### ARGUMENT HEARD IN THE SAUL CASE

CONTENTIONS OF CITY SOLICI-TOR AND MR. TORREY.

Large Number of Cases Disposed of in Argument Court-Judge Edwards Decides in Favor of the Olyphant Sewage Drainage Company. Two More Divorces Granted-Discharged Crematory Employes Sue for Overtime Under the Eight-Hour Law-West Lackawanna Avenue Paving Liens-Other Court Notes.

Lengthy arguments were made, yesterday, in argument court, before Judges Archbald and Edwards, in the case-stated of ex-Patrolman James Saul against the city of Scranton, City Solicitor A. A. Vosburg was 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 clapsing between the day he was laid off by the mayor and the day the select council approved his c'ismissal 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 complete by the concurrence of select council, took date from the time the mayor sent to council the communication containing notice of the

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 commis-

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 Mc-Gowan, Mary Pritchard, David Williams and Mary Williams are seeking to escape paying for the West Lackawanna pave on the ground that the Hens 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. 1895. 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.

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

Other cases were disposed of as fol-

SOME OTHER CASES. Continued-In re: appointment of viewers of damages on Robinson street; in readoption of Annie Graeme by James Will

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

Argued—David T. Williams against Agnes J. Carey and others, rule for new trial; John L. Hull, assignee, against B. . Hill and others, rule for new trial: M D. Brewn & Co. against Theophilus Ko-neczny, rule for new trial; Casey & Kelly Brewing company against Mary Ed-

Crest Ware.

Opera Fans.

Jardiniers ---

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; satisfacton of mortgage in the estate of Mary Murphy. Rule absolute—Reading Hot Water com-pany against Alex Dunn, sr., exceptions to affidavit of defense and rule for judg-

In the case of L. D. Vickery against Everett Warren and Theodore Wolfe, executors, 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 Scran-ton against Mary Alice Scanlon, administratrix, was discharged.

The matter of the county auditors surcharges against the county commissioners, which was to have been argued this week, has been postponed indefinitely. Judge Albright, who was to hear the case, sent word that he cannot come this week. No intimation was given as to when he would come.

Olyphant Sewer Company Wins.

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 \$191, and later in the same month were transferred to a new company organized under the same name as the old. In October, 1898, the capital stock was increased from \$10,000 to \$100,000 and the \$335 in fees exacted by the state were paid to and accepted by the state treasurer and secretary, Elaborate surveys were then made and at the crematory. in April, 1899, excavations were com-

About this time the borough undertook on its own account the construction of a sewer in the First district, Flanaghan & O'Hara being the contractors. When the Drainage company undertook to also dig up the streets, the borough authorities interfered and with the aid of the police force prevented the company from doing any work. Then the Drainage company went into court to have the borough enjoined and has succeeded. In his opinion, Judge Edwards says:

The defendants offered no evidence on their side. Their contention is purely legal. They claim that taking the evidence of the plaintiff alone and giving it the fulest credit, the bill should be dis-missed. They rely on the application of the act of May 16, 1889 (P. L. 242) to the facts established by the plaintiff. The seventh section of this act provides as follows: "If any company incorporated under this act, or any of its supplements, shall not proceed in good faith to carry on its work and construct or acquire its | Baily, an agent of the company, necessary buildings, structures, property or improvements within the space of two ears from the date of its letters patent and shall not within the space of five years thereafter, complete the same, the rights and privileges thereby granted to said corporation shall retort to the com-monwealth."

According to the view we take of the aw we cannot decide in the present procedings the question of the forfeiture of the plaintiff's corporate rights by reason of non-use or for any other reason. Whether or not the plaintiff company has emplied with the provisions of the eleventh section of the act of 1829 by pro ceeding in good faith to carry on its work within the specified period is a matter that we cannot inquire into now. But the legal position maintained by the defend-ants is clearly untenable. To formulate a conclusion of law which controls the se at har we state that the corporate existence of a company cannot be at acked collaterally or incidentally, but it nust be done in a direct proceeding rought for that purpose by a proper

The defendants are directed to pay Hon, C. P. O'Malley, of Willard, Warren & Knapp, represented the plaintiffs,

More Divorces Granted.

Jane Drum Thompson and Grace Hall Hunter, of Carbondale, were granted divorces yesterday by Judge Archbald. Mrs. Thompson was married to John G. Thompson Oct. 4, 1887, One week

SOMETHING NEW AT

Christmas Presents.

