of toloved him although he had married morrow.

Foley, William Shea, his father-inanother. law, and John McGowan, a young man of the village, were sitting in the front She does not confess that the other room of the hotel at the time and, according to the story of the last two, ton is advising her to accept a rich Foley went out and ordered the man sultor. Her hostess is called from the away. The latter refused and started to enter the hotel, asking for a drink. surprised to find there his sweetheart

Foley refused him a drink and again of mutual recrimination bring out ordered him away and, according to the story told by Shea and McGowan, the man turned on him with a vile expression. Foley thereupon shut the McGowan her former lover to accept him on the says that he then lurched down the front steps and fell, striking his back former footing and as she is wildly re-Creighton enters and the well kept se-He immediately became unconscious ret comes out to the effect that Jack and quite a crowd gathered. Several Creighton the lover is not her husband went for physicians and Dr. Myers

but her husband's cousin of the same responded. The man was almost dead name. when he arrived, however, and he In the finale Miss Anderson did some passed away before medical attention clever work in both attitude and expression. Miss Spencer displayed all Dr. Myers made a cursory examinathe abilities which her friends have tion, but was unable to discover any fracture of the skull. He is inclined long known she possesses in the realm of histrionics, and Mr. Sanderson's deto the belief that death was caused by lineation of a difficult role and one alcoholism, it being well known that likely to be overdone, was artistic to Zelinski has been a hard drinker for a degree years past. The doctor is not thor-It is to be hoped that other dramati oughly satisfied with this and says the

productions from his pen will be seen n the near future. Miss Amy Jessup was the pretty

maid in the little drama.

A BIG LEGAL FIGHT MT. PLEASANT COAL CO. PITTED AGAINST LACKAWANNA. Equity Suit to Restrain the Railroad Company from Interfering with the Coal Company's Construction of an

Overhead Bridge Across the Former Right-of-Way-Contest Grows Out of the Ontario and Western's Bid for a Bigger Share of the Coal Carrying Business.

Seldom does a law suit have such an array of prominent witnesses as those who were present yesterday sang with excellent effect and was the superior court room to give testi-heartly encored. Mr. and Mrs. Dixie mony in the equity case of the Mt. Pleasant Coal company against the Delaware, Luckawanna and Western Raliroad company, which Judge Arch. bald called for a hearing just after the W. F. Hallstead, second vice-presi-

dent; E. E. Loomis, superintendent of The greatest hit of the evening was mining; A. C. Salisburg, division superintendent; Garret Bogert, former superintendent; James Archbald, form-The stage was prettily set and er chief engineer and John Snyder, two fair maids, Miss Anderson and chief mining engineer, were some of Miss Spencer were discovered seated the officials and ex-officials of the Lackat the tea table where the kettle was awanna who were numbered in this ar-boiling for a social cup of tea. Both ray, E. L. Fuller, president of the Mt. Pleasant company, Edward Merrifield, A. S. Jones ex-Alderman John charming blue gown which was espec- Cawley, Dominick Healey and a number of the old time miners who worked at the Mt. Pleasant in its earliest days were other of the witnesses.

The testimony yesterday was mainly veyances to establish its contention.

The suit grows out of the determination of the Mt. Pleasant company to is the friend to whom she is talking at divert its shipments from the Lackthe opening of the scene. Mrs. Creigh- awanna to the Ontario and Western. Its breaker is on the westerly side of the Lackawanna tracks, and the Onroom and Jack Creighton (Mr. James tarlo and Western spur which will Sanderson) soon enters and is greatly take the coal to the main line is to have its terminal at chutes to be erecta few years before. A few words ed on the opposite side, mutual recrimination bring out To carry the coal from the breaker'to

xplanations, which shows the terrible the chutes, it is proposed to construct mistake which has been made and re. a bridge over the tracks which will veals the perfidy of Creighton's friend, support a series of belt conveyors. The As the young lady is being urged by Lackawanna company denies the right of the plaintiff to cross its right of way in this manner and also contends that fusing to blight another's life, Mrs. the present narrow bridge connecting the breaker and dump must be removed by January 1, 1900, when the shipping contract between the two companies expires.

