

APPLICATIONS FOR LIQUOR LICENSES

WHOLE LIST WAS GONE OVER IN ONE DAY.

Doesn't Remonstrance Were Presented and Argued—Several Applications That Have Been Repeatedly Refused Bob Up Again. Photograph of a Hotel-to-be Shows Whiskey Bottles and Beer Advertisements in the Window. Y. M. C. A. Protests.

Licenses court broke all previous records yesterday by going over the entire application list in one day. When adjournment was had at 4:30 o'clock all that remained to be done was to hear arguments in two cases in which Hon. John P. Kelly was interested, and which could not be heard yesterday owing to Mr. Kelly's being taken ill, and two other cases, which were not quite ready for presentation. They will be heard this morning.

The usual plan of receiving the applications was followed. Judge Archibald called off the list and if it was an "old house" the attorney for the applicant simply answered "old house" and court went to the next unless there was remonstrance against the place. Where a remonstrance had been filed Clerk Daniels announced the fact and the attorneys for and against approached the bench and made their arguments.

The first application against which a remonstrance was announced was that of William Krugger, of the Third ward of Dickson City. W. W. Lathrop appeared for the remonstrants, and John R. Edwards for the applicant. The ward has eighteen licensed retail houses and four wholesale houses, not counting those of which the court has no record. This year there are applications for four new retail houses and one new wholesale house.

DRINKING PLACES ENOUGH. Mr. Lathrop claimed there were drinking places enough in that locality and that Krugger's proposed house is objectionable to the people living nearby.

Thomas Lally's application for a license for his house in Blakely was opposed by a remonstrance represented by C. L. Hawley. Two churches and a large number of residents of the immediate neighborhood comprise the remonstrants. F. J. Fitzsimmons argued for the necessity of the house. The application has been twice refused.

M. J. Ruddy presented an application for a license for Frank Brodowski, of Lincoln street, Dickson City, which has been refused five times.

P. J. Reagan's application for a license for a house on Dunbar street was opposed by a remonstrance presented by John F. Scragg and E. W. Thayer. Hon. P. O'Malley, representing Reagan, claimed that the opposition came from a prospective rival hotel-keeper. Colonel F. L. Hitchcock and F. E. Beers vigorously opposed the application of Charles Paine, who wants to establish a new house at or near the intersection of Olyphant road and the Boulevard in the First ward. Mr. Beers represented 105 residents and a number of non-resident property holders of the ward, while Colonel Hitchcock appeared for the Green Ridge Presbyterian church congregation, which has built a church 700 feet of where the hotel building is.

John M. Gunster and George W. Okell appeared for the petitioner arguing for the necessity of a hotel at that place, the adaptability of the building and the fitness of the applicant.

John M. Harris and John M. Gunster, who appeared for John Lukens' application for a new house on Lloyd street, were somewhat non-plussed by a statement to the court from C. W. Dawson, representing the remonstrants, that Lukens had been convicted for selling without a license and that he had spent nine months in jail for participation in a fight in his house which ended in one of the combatants being laid up in the hospital for six months.

JONES IS UNDAUNTED. Undaunted by five successive refusals Matthew H. Jones, of Bull's Head, presented his application once more. John R. Edwards, his attorney, said the remonstrance was instigated by a hotel man who had a monopoly of the business in that locality for years.

George W. Beale, representing the remonstrance, denied this, saying the remonstrance was headed by a woman of the neighborhood. Some amusement was created when the application of Peter Cronin, of Bull's Head, was presented. One of the objections was that a hole in the wall had been conducted there and that it has continued even in the face of an indictment of its alleged proprietor, Joseph Connell.

One of the exhibits of the petition was a large photograph taken a few days ago. Its purpose being to show to the court what a nice, large and well adapted building Mr. Cronin had. The photographer, not being advised to the contrary, photographed everything within view and when the photo was presented to court yesterday it showed each window of the hotel to be stacked with wine and whiskey bottles, while on either side was displayed the unmistakable Anheuser-Busch advertisement. Court smiled.

What Ails You? Is It Your Kidneys? Try This Test and See.

Why ask a physician to find out whether your kidneys are diseased. Take a few drops of this medicine 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. There is no question about its being the best and surest medicine in the world for any and all diseases of the kidneys, liver, bladder and of the urinary passages. Rheumatism, Dyspepsia, constipation of the bowels, and the sickness peculiar to women. It quickly 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 address to the Dr. David Kennedy Corporation, Rondout, N. Y. The publishers of this paper guarantee the genuineness of this liberal offer.

when the attorneys for the petitioner said they were "soft drink" bottles.

