OPENING OF THE COMMON PLEAS FERM

COMMISSIONERS' APPEAL WAS CONTINUED.

Judge Albright, of Lehigh County, Who Was to Try It, Found That He Could Not Come Here at This Time-Other Cases Continued-Important Case of Patrick Connor, Guardian, Against the Scranton Other Court Matters.

and John Demuth from the report of commissioners with certain public moneys which, it is alleged, were wrongfully expended, was at the head of the list of the term of common pleas court which opened yesterday, but because of the absence of Judge Albright, of Lehigh county, who was to try the case, it was continued until the next term.

should try this case and Judge Albright was invited to come here and accepted. He found it impossible to be here yesterday, and consequently the case went over until the next term.

This week Judge H. M. Edwards is presiding in the main cov t room and Judge R. W. Ar Stuald in No. 2. When the dst for the week was called yesterday, cases were disposed of as fol-

and Western Raffrond company against Bryan Biglin, ejectment; G. J. Chamber-lain against Wolf & Warren, executors and others, trespass: Mary McClimis and others against Scranton Railway com-pany, trespass: E. M. Strong against John J. Fahey, appeal: R. Schoenfeld against E. J. Walsh, administrator, appeal; Joseph Griffin against Carl Schoen, appeal; Michael Finnerty against John Finnerty, ejectment; N. W. Sogus and others against W. Gibson Jones and others, trespuss.

Referred-Carrie Peace against Dr. W. H. H. Bull, wages: Frank S. Smith, re-ceiver, against M. T. Keller, assumpsit; Thomas C. Melvin against James Flynn,

Settled-Thomas Henry against Evan Hopkins, attachment execution; North End Lumber company, limited, against West Ridge Coal company, trespuss,

CASES TRIED. In the case of Sherwood Brothers against George H. Holfrich, agent, a judgment was returned in favor of

the plaintiff for \$152.50. The first case called for trial in the main court room was Michael Walsh against Mrs. Mary Ann Moran, and her son, Thomas Moran. Walsh is a contractor and in 1898 entered into an agreement with Patrick Moran, husband of the defendant, to lay a flagstone sidewalk and set steps in front

of Mis. Moran's property on Seventh street, this city. The work was not paid for and Walsh brought suit before Alderman John, of this city, and recovered judgment for \$67.65, the full amount of his claim. It was contended yesterday that as Walsh has already sued the husband, who directed that the work be done and has obtained a judgment. cannot now bring another suit against the wife for the same bill. It s also charged that Walsh's bill is ex-The jury was deliberating on the case when court adjourned. The case with reference to the son was

taken from the jury. The action of William Diggs against James Flynn was next put on trial. a colored man and was employed by Flynn as a teamster and also dld some whitewashing. Altogether he claims about \$17. Flynn denies that he is indebted to Diggs, alleging that he paid various bills for Diggs which are an offset to his claim.

In No. 2, before Judge Archbald, the case of H. M. Boles against B. Levy was called for trial. It is a dispute over the payment of a check drawn by Wartowsky, which finally passed into the hands of Colonel Boles. While the facts were being developed in the early stages of the case, Judge Archbald made some remarks which he said he feared might have an effect on the jury and he therefore withdrew juror and sent the case into th main court room to be tried. It will be the first case called this morning before Judge Edwards. Another jury will be selected.

THE CONNOR CASE.

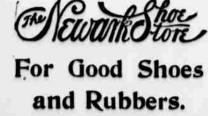
The next case called was Patrick Connor, of Pittston, guardian of Margaret and Annie O'Royle, daughters of late Patrick O'Boyle, against the Scranton Traction company. The action is for the purpose of recovering

On the night of June 19, 1896, Patrick O'Hoyle was riding toward the city in of the company's trolley cars. On Washington avenue, near Larch street, a sheet of flame shot up from the controlling box of the motor and so frightened O'Bovie that he started for the rear door of the car. Next he was found lying on the asohalt pavement with his skull fractured. Whether he jumped or fell off has not as yet been shown in the case. He died in the Lackawanna hospital two days later.

The plaintiff is represented by Attorneys T. J. Duggan, E. C. Newcomb and I. H. Burns and the company by Major Everett Warren and Attorney C. P. O'Malley. The two daughters of the deceased, ages 14 and 12, sit at he table with their guardian. Their mother died about two years before their father.

Two witnesses were examined yesterday. H. B. Hughes, for whom O'Boyle worked, and Frank Knight, Mr. Hughes is the manager of a brew ery at Pittston and said O'Boyle had worked for him for seven years before his death. He was a healthy and hardy man and was sober and industrious. At the time of his death he was working for Mr. Hughes in this city deliver-

Frank Knight, of North Scranton, and O'Boyle were the only passengers



W. N. BROOKS.

What Ails You?

is it Your Kidneys? Try This Test and See.

Why ask a physician to find out vhether your Kidneys are diseased, Take a glass tumbler and fill it with urine. If there is a sediment after standing twenty-four hours, your Kidneys are sick. If you have a desire to urinate often, a pain in the back, or if your urine stains linen, you should at once take Dr. David Kennedy's Favorite Remedy, as delay is dangerous. Traction Company Is Now on Trial. There is no question about it being the best and surest medicine in the world for any and all diseases of the Kidneys, Liver, Bladder and of the urin-The appeal of ex-County Commis- ary passages, Rheumatism. Dyspepsia. sloners S. W. Roberts, Glies Roberts constipation of the bowels, and the sicknesses peculiar to women. It quickthe county auditors, surcharging the ly relieves inability to hold urine, and the necessity of getting up often during the night. It stops that scalding pain when passing urine and corrects the bad effects of whiskey and beer.

It is sold by all druggists at one dollar a bottle. You can have a trial bottle and pamphlet of valuable medical advice sent free by mail postpaid, by mentioning this paper and sending your The local judges preferred that a address to the Dr. David Kennedy Corjudge from an outside judicial district peration, Rondout, N. Y. The publishers of this paper guarantee the genuineness of this liberal offer.

in the car on the night of the accident He said the car was going very fast He described the flash of fire that came from the controlling box and said it frie ened him very much. He was standing on the front platform at the time and had his coat sleeve Continued-Elizabeth McLain against Gaige & Clements, interpleader; M. A. McCarty against Martin Scanlon, judg-same. O'Boyle wast sufficiently opened; The boyle wast sufficient opened; The boyle wast sufficient opened. burned. He started for the rear of the platform and when he reached it he saw O'Boyle lying in the roadway. 110 notified the conductor and the car went back to where the man lay. The case will be resumed this morning.

John M. Harris Re-appointed.

Attorney John M. Harris was yesterday appointed by Judge Archbald as a member of the law examining board.

In doing so the judge said: At this time we are called upon to fill the vacancy in the board for the examination of students at law caused by the expiration of Mr. John M. Harris' term, Usually we do not reappoint. We have made that an almost invariable rule for the reason that we consider this duty one that should be assumed from time to time by different members of the bar.

and the three years' service seems to be long enough for any one. But the present course of examination is in a formative state and Mr. Harris has done so much to bring this line of examination to its present excellent state that we feel as though it needed his ruiding hand for another three years, and as he has consented to serve, taking upon himself this voluntary obligation. which is arduous, we have concluded to reappoint him. We feel that Mr. Harris entitled to this compliment, for we know of no one who has done more to raise and keep up the standard of examination than has he in his connection with this board. We, therefore, take pleasure in reappointing him for another with this board. term of three years.

A Couple More Divorces.

"Married, March 14, 1898, deserted April 1, 1898," is part of the record 'n the divorce suit which Jacob M. Hamm vesterday instituted against Mary A. Hamm. He declares he gave her no ust cause or provocation for leaving him. O'Brien & Kelly are his attor-

Through Attorney C. L. Hawley, Mrs. Jen. ie R. Finn yesterday made application for divorce from her alleged unfaithful husband, Marion W. Finn They were married Feb. 21, 1871, and lived together till Oct. 1, 1899.

Marriage Licenses.

U	Andrew Jankowycz
	Eva Telep
Ì	Andy S. Bedlovitch McKeesport, Pa.
	Clara SukastsSeranton.
	Michael SefesakOld Forge.
	Mrs. Kate Heiceniyk Scranton.
	Daniel O'BoyleJessup.
	Mary BurkeOlyphant.
	Charles GogotsCarbondale.
	Olka KuczaCarbondale.
	Wasyl Fekula
	Eva RadzieviczShenandoah.
	Salvator BarrellNew York.
	Carmule Bruno Herrick Center.

Court House News Notes. P. W. Costello, of Dunmore, was yes-

Scranton poor district. The appeal in the case of Thomas C. Melvin against James Flyan was

terday appointed an auditor of the

yesterday referred by the court to Attorney M. A. McGin'ey.
In the case of E. J. Walsh against

awarded by agreement. The case of Carrie Place against Dr. W. H. H. Bull, an action to recover wages alleged to be due, was yesterday referred to Attorney C. R. Pitcher, by the court.

E. J. Ehrgood and others, a verdict of

\$464.08 for the plaintiff was yesterday

The preliminary injunction in the case of R. E. Hurley against the Delaware and Hudson Canal company was yesterday continued until further order of the court.

A rule to show cause why proceedings should not be varated was yesterday granted in the case of Susanna Tripp and others against Abram W. Brown. The rule is returnable Jan.

The rule to show cause heretofors | between them. granted in the case of the commonwealth ex rell. Alva Daley against E. F. Robbins was yesterday made absolute, and it was decreed that a writ of quo warranto issue as prayed for in the information. It is made returnable Jan. 22, at 9 a. m.

Shadrach T. Lewis and Eliza Lewis, his wife, owners of two residence properties fronting on Main street in Maybrought suit against the New York, Ontario and Western Railway company yesterday to recover \$5,000 for damages done their property by the construction of the defendant company's railroad along Main street, in front of their properties. O'Brien & Kelly are attorneys for the plaintiffs.

MR. BURKE'S RESIGNATION. Will Be Read at Next Sunday's Con-

vention. The resignation of Timothy Burke from the office of president of the Secand district of the Catholic Total Abstinence Benevolent union of the diocese of Scranton will be read at next Sunday's convention, to be weld in

South Scranton. Mr. Burke is unable to give to the position the time and attention the duties require and honce has tendered his resignation.

SUPERIOR COURT **BEGINS ITS WORK**

JUDGE MITCHELL'S FIRST AP-PEARANCE ON THE BENCH.

There Were No Formalities Attend ing His Induction and the Court Got Down to Business with a Simple Introduction from the Court Crier-Large Attendance of Attorneys from Out-of-Town and Many Spectators Came in to View the Sifk-begowned Bench.

With only the usual formality of Court Crier Taylor's announcement: "Gentlemen, the honorable judges of the Superior court of Pennsylvania. the commonwealth's itinerant appellate court entered upon its first session of the year, yesterday afternoon, in the Superior court room at the court house. Judge John I. Mitchell, the new member of the court, wearing his silken gown for the first time, took the seat o the extreme left of President Judge Rice, formerly occupied by his predecessor, ex-Judge Dimner Beeber, and the position by custom assigned to the newest comer. Judge Smith being absent, Judge W. W. Porter, of Philadelphia, moved up to his seat on the right of Judge Beaver, who occupies the seat immediately to the right of President Judge Rice. Judge Orlady, who with Judges Rice and Beaver comprise the only members of the court who have been on the bench since the creation of the court in 1895, sits on Judge Rice's left. Judge W. D. Porter, of Allegheny, sits on Judge Orlady's left.

LARGE ATTENDANCE.

There was such a large attendance of lawyers and spectators, including a number of women, when the judges came upon the bench, that many were compelled to stand, until after the calling of the list had been concluded, when there was an exodus of attorneys whose cases were continued, settled or well down on the list, and of spectators who had fully satisfied their uriosity. There was a murmur of disappoint-

ment when the second case on the list, Commonwealth against Hazlett, anpellant, Washington county, was put over to the Williamsport session. The attorney for the appellant is Colonel W. W. Arnett, of Wheeling, W. Va., a celebrated criminal lawyer and an unusually interesting character. He stands about six and a half feet high, is awkward and ungainly in appearance, dresses oddly and never attempts anything in the way of an argument or examination without first arming himself with a jack-knife and a block of wood. Even before the Supreme court he whittles incessantly when making an argument. The case in which he is engaged here was detailed at length in yesterday's Tribune. Other cases were disposed of as follows:

Argued-J. H. Eisenhower, appellant. against the school district of the bor-ough of Centralia, common pleas Colum-bia county; estate of Eno S. Wheeter and others, executors, appellants, against L. M. Potter, common pleas Wyoming county; commonwealth ex rel, school di-rectors of Meshoppen borough against Charles S. Wheeler and others, appellants, Wyoming county.

Settled-Jacob Kintner against Jacob

Mosier and Mahala Mosier, appellants, common pleas Monroe county, Discontinued-Mosier and others, appellants, against Coolbaugh, assignee, and others, common pleas Monroe county; in re-widening of Mill street. Luzerne bor-W. J. Donlin, appellant, common

pleas Luzerne county. Continued-Cotner, appellant, against Montour county, common pleas Montour

county Non-prossed—Jenkins, to the use of Ruttolomus, against the Quaker City Mutual Fire Insurance company, appellant, common pleas Luzerne county; McCue, appellant, against Holelran and others. common pleas Luzerne county; Euth mon pleas Luzerne county.

The Lacakawanna list is to be called tomorrow morning at 10 o'clock.

A SCHOOL CASE.

The case of Eisenhower, appellant, against the Centralia school district. was argued by ex-Judge T. H. B. Lyon, for the appellant, and by E. J. Flynn, for the appellee. In 1896 Elizenhower was bired as principal of the Centralia high school for a term of three years at a salary of \$85 per month. In the summer of 1897 there occurred a dispute because the princinal declined to mark the examination papers unless allowed extra compensation and the board dismissed him. Eisenhower in due time sued for his first month's wages and secured a verdict of \$85, which the school district paid. At the end of the year he sued for wages for the remaining eight months of the nine months term and had a verdict returned against him, the court deciding that his first suit was a suit for damages and barred him from further recovery. From this judgment the appeal was taken.

The appellant's contention is that the statute limits the causes for which a teacher can be dismissed to four. namely, incompetency, brutality, negligence and immorality, and, as the minutes of the board read that Eisenhower was dismissed because of his having been elected, it follows that he was not dismissed at all: that the action of the board was a nullity, and that in refusing to allow him to teach the board had simply suspended his duties without severing the contract

CONTENTION OF APPELLEE.

The appellee's contention is that Eisnhower cannot split up his claim and bring suits for portions of it as he wills. He had an action for damages, prosecuted it, recovered judgment, and therefore was barred from proceeding further on the same allegel violation

The case of Wheeler and other executors against Potter, is an appeal brought to test the meaning of the word "as" in the clause of the arbitration act dealing with the taxing of subsequent costs in an appeal from an alderman. It reads "the costs shall be taxed as other costs in the case." The question at issue is whether "as" means "as well as " or "in the same manner as." Attorney Arthur Dunn. of this city, represented the appellants and Attorney C. O. Dersheimer,

of Tunkhannock, the appellee. W. E. Little for the appellants and E. J. Jordan for the appellee, presented the arguments in the case of Meshoppen borough school district against Wheeler. Wheeler, it appears, owns a farm that is partly in Meshoppen borough and partly in Meshoppen township. The farm house is located on the borough side, but just about the time the borough undertook the erection of a high school building Wheeler moved a small house that

HOSTETTERE

To cure a weak stomach t ke a an individual or special auditor, and, as stated in my communication of Sept. 10, 1809, there is no constitutional prohibition ters three times against your doing so, for the constiturefreshing taste and will effect-, this course I will be glad to confer with

ually cure Dyspep ia, Ind gest on, Constiput on, Billousness and Liver or K dney Trouble.

stood on the borough side of the line to the portion of the farm on the township side, and took up his abode therein, with his wife, leaving his mother. sister and niece living in the old farm house on the borough side.

WHAT THE LAW SAYS.

The law save that the taxes on a property divided by a municipal bounlary line shall be collectable by the municipality in which the property owner's mansion house is located. The question for the court to decide is which of the houses in question constitutes Wheeler's mansion house.

The following attorneys were admitted to practice in the superior court: James J. O'Malley, Arthur Dunn and T. P. Duffy, of Scranton; John E. Jenkins Rush Trescott, D. O. Coughman of Wilkes-Barre; E. J. Flynn, of Centralla; Frank B. Holmes, of Strouds-

AS SPECIAL AUDITOR.

Board of Control Considering the Advisability of Employing the City Controller in That Capacity.

The matter of hiring City Controller Howell as a special auditor of school board accounts came up at last evening's meeting of the board of co-droi and after much discussion it was finally decided to refer the question to the finance committee, that body to coefer with the controller regarding the compensation to be fixed.

The question came up when the following self-explanatory letter was read: To the Honorable the Board of School

Control. Gentlemen: I submit herewith a copy of the opinion in the case of Washburn Williams & Co. vs E. Howell, city con-Under the ruling of Judge Arch bald I am relieved of my duties, with respect to school maiters which I have until Jan. I. 1800 performed as required

by statute and precedent. As cited in the opinion of City Solicit- the band men were taken away. or A. A. Vosburg, it lies within the power

a committee you may appoint with the object of fixing compensation for services. I am Very respectfully. E. Howell, City Controller.

A letter from the board's solicitor, D. J. Reedy, announced that Judge Archbald's decision declared a portion of the act under which the presenboard is acting as unconstitutional Mr. Gibbons was in favor of immedi ately appealing from the decision to the supreme court. Mr. May thought that even if an appeal was taken it would be necessary first to engage the controller for the interv ning period of two or three years before the sion of the court would be hanled

Mr. Barker thought that the board should not act rashly and that it would be wiser to enter into at least a temporary arrangement with the controller until the handing down of the optiion next month as to whether the board of twenty-one is constitutional or not. Mr. May moved that the matter be referred to the finance compile tee and Mr. Jennings amended that if advisable they should in addition to conferring with the controller, direct the solicitor to take an appeal from fudge Archbald's ruling. Both the original motion and the amendme were adopted.

THE CARRIERS' CONVENTION.

An Action Directed Against the Citizens Committee.

Suit was yesterday instituted by Atorney T. P. Duffy to recover \$960 from the citizens' committee which had charge of the arrangements for the letter carriers' convention. He represents Joseph Melvin, surviving partner of McTigue & Melvin, proprietors of the Westminster.

A contract was made by the committee to have the New York Letter Carriers' band and Drum corps quartered at the hotel during the week of the convention at the rate of \$1.50 per day for each member. There was some grumbling on the

part of the musicians over the crowded condition of the hotel, so the committee, after the second day, took the band men to another hostelry, leaving the drum corps at the Westminster. The committee offered to pay for the actual entertainment which the hotel

had furnished, but the proprietors insisted upon receiving the full amount of the contract, alleging that they were willing to perform their part and that it was through no fault of their's that The citizens' committee is composed

WALDRON'S

Auction Sale of Horses, Friday at 1 O'clock.



Sold to the highest bidder without reserve, at

CUSICK'S STABLES, Regardless of weather.

of fifty-five of the most representative men of the town.

They Were Granted Naturalization Papers by Judge Archbald.

THIRTEEN NEW CITIZENS.

Judge Archbald granted naturalization papers yesterday morning to thireen applicants. Their names, present residence and nationality are given be low in the order named: Gabriel Palucel, of Old Porge, Italian; Guiseppe Schettino, of Old Forge, Italian; Emil Ponisard, of Dunmore, French; William Bares, Twenty-iirst ward, Polish; Benjamin H. James, of 1827 North Main avenue, Wales: Jacob Smith, 411 Penn | the authorities in Washington. The avenue, English: Thomas Danvers, of 330 Warren street, Welsh; John Danvers, of 330 Warren street, Welsh; George Chappell, of 333 Oak street, Welsh; Richard O. Lloyd, of 119 Rockwell street, Welsh; Michael Walsh, of Carbondale township, Irish; Michael Farrie, of Carbondale township, Irish: Patrick J. Kelly, of Carbondale township, Irish.

A dozen other applicants were stood aside because they could not answer | Press.

the examination questions. They were advised to book up and try again-

ANNUAL POSTOFFICE REPORT. Is Being Prepared by Assistant

Postmaster Powell. Assistant Postanaster Powell has commenced the work of compiling the annual report of the Scranton post-

office, and it is thought that it will be ready in the course of a week. The carriers have completed their work of making a count of all the numbered houses and unmarked streets in the city and an itemized list of these is being prepared for submission to task proved to be a little more hereu-

Educating the Women.

lean than it was at first supposed to be,

Why is it that you always keep your at while wemen have to stand?" Harlemite sald to another on the way ome by elevated train.

"I do it with maticious intent," was the ply. "I am beloing to educate wemen reply. to wait for the next train."-New York

Best Coffee for the Money!

Try LION COFFEE and you will never use 2

any other. It is absolutely pure

Coffee and nothing but Coffee.

a 2-cent

Cut a strip of thick paper so that the ends will exactly meet when drawn the thy around second joint of the finger. Lay one and on this diagram at the o, and ord of the number the other end

Art Picture, "Easter

Greeting"

TO DETERMINE THE SIZE-

Fancy Gold Ring.

Genuine Ruby Setting

Gold Ring.

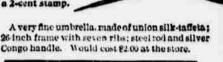
Used in Millions of Homes! Accept no substitute!

Insist on LION COFFEE, in 1 lb. pkgs.

These articles mailed FREE in exchange for lion heads cut from

front of I lb. LION COFFEE pkgs. Silk Umbrella (either Lady's or Gents).

(charges pre-paid), for 170 lion heads and





Sash-Beit and Buckle.



Mailed free for 15 lion heads cut from Lion Coffee wrappers and 2 2-cont stamp, Latest style of imported black Swiss gress grain ribbon belting; stylish imitation oxidized silver buckle; neat, strong and

Silver Napkin-Ring. For 15 lion heads and a 2-cent stamp. Neat and substantial. Made of dur-able metal, heavity siver-plated. Two different patterns.



Coin-Purse. For 15 lion heads and a 2-cent stamp. Color, dark brown. Made of fine kid leather; chamois liming: nickeled frame, with strong snap-fustening.

Ladies' Pen-Knife. For 18 lion heads cut from Lion Coffee wrappers and a 2c. stamp. Large size; good ma-terial; handles meely decorated Given for 175 lion heads and a 2-cent stamp. Neat appearing and an excellent time-keeper. Solid nickel-silver case, with ornamental back. Nickel movements, escapement fully jeweled. The famous "Knickerbocker" watch.

Ladies' Watch Chain. A double strand of best silk cord, united at intervals with colored beads: neat and substantial. For 15 lion heads and 2-cent stamp. Gent's

Ladies' Pocket-Book.

"Knickerbocker" Watch.



Watch. Mailed free for 90 lion heads and a 2-cent stamp. The celebrated Ingersoll watch; stem-wound and stem-set; durable nickel-plated case; cach watch accompan-ied by guarantee of the maker. A re-liable time-keeper.

Large size and latest shape. Black seal-grain leather, with five separate divisions, including a tuck-pocket with flap to hold visiting cards secure.



These rings are genuine rolled-gold plate, having the exact appearance and qualities of solid gold, and guaranteed by the makers to last two years with ordinary usage. New patterns and very popular. STRENGTH, PURITY AND FLAVOR

Pair of Lace Handkerchiefs.

these handkers chiefs given for 18 lion heads cut from Lion Coffee wrappers and a 2c. stamp.

Children's Picture Book.



heads and a 2-cent stamp. Sixteen large pages of Mo-ther Goose Melodies illustrated and with

Century Cook-Book.



Boys' Pocket-Knife. The "Easy-Opener"; strong, sharp blade; red-wood handle.

and 2 cents we will send it timed ready for hanging. Flower Picture.

American Beauty Roses and Lilies-of-the-Valley. Size, 11 x 24 inchos. Bright and artistic coloring. "The Dancing Lesson."



THE ABOVE ARE ONLY A FEW OF THE LIUN COFFEE PREMIUMS. Another list will shortly appear in this paper! Don't miss it! The grandest list of premiums ever offered!

You always know LION COFFER by the wrapper. It is a sealed pack age, with the lion's head in front. It is absolutely pure if the package is unbroken. LION COFFEE is roasted the day it leaves the factory. IMPORTANT NOTICE:

WOOLSON SPIGE CO., Toledo, Ohio.