The Lackawannna company avers that the plaintiff has no rights in the premises excepting those it enjoys through the sufferance of the Lackawanna. It claims that the present culm bridge was permitted to be erected sclely in consideration of the contract between the two companies and that when the contract expires the right to the overhead crossing lapses.

PLAINTIFF'S CONTENTION. The Mt. Pleasant company denies any such understanding and holds that its predecessors in title to the Mt. Pleasant property, owned the present



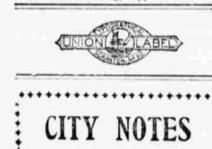
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# Reliable Furs, Stylish Tailored Gowns, Handsome Capes.

Everything in Ladies' Outer Garments, Misses' and Children's Coats and Capes, Ladies' Silk Waists in new shades and effects.



Eye, Ear, Nose and Throat Office Hours-9 a. m. to 12.30 p. m.; 2 to 4 Williams Building, Opp. Postoffice.



THE WELCOME DANCING CLASS will hold a masked ball in Snover's had, Wednesday evening, Nov. 15.

PAY DAYS-The Delaware, Lackawanna and Western company paid yesterday nt Storrs' No. 1. Today the men at the Cayuga and Brisbin mines will be baid. The Delaware and Hudson company paid yesterday at the Baitimore slope and Conyngham mines, Wilkes-Barro,

MCARTHY WHLL RECOVER-James McCarthy, who was taken to the Lacka-wanna hospital, being accidentally shot, last Sunday, and there had his leg am-putated, is making rapid progress on the road to health and the doctors are now confident of pulling him through.

BANK DIRECTORS CHOSEN.-At a meeting of the stockhelders of the Mer-chants' and Mechanics' bank, Monday, the following board of directors was re-elected: James J. Williams, P. M. Jor-dan, Thomas E. Jones, A. J. Casey and Franklin Howell. The bank's report for the past year was a very encouraging one to all stockholders.

#### MRS. KEMBLE OUT OF DANGER.

#### She Was Trying to Take a Bullet from the Revolver.

From what could be learned yesterday it now transpires that Mrs. Kimble, of Avoca, who was shot on Monday afternoon had the revolver in herown hands endeavoring to extract the special officers. bullet when the weapon went off.

on Monday that one of the boarders, Frank Frye, had shot her. It can now be stated that he had nothing whatever to do with the affair.

The bullet has been extracted and the woman is now said to be out of dang-

Try a "Hotel Jermyn" cigar, 10c. \*\*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* "THE MODEL," VIENNA CAFE AND RESTAURANT. E.MOSES, PROP. 221-223 WASH INGTON AVENUE, OPP. COURT HOUSE.

Dinner Table d'Hote. Breakfast, Luncheon and Supper a la carte. Oysters served in any style. All table delicacies of the season served in cafe or delivered to fam-Fine Catering a specialty. Fresh involce of fancy groceries and smoked goods, Salmen, Stur-geon, White Fish.

- \*\*\*\*\*\*\*\*\*\*\*\*\*\*

appointing and removing police officers does not become fully effectual until the Zelinski, Foley was placed under arrest charged with being responsible for the ndvice and consent of the select coun-ell is obtained, yet, in my opinion, the man's death. The warrant was issued mayor is the appointing and removing power. As was said in the case of Lane against Commonwealth, 103, Pa. page 481,

"Whenever and wherever the constitution speaks of the appointing power, it recognizes it as being vested in the governor. Nowhere does it declare that the senate can appoint." With equal force can it be said that

nowhere in the act of 1889, is there a pro-vision that the select council may appetht and remove. The mayor is essen-tially the appelating and removing pow-er, and the detics of the select council are limited to advice and consent to such action. This being the case, I am of the orthion that when an appointment or removal by the mayor is approved by the sleet council, it becomes operative as of date when such action was taken the mayor: and that therefore, as Coroner Roberts will investigate the

e matter now stands, the appointment

the matter how stands, the appointment of Officers Davis and Hockenberry, and the removal of Officers Dyer and Saul, takes effect on the day when the mayor appointed and removed these officers. I may add, that I am unable to find any case in which this precise question has been ruled, but upon principle, I believe my conclusion is correct.