KEARNEY UP AGAIN. When the application of James T. Kearney, of 123 Jackson street, was called out Attorney Cawley contented himself with saying "new house." This application has been refused repeatedly.

Patrick F. Gerrity's petition to convert a hotel in the old County bank building was presented by John H. Edwards. Mr. Gerrity proposes to use all six floors and make it a first-class hotel. M. F. Reilly applied for a hotel license for the store formerly occupied by Brown's Bee Hive.

John F. Scragg presented a petition from G. Theodore Morris to have his license renewed at the "Hub" on Spruce street. C. P. Davidson, representing the Young Men's Christian association and others, protested against the granting of a license to James McGovern for 312 North Washington avenue. The building is next door to the Gurnsey building. It was pointed out, where the Young Men's Christian association, Women's Christian Temperance union, Catholic Women's Benevolent legion, Catholic Historical society and Newman Magazine club and a number of like organizations have their headquarters. President H. C. Shafer and Secretary George G. Mahy presented separate protests.

P. W. Stokes, T. P. Hoban and Hon. C. P. O'Malley argued for the necessity of the place and the like. There is only one other hotel in the ward, the Conway house. Mr. O'Malley showed. There were any number of hotels in the block where the Young Men's Christian association formerly had its headquarters. Mr. O'Malley said, but the Young Men's Christian association was not injured. The great number of eating and boarding houses in the block in question was an argument in favor of the new hotel, Mr. O'Malley held. Some men like to have a drink with their dinner and they are entitled to have it just as much as Mr. Davidson is entitled to the privilege of having a Scranton club just around the corner where he can get a bottle of wine with his dinner.

FOR THE NEW BREWERY. John R. Jordan applied for a brewer's license for the Anthracite Beer company, which is erecting a \$12,000 building on May Avenue, with the intention of moving its Kingston plant to this city.

Three applications were received from the Fifteenth ward. Court called attention to the fact that these three houses were licensed last year, but not one of the licenses were taken out. "We'll give them another trial," remarked Judge Archibald.

"Nineteenth ward, Henry Laubscher," Judge Archibald called out. "That's a new house, your honor," said Attorney John F. Murphy, approaching the bench, with the intention of making his argument.

"All right, we'll grant it," broke in Judge Archibald. Mr. Murphy was non-plussed.

"We feared you might change your mind and persist in the application," said the judge.

Another Nineteenth ward petitioner, Frank Nowacki, represented by Hon. John P. Quinnan, was likewise informed that his application was favorably considered. These were the only two applications from that ward. Two from the Twenty-first were likewise favorably commented upon.

There were no applicants from the Twelfth or Twenty-first wards. Oscar S. Handrick's application from Clark's Summit was opposed by a lengthy remonstrance. Court took the paper without hearing arguments.

Cases yet remaining to be considered are those of John J. Shea, Michael Clawby, Nelson Lowry, of Taylor, and John J. Skelly. In the latter case there are two applicants, Skelly and Frank Hafter. They are to decide today which of them will take out the license.

Dissolution Sale. \$20,000 worth of boots and shoes must be disposed of at once owing to change of firm. Call and examine our low prices. Morris Brothers, 330 Lackawanna avenue.

NEW DECISION ON FOOT-FRONT RULE

SUPPLEMENTARY OPINION IN HANNAH LEVERS CASE.

Judge Archibald Quotes a United States Supreme Court Decision in the Matter—Police Officers Not Entitled to Receive Statutory Rewards—Morrison Was Arrested Under an Obsolete Ordinance—Dominick Healey Not Entitled to Damages Awarded Him.

In an opinion supplementary to the opinion in the Levers case handed down by Judge Archibald yesterday, practically declares the foot front rule of making assessments to be unconstitutional when it altogether ignores the question of accruing benefits, as was done by the city in the Levers case.

Mrs. Levers' property is located on the corner of Lafayette street and Decker court. She was assessed for a sewer on both sides of her property. Other properties on the opposite side of the court which had their frontage on Main avenue were exempted from the assessment because they had already been assessed and paid for a sewer on North Main avenue.

This exemption, Judge Archibald declared, was wrong. If Mrs. Levers' property can be assessed by the foot-front rule on its front and one side, the opposite properties could also be assessed by the same principle.