Not the ordinary run of goods, but a unique selection of

choice articles in

Photo Holders, Cracker Jars, Puff Boxes, Jardiniers, etc. Sterling Silver and Ebony Novelties.

Venetian Glassware Vases, Amethyst and Natural, very daintily

Pin Cushions, Plain Satin, also very prettily trimmed with lace and ribbon.

Fine Melange and Painted Gauze.

Fine Panel. rustic gold bronze finish ...... 25c to 50c

Bon Dishes, Plates and Dishes, Cups, Saucers, etc.

Exqisitely decorated Jewel Cases,

Fern Dishes, Vases, Card Receivers,

and shapes.

decorated.

dispute as to whether cucumbers should be served with or without vinegar and from that time on he abuse I her shamefully and refused to contribute to her support. She kept twelve boarders, ran a candy store and took in sewing to support herself. She left him four times, and on March 29, 1899, quit him for good.

Mrs, Hunter's grounds for a divorce were very simple. She and her witnesses stated that her husband, D. Clinton Hunter, was in the habit of knocking her down, blacking her eye, cutting her lip and the like when he would come home drunk, which was very frequently. They were married May 24, 1888, and lived together until January, 1890. They resided for a time on Robinson street in this city.

Starks in a Sorry Plight.

Attorney C. L. Hawley made application to court yesterday to have E. Stark relieved from the order directing him to pay alimony to his divorced wife, claiming that he was recently injured and incapacitated from work, and having no resources must need default and go to jail.

Attorney R, H. Holgate, representing Mrs. Stark, opposed the petition saying that Mrs. Stark is an invalid and if her alimony is withdrawn she must go to the poor house,

He also alleged that Stark might be able to save himself from jail and his wife from the poor house, if he would mend his ways. Mr. Hawley decided to look into the matter further and was given additional time to amend his petition if he deems it advisable,

Under the Eight Hour Law.

Two assumpsit suits were instituted esterday against the city by Attorney P. F. Loughran, to recover \$200 8 aplece for D. O. Thomas and James T. White, formerly superintendent and & assistant superintendent respectively

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

Insurance Company's Defense.

In an answer filed yesterday to the uit 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 Loyd

Yesterday's Marriage Licenses. Adam McMyne ...... Carbondale. Jennie Martin ...... .410 Olive stree' Lewis H. Harris .....1117 Rock street. Margaret Griffiths ......Shamokin. John Froelich ......Scranton Bridget Duggan ......Scranton. Patrick J. Barrett.... Centerville, Mo. Decima Price ....915 Wyoming avenue Charles B. McElroy ......Jessup Hannah L. Carey ... .Jessup. John H. Thomas .. 507 Swetland street Mary A. Griffiths ... 114 Everett avenue Edward Roberts ... 119 N. Lincoln av-

Court House News Notes.

A suit in replevin for a lot of sto fixings and stock was begun vester by Moran & Ryan against Maria E Daly, landlord, and W. N. Cole, constable. O'Brien & Kelly are the plaintiffs' attorneys.

Albert S. Alme brought a tresposs suit against' the city yesterday to recover for damages alleged to have been done his property on Robinson street by an overflowing sewer. P. F.

Loughran is his attorney. Judge Archbald yesterday hande fown an order over-ruling the exceptions to his finding in the case of Frank Wheeler against Catherine Mc Andrews 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 f Associated Charities will on Saturay distribute Christmas good chee 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 vided 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 boards' 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 China and Bisque Novelties in Statuettes, Pin of the Hillside home will be a turkey dinner and candy will be provided in plenty. of the Hillside home will be treated to turkey dinner and candy, nuts, etc.

In the course of a conversation yesterday, Mrs. Duggan stated that there re fewer persons in actual need in Medalion Pictures Photo Frames, in Gold and the city at the present time than in Oxidized Silver, all sizes many years; this fact being due in large measure to the prosperous condition of the various industries in the

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 Howe on the charge of assault and battery and in default committed to the county jail. He was arrested on a warrant is-sued at the instance of Lillian Butts, who charged him with striking her in the face and maltreating her in other

8-inch Rustic, variegated colors .......10c CHIEF ROBLING'S PRESENTS. 

Chief of Police Robling yesterday hit upon a plan for getting rid of the large stock of soan recently left behind by the two oily tongued fakirs who lately worked North Scranton and which has made his office look like the tollet department of a drug store for

Dr. Manley dressed the injured limb The chief got on his best smile yes- and Coggins was removed to his home. Store Open Evenings Until Christmas.