Furthermore, as stated above, the ac work appertaining to the tice of policeman has been performed by Officers Davis and Bockenberry, who are new claiming compensation, while Of-ficers Soul and Dyer have performed no work whatever for the city during that period

It is stated in 19 Amer. & Eng. Ency of Law, page 31, that "No claim can be brought for the salary or perquisites of an office for any period during which toe chalmant was not actually in office, even though wrangfully hindered from occunying the position, the salary being the ward for express or implied services." And in the same authority on page 532. it is further stated that "A payment of the salary to the efficer de facto, how-ever, while the title to the office is in introversy, but before it is determined. is a good defence to a claim by the legal officer. It seems to me under the au-thorities as applied to the facts of this ease, that Officers Hickenberry and Davis are entitled to compensation from

the time they were appointed by the DIDYOF. Of course it will be necessary for them withdraw any application for pay as

ullet when the weapon went off. It is true as you surgested, that a case The statement was generally current stated has been practically acreed upon a Monday that one of the boarders, in a suit brought by the removed officer, James Saul, against the city, but owing to the action taken by the select council at the last meeting of that body, it is necessary that this case-stated, should be modified and enjaged so as to include all the facts and this Mr. Tor-rey has agreed to, although the format polemental accessent has not yet been filed. I cannot say when this case-stated will be argued. Mr. Torrey and myself asked that it be heard this week. out the members of the court usy upon other matters to hear it a Haping that this opinion will cover the

ints about which you inquired, I re-in, Very truly yours. A. A. Verburg, City Solicitor. malu,

Improved Dining Car Service. Nickel Plate train No. 3 leaving Buffalo at 7.10 a. m., daily, has a dining car attached, serving breakfast immediately after departure from Buffalo. Luncheon and dinner will also be served at convenient hours. The meals on the Nickel Plate dining cars have already a national reputation for excellence, and this improved service will no doubt be appreciated by the patrons of the popular Nickel Plate road. \*\*

Smoke the Popular Punch cigar, 19c.

by 'Souire Willlams on information furnished by several of the relatives of the deceased, who allege that Foley threw Zelinski out of the hotel. He was arraigned before the 'squire, who committed him to the county jail without bail and he was brought to this city and locked up late last evening.

FOLEY WELL KNOWN. His friends are not only surprised but many of them are exceedingly angry at his arrest and commitment. and the facts to be learned last evening certainly bear them out in this stand. Foley is well known in this city, having been bartender at the Grand Central hotel for a number of years.

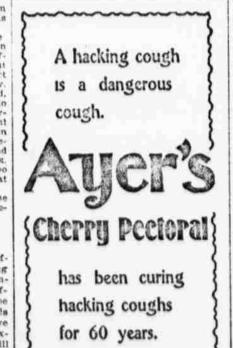
case this morning and will probably decide to hold an inquest. THE DIXIE BENEFIT.

## An Exceptionally Fine Entertain-

#### ment Given Last Night in the St. Luke's Parish House.

A large audience enjoyed the delightful entertainment given in compliment to Mr. and Mrs. Harry F. Dixle last evening at St. Luke's parish house. The affair was managed by a committee consisting of Messes. James Gardner Sanderson, James Blair, ir., E. W. Holland, Ralph A. Williams and H. B. Merrill and went off much more smoothly than the average first night of a profesional drama under the most favorable circumstances. People left the house after the performance congratulating each other on the splendid talent possessed by Scranton and p rticularly was the clever dramatization of Mr. James Gardner Sanderson the subject of great praise.

To Miss Florence Richmond is due



#### MISS DUNN'S LECTURE.

Listened to by a Large Audience at the Bicycle Club House-Exhi-

bition of Her Water Colors. That Scranton people like art lec-

tures is not to be disputed. In the past seven days three lectures by as many different speakers on subjects of | tained it for years, abandoning it only artistic interest, have been delivered in in consideration of the overhead right this city, and in every instace before of way. large audiences made up of leading representatives of culture and intelli

[Continued on Page 10.]