Yesterday's supplementary opinion will cause a change in the manner of making local assessments, unless it can be overturned in an appeal. It says: "Since writing the above I have had my attention called to the case of Norwood against Baker, 172 U. S., 269, which fully vindicated the refusal to give judgment in favor of the city. It was there held, by the United States supreme court, that the exaction from the owner of private property of the cost of a public improvement in substantial excess of the special benefits accruing to him, by the extent of such excess, a taking, under the guise of taxation, of private property for public use without compensation, and that where the assessment is made under a rule which precludes any inquiry as to the actual benefits received, the whole assessment will be enjoined without going into proof as to the excess."

The state against Newark, 37 N. J., 415, referred to above, is cited, among others, as authority for this position. Following the decision in Norwood against Baker it was held in Loeb against Columbia township, 91 Federal Reporter, 37, by the United States circuit court, for the Southern district of Ohio, that a statute which provides for the assessment of the entire cost of a public improvement on the abutting property by the foot-front rule, without reference to the special benefits, rests the assessment on an illegal basis, and is void, as in contravention of the fourth amendment of the Federal Constitution, prohibiting the taking of private property without due process of law. This exposition by the United States courts of the supreme law of the land deprives the case of Michener against Philadelphia, 118 Pa., 535, of its authority, and effectually overrules the double assessment against the defendant, Mrs. Levers, on which the present action by the city is based.

R. W. Archibald, P. J. City Solicitor A. A. Vosburg filed exceptions to the opinion and court ordered them duly noted.

Police Can't Collect Reward. Under a ruling made by Judge Archibald, yesterday, a police officer is not entitled to collect a statutory reward. The decision was called forth by Detective John W. Moir's claim for \$20 standing reward, which the state offers for the capture of a horse thief. Detective Moir captured and helped convict Henry Riker. The opinion in full is as follows:

The applicant is a police detective of the city of Scranton, and on the night of July 2, 1898, upon information that the horse of Albert Wicks, which had been stolen by one of the streets of the city, had been stolen by the defendant, he pursued and apprehended him and recovered the horse and was subsequently instrumental in securing the defendant's conviction.

This prompt and commendable action, which was of service both to the owner of the horse and to the public, would entitle the applicant to the reward provided by the statute, if it were not for the fact that the statute prohibits him from claiming it on account of his official position as one of the police of the city of Scranton, where the theft was committed.

As an officer of the law it was part of his undoubted duty to follow and arrest the thief, and it has been repeatedly decided that statutory rewards are not intended for those who are merely acting within the lines of their official duty. It would be an unfortunate condition of things if a police officer or detective, when called upon to assist in the apprehension of a criminal, and the recovery of stolen property, could only be entitled to effective work by the hope of reward held out to him. His official pay is his reward, and he is expected to make every reasonable effort without anything further. That is what he undertakes to do when he assumes the position, and it will not do to undermine the sense of responsibility by holding out

Orders in Orphans' Court. In the estate of Emma S. Watkins, deceased, Judge Archibald in a lengthy opinion reviewing the exceptions to the auditor's report, allows \$29 claimed for counsel fees, disallows the \$25 claimed for an appeal that was not prosecuted, and finds that there is just \$24.44 left for each of the five heirs. The estate has been in litigation since Nov. 9, 1899.

Confirmation was given finally to the report of the auditor in the estate of Andrew Meehan, deceased; the report of the sale of real estate by the guardian in the estate of D. W. Connolly, deceased; the auditor's report in the estate of William Barton, deceased; the return of a sale of real estate by the executor in the estate of Thomas B. John, deceased; and conditional confirmation was given the return of the sale of real estate in the estate of Joseph Schumacher, deceased.

H. C. Shafer was appointed guardian of Harriet A. and Ida Broome, minor children of George Broome, deceased.

Mistake in the Initial. P. W. Costello was appointed by court to the office of auditor from Dunmore borough for the Scranton poor district. It now develops that there is no P. W. Costello living in the borough, the gentleman with those initials living in the Sixth ward, Scranton.

The man evidently selected by court was W. J. Costello, who lives in that borough, and who formerly held that office. As it is court's mistake in the initials will necessitate the appointing of a new man.

Attorney J. G. McAuliffe yesterday filed a petition for the appointment of

Suits That Are Fit for a King

Saturday we delivered 58 finished Overcoats and Suits and 21 Separate Trousers; some of our first making in Scranton.

You should have seen how enthusiastically every customer was pleased; they acted like boys with a new toy. We wish we could print all that was said, but here is a specimen: "I never had as good a fit before in my life."

"You have made me a better suit for \$15 than one paid \$35 for last fall."

"I don't see how you do it for the price, but you do and that is enough for me."

You men who were skeptical about the making and fits, come in and see the fine work. Bring one of your \$40 coats and compare it thread by thread, stitch by stitch, with one of our \$15 coats, and see if you can find any difference.

We are selling 25 Suits a day. Come in and look at the beauties. All fitted and made to your measure, all the finest linings and trimmings, all the one single exclusive price.

Suits Overcoats \$15 None Higher None Lower. SEPARATE TROUSERS, \$4. Come and see the old-fashioned woman with the old-fashioned spinning wheel.

Scotch Woolen Mills Co. Established in Scotland 60 Years Ago. Scranton Branch, 402 Lackawanna Avenue.

Doings in Divorce Court

A divorce was granted yesterday by Judge Archibald to Harriet Lewis, of Providence, who had preferred charges of non-support and cruelty against her husband, William D. Lewis, now a resident of Kingston. They were married Dec. 22, 1892. She left him four different times on account of his bad treatment.

Suit for divorce was instituted by Annie Davis, through Attorney John H. Bonner, against James Davis, The Parties were married Aug. 25, 1897, when, it is alleged, the husband ran away.

Rules for decrees in divorce were granted in the Finn and Cartright cases.

Were Released on Bail. Rev. Albert Dyna, of the Ridge, who was sent to jail last Friday, by Squire William J. Williams, of Dickson City, to await trial on the charge of assault and battery preferred by Rev. John Koperchenski, of Dickson City, was released yesterday on \$300 bail, furnished by Andrew Hyland.

Joseph Moore, charged with defrauding a boarding house, was released on \$200 bail, furnished by John F. McDermott.

Michael Smith, charged with desertion, was released on \$500 bail, furnished by John E. McGinty.

N. D. Rosenfeldt furnished \$500 bail for the release of John Ohtinski, charged with conspiracy and selling liquor on Sunday.

The Tie Vote in Archibald. Attorney C. A. Hattenberg, yesterday, filed with court a petition asking that an appointment be made to fill the vacancy in the Archibald council that exists through the failure of the election board to decide, by lot, as the law requires, between William Hunt, Democrat, and George Schemmel, Republican, who each received 99 votes in the Third ward.

Attorney Joseph O'Brien opposed the petition, alleging that court had no authority to appoint and that at all events no vacancy would occur until the council met for reorganization, which meeting was scheduled for last night. A court took the petition under consideration.

To Prevent Breach of Contract. Cowperthwaite & Berghauer, of 406 Lackawanna avenue, yesterday secured a preliminary injunction restraining the Scranton Carpet company from moving its stock from the plaintiff's store.

It is alleged that the Carpet company contracted to place a line of carpets on exhibition sale in the plaintiff's store, for two years from Nov. 29, 1899, the plaintiffs to handle the goods and receive 10 per cent. of the sales. Last Saturday the carpet company, it is alleged, began to move out its stock and thereby violated the contract.

The injunction restrains them from doing this until March 8, at 1:30 p. m., when arguments will be heard on a rule to make it permanent.

Marriage Licenses. Alin R. RogersMoosic Mary E. RobinsonScranton Michael de MaslarPeckville Verona KalopirPeckville Thomas A. StewartScranton Annie BenonDickson City

COURT HOUSE NEWS NOTES. Patrick Hefferin, a veteran of Company B, Twentieth reserves, was yesterday granted a peddler's license.

In the matter of the estate of Evan S. Jones, the commissioners' return was yesterday confirmed conditionally.

A rule to open judgment was yesterday granted in the case of Replogie against Carey and others, returnable at argument on court.

Court yesterday made absolute the rule to strike off judgment in the case of Samuel Godfred against Joseph H. Gunster, executor, and others, a line of carpets on exhibition sale in the plaintiff's store, for two years from Nov. 29, 1899, the plaintiffs to handle the goods and receive 10 per cent. of the sales. Last Saturday the carpet company, it is alleged, began to move out its stock and thereby violated the contract.

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Mrs. Winslow's Soothing Syrup. Has been used for over FIFTY YEARS by MILLIONS OF MOTHERS for their CHILDREN WHILE TEETHING, with PERFECT SUCCESS. IT SