

ARGUMENT HEARD IN THE SAUL CASE

CONTENTIONS OF CITY SOLICITOR AND MR. TORREY.

Large Number of Cases Disposed of in Argument Court—Judge Edwards Decides in Favor of the Olyphant Sewage Drainage Company.

Lengthy arguments were made, yesterday, in argument court, before Judge Archibald and Edwards, in the case of ex-Patrolman James Saul against the city of Scranton, City Solicitor A. A. Vosburg being heard for the city, and ex-City Solicitor James H. Torrey, of Welles & Torrey, represented Mr. Saul.

The ex-patrolman's claim for salary for the time elapsing between the day he was laid off by the mayor and the day the select council approved his dismissal and confirmed the appointment of his successor is the foundation of the case.

Mr. Vosburg contended, in line with the opinion he rendered to the mayor and council that Saul's dismissal upon being made compulsory by the concurrence of select council, took date from the time the mayor sent to council the communication containing notice of the dismissal.

The principal involved was the same, Mr. Vosburg held, as in the case of an agent and principal, where the act of the agent upon being ratified by the principal takes date from the time of the agent's act, or where commissioners make a treaty that is later ratified by the senate, the treaty takes date from the time of the act of the commissioners.

Mr. Torrey insisted that as the law provides that appointments and dismissals of police officers shall be made by the mayor and select council a joint action is required and until such joint action occurs there is no appointment or dismissal.

ALLEGED DEFECTIVE LIENS. The seven cases in which the John A. Collins estate, Mary A. Scanlon administratrix, Mary Moore, Roger McGowan, Mary Pritchard, David Williams and Mary Williams are seeking to escape paying for the West Lackawanna pave on the ground that the liens are defective, were argued for the city by City Solicitor Vosburg, and for the property holders by Attorney T. P. Duffy.

The defect lies in the failure of the city to file the liens within six months of the date of making of the final assessment. The liens were filed June 7, 1898. The final estimate, as made by City Engineer Phillips, was dated Dec. 4, entered on the journal of the engineer's department of Dec. 7, and filed in City Clerk Lavelle's office, Dec. 10.

City Engineer Phillips explained these apparent contradictions with the statement that the work of making the estimate was commenced on the fourth and continued up to the day it was filed. Mr. Duffy held that as the law says "six months after the date of the making of the final assessment" the liens must be filed, they were three days late.

Other cases were disposed of as follows: SOME OTHER CASES. Continued—In re: appointment of viewers of damaged Robinson street; in re: adoption of Annie Graeme by James Williams.

Submitted—Charlotte Seamas against Arthur Seaman, Anne E. Morgan against Reese J. Morgan, Gilbert Colborn against Elizabeth Colborn, rules for decrees in divorce; in re adoption of Wilfred Price.

Argued—David T. Williams against Agnes J. Carey and others, rule for new trial; John L. Hull, assignee, against B. A. Hill and others, rule for new trial; M. E. Brown & Co. against Theophilus Koenig, rule for new trial; Casey & Kelly Brewing company against Mary Ed-

munds and others, rule to pay money to plaintiff; Scranton Brewing company against Mary Edmunds and others, rule to pay money to plaintiff; A. E. Betterly against the city of Scranton, exceptions to report of referee; in re satisfaction of mortgage in the estate of Mary Murphy. Rule absolute—Reading Hot Water company against Alex. Dunn, sr., exceptions to affidavit of defense and rule for judgment.

In the case of L. D. Vickery against Everett Warren and Theodore Wolfe, executor, the demurrer was sustained, with leave to file a new declaration. The rule to set aside the sale of real estate in the case of the City of Scranton against Mary Alice Scanlon, administratrix, was discharged.

The preliminary injunction restraining the Olyphant borough authorities from interfering with the operations of the Olyphant Sewage-Drainage company was made permanent yesterday by Judge Edwards.

The company was chartered Feb. 27, 1894, and the same day secured a franchise from the council to occupy the borough streets. A survey was made shortly afterward, but no further action was taken under the charter and franchise for four years. In September, 1895, the company's rights were sold to Myron Kasson for \$101, and later in the same month were transferred to a new company organized under the same name as the old.

Under the Eight Hour Law. Two assumpsit suits were instituted yesterday against the city by Attorney P. P. Loughran, to recover \$200 apiece for D. O. Thomas and James T. White, formerly superintendent and assistant superintendent respectively at the crematory.

They claim they were compelled to work from ten to twelve hours a day and some days longer, and as there is a statute making eight hours the limit of a day's work for all employes of a municipality, they feel they are entitled to pay for overtime. Both were discharged by the board of health.

Insurance Company's Defense. In an answer filed yesterday to the suit brought by Annie Kilmartin to recover \$1,400 insurance from the Fire association of Philadelphia, some very serious allegations are made by the company in its reasons for not paying the insurance.

Among other things it is charged that the plaintiff burned her house to get the insurance; that she prevented parties from entering the house to extinguish the fire; that she claimed \$1,400 damage when not over \$200 worth of property was destroyed.

The statement is sworn to by Lloyd Baily, an agent of the company.