Last night at the Bicycle club one of the finest assemblages of the season. despite many attractions elsewhere listened to Miss Emeline A. Dunn and njoyed the exhibition of water colors which she presented.

gence

J. H. Torrey made a characteristic. ally happy address, introducing Miss Dunn, in which he said that the people present had come there to travel with her, commenting on the fact that ladies usually travel in order to get away from domestic science, but on this occasion the travel was in the interest of that science, as the lectures were for

the benefit of a cooking class at the Young Women's Christian association. Miss Durn had also offered to dup'icate any of the pictures shown for the ame object.

Miss Cordella Freeman sang a beau iful solo, accompanied by Miss Elackman as planist, Miss Julia Atlen playing violin obligatos with charming efføct.

Miss Dunn is a stately, handsome young woman, who has exceptional charms of voice and manner. She noka most entertainingly of the spots 50 lustrated by the exquisite water colors, which were placed one by one on the casel at the front of the palmadorned platform. She explained that the collection was made largely with

an educational purpose, as she had long ago discovered that children learn olor heat from actual objects in natural tints and are more interested in colored pictures than in black and white representations, FINE DISPLAY OF

Miss Du n's water color work is characterized by excellent technique and a faithful, delicacy of touch, a tender gamut of color that strikes no harsh notes. She has a surprising versatility ranging from soft, pastel-like effects to strong, masterly portrayals, keen and true as portraits of beauty of landscape and classic spots.

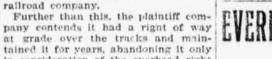
There were many interesting sketches rom Rome, including a glimpse of the Forum and the Arch of Severus built above the Lamartine prison where Paul was incarcerated; views on the Campagna and the baths of Caracalla. Many pictures about Venice and For Children ftaly in general: England, particularly Shakespearean subjects, were given. This afternoon an entirely new lot

will be shown, and the ladies who furnished the musical programme last night will again appear. Too much cannot be said in praise of the lectures and exhibition.

> APPENDE MANY MARKAN DIED.

BURDICK.-In Scranton, Pa., Nov. 7, 1999, Helen E., the infant daughter of Mr. and Mrs. H. G. Burdick. Funeral Thuradav morning at 10 o'clock.

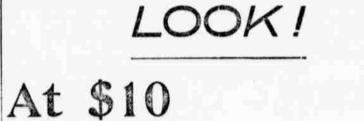
nosing of it to the Lackawanna stipulated that it should hold it for railroad purposes only. It is also contended by the plaintiff that the franchise of the Lackawanna prescribes that wherever its tracks divide a property the owner shall have an overhead right of way, to be erected at the expense of the



in blue, castor and fawn.

Ladies' Jackets

There are any number of lateral con-



Made from fine kersey cloth, shield front, nicely

tailored with four rows of stitching back and front,

Just arrived an enlire line of sample coats, all differ-

ent styles. They are better made than regular stock

garments and the price is one-third less

New Golf Capes,

Tailor Suits.

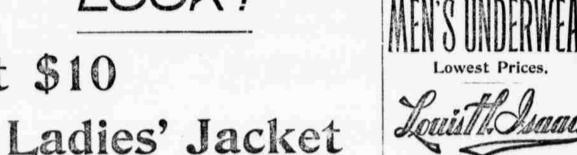
Rainy Day'Skirts,

First-Class Coaches, Carriages and Kunabout Wagons. Good Horses, Att-n ive, Care ul Drivers. Depot Calls Promptly Attend-ed to. 'Phone No, 794. F. E. EVERETT, Proprietor. **Highest** Grade

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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, HAGEN, Lackawanna Ave. Iron Beds, etc. Fivs large noore full to the celling-at Thas, Kelly's Stor33, Franklik Avenue

Unusual bargains in Reefer Coats and Jackets-\$2.50, \$3.50, \$3.95. \$5.50, \$7.50. Fur Collarettes and Capes in great variety at epecial prices.