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. During the next few days all Dolls and Bric-a-Brac will go at half price or less in order to close out what remains before Saturday night. Special prices will be made on all of our high class Fancy Boxes and Glassware, making this a sale never before equalled in the busiest week of the year.

Cut prices on all these—Fancy Boxes for gloves, handkerchiefs, etc.; Toilet, Manicure and Shaving Sets; Decorated Bohemian Glassware of every description; our entire stock of Kid Body Dolls, Standard Literature and Toy Books.

### Special sale of furs

\$5.00 electric seal and Persian lamb collarettes. Re-	******
duced price	\$2.98
\$5.00 imitation stone marten scarf. Reduced price 86.00 electric seal and chinchilla collarettes. Reduced	3.98
price	3.75
Reduced price	3,98
\$6.00 imitation stone marten scarf. Reduced price \$10.00 electric seal and Persian lamb collarettes. Re-	3.98
	6.98
duced price \$10.00 electric seal collarettes. Reduced price \$12.00 electric seal collarettes, the new 'Zaza.' Re-	5.98
	6.98
duced price	
price	9.98
\$14.00 e'ectric seal and Persian lamb collarettes. Re-	
duced price	10.98
\$20.00 Persian lamb and sable collarettes, with marten	
tails. Reduced price	12.98
\$20.00 electric seal and Persian lamb collarettes, with	
stole front of electric seal and twelve marten tails.	
Reduced price	14.98

## Xmas gifts at cut prices

25	39c Irish point dresser covers. Special this price week
39	50c Irish point dresser covers. Special price this week
	\$1.00 Irish point pillow shams. Special price this week,
59	per pair
75	\$1.50 plush albums. Special this week
	\$2.00 plush and celluloid covered albums. Special this
\$1.0	week
10	15c Bohemian glass vases. Special price this week
98	\$2.00 toilet sets, including bottles and trays
25	50c collar and cuff boxes. Special this week
25	50c hand painted cracker jars. Special this week
25	50c silk and satin neckwear. Special this week
50	75c silk and satin neckwear. Special this week

## 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. Anything ordinary in fabric or style has no place in our 🖫

A look through our stock will convince you that we

make no idle boast when we say our garments have no equal in the city.



The greatest pleasure comes from substantial gifts at Christmas. You will be pleased with our array, of

Christmas Shoes.

Attractive, substantial, stylish footwear, sure to be welcomed as Christmas gifts, sure to be pleasing remembrances all winter

# 6:0:0:0:

### STORE OPEN EVERY EVENING UNTIL AFTER THE HOLIDAYS

WE take Delaware, Lackawanna and Western Checks in Payment for Shoes.

The Scranton Tribune

And Year Book for 1900, Ready January 1st.

For Sale by Tribune Newsboys and at All News Stands, Price, 25 Cents.

THE TRIBUNE ALMANAC has, we believe, been better and more complete each succeeding year. The growing popularity of the publication is evidenced by the large increase in the demand for each year's issue. Every home and place of business should contain one of these authentic reference books.

News-Dealers and Agents

Had better send their orders in at once, as but one edition, will be issued.

THE TRIBUNE PUBLISHING COMPANY.

## 416 Lackawanna Avenue.

terday and circulated through the various offices in city hall presenting each official and clerk with a box of toiler 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. Profesor Coles, of Kingston, has de-

vised 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

epresenting 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. I. 2000 .- Wilkes-Barre News.

COGGINS' ARM BROKEN.

A Rail Fell on It in the South Steel Mill. William Coggins, of Bellevue, an em-

ploye at the South mill, was yester-day 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 bally bruised,

### ldeal Tours New York, Old Point Com-

fort, Richmond, Washington, Baltimore, Philadelphia. With time to spare for side trips, if de-elred. Skirting the sea coast for 18 hours in the beautiful fast new steamships of the

Tickets include HOTEL ACCOMMODA-TIONS at points named, as well as rail and steamer fares for the entire trip. To-tal cost, \$32.00. Also shorter trips to Old Point Com-fort and Richmond, including cost of ho-tel, for \$16.00 and \$17.00.

Favorite ocean and rail route to Atlanta, Ga. Special Rates on account of the Cotton States Exposition.
Write for full particulars of these and other delightful trips to OLD DOMINION STEAMSHIP CO.,

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