Yesterday's Marriage Licenses. Adam McMyne, 410 Olive street, Jennie Martin, 117 Rock street, Lewis H. Harris, 117 Rock street, Margaret Griffiths, Shamokin, John Froelich, Scranton, Bridget Duggan, Centerville, Md., Declina Price, 915 Wyoming avenue, Charles B. McKelroy, Jessup, Hannah L. Carey, Jessup, John H. Thomas, 507 Sweetland street, Mary A. Griffiths, 114 Everett avenue, Edward Roberts, 119 N. Lincoln ave., Laura Johns, Vandling.

Court House News Notes. A suit in replevin for a lot of stove fixtures and stock was begun yesterday by Moran & Ryan against Maria E. Daly, landlady, and W. N. Cole, constable, of Bryn & Kelly are the plaintiffs' attorneys.

Albert S. Alme brought a trespass suit against the city yesterday to recover for damages alleged to have been done his property on Robinson street by an overflow of sewer. P. F. Loughran is his attorney.

Judge Archibald yesterday handed down an order over-ruling the exceptions to his finding in the case of Frank Wheeler against Catherine McAndrews and directing that the attorneys draw a decree in accordance with his ruling.

CARING FOR THE CITY'S POOR. Christmas Arrangements of Board of Associated Charities. As is their usual custom the Board of Associated Charities will on Saturday distribute Christmas good cheer to a large number of worthy cases which have come under the notice of the agent, Mrs. W. B. Duggan, during the past year.

About sixty families will be provided with the materials for a Christmas dinner, and hearts of over 300 children will be made glad with candy, fruit and toys as far as possible. These articles are, of course, all contributed by private parties throughout the city, who believe that God loves the cheerful giver, while there will probably be enough received to provide for all of the above mentioned cases, still all contributions will be gratefully received at the board's headquarters in the basement of the city hall.

To all orders issued during this and last week by the poor directors \$1 is added as a reminder of Christmas time. On Christmas day the inmates of the Hillside home will be treated to a turkey dinner and candy, nuts, etc., will be provided in plenty.

In the course of a conversation yesterday, Mrs. Duggan stated that there are fewer persons in actual need in the city at the present time than in many years; this fact being due in a large measure to the prosperous condition of the various industries in the city.

WIFE BEATING CHARGED. Chester M. Butts Committed to the County Jail. Chester M. Butts, the commission merchant, was yesterday held in \$500 bail by Alderman H. H. H. on a charge of assault and battery and in default committed to the county jail.

He was arrested on a warrant issued at the instance of Lillian Butts, who charged him with striking her in the face and maltreating her in other ways.

CHIEF ROBLING'S PRESENTS. Handsome Boxes of Soap Distributed in City Hall. Chief of Police Robling yesterday hit upon a plan for getting rid of the large stock of soap recently laid in by the two oily tongued fakirs who lately worked North Scranton and which has made his office look like the toilet department of a drug store for some time past.

The chief got on his best smile yesterday and circulated through the various offices in city hall presenting each official and clerk with a box of toilet soap "just as a little reminder of Christmas," as he put it.

While all who were recipients of the chief's generosity are thankful several of them are wondering whether or not the nature of the gift may be taken as a gently veiled insinuation of something or other.

SOLVED THE PROBLEM. Prof. Coles of Kingston Disposes of the Century Question. Professor Coles, of Kingston, has devised a chart by which the century question which is agitating the civilized world, is easily solved.

The chart consists of concentric circles divided into ten points and each representing ten times the quantity of the other or inner one. In this way he shows that the Nineteenth Century commences Jan. 1, 1900 and the Twentieth century Jan. 1, 2000.—Wilkes-Barre News.

COGGINS' ARM BROKEN. A Rail Fell on It in the South Steel Mill. William Coggins, of Bellevue, an employe at the South mill, was yesterday painfully injured while at work. Coggins is employed in the rail department and while attending to his duties one of the hot rails came down on his left arm. The arm was broken and badly bruised.

Dr. Manley dressed the injured limb and Coggins was removed to his home.

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Store Open Evenings Until Christmas. THE LEADER Scranton Store, 124-126 Wyoming Avenue.

Extraordinary special values in all departments. Investigation will prove a radical difference in price on Holiday Goods of all kinds between this and other stores.

Special sale of furs. \$5.00 electric seal and Persian lamb collarettes. Reduced price... \$2.98

Xmas gifts at cut prices. 39c Irish point dresser covers. Special this price week... 25c

Perfect Workmanship. Custom Tailoring Effect, Strictly Fashionable Appearance.... Are the recommending qualities of our superior line of Men's and Boys' Winter Suits and Overcoats.

The Newark Shoe Store. Make Xmas Merry. The greatest pleasure comes from substantial gifts at Christmas. You will be pleased with our array of Christmas Shoes.

SOMETHING NEW AT MEARS & HAGEN'S Christmas Presents. Not the ordinary run of goods, but a unique selection of choice articles in Crest Ware, China and Bisque, Medallion Pictures, Venetian Glassware, Pin Cushions, Opera Fans, Jardiniers.

Boyle & Mucklow, 416 Lackawanna Avenue.

Ideal Tours. New York, Old Point Comfort, Richmond, Washington, Baltimore, Philadelphia.

Old Dominion Line. Tickets include HOTEL ACCOMMODATIONS at points named, as well as rail and steamer fares for the entire trip.

The Scranton Tribune Almanac. And Year Book for 1900, Ready January 1st. For Sale by Tribune Newsboys and at All News Stands. Price, 25 Cents.

News-Dealers and Agents. THE TRIBUNE ALMANAC has, we believe, been better and more complete each succeeding year.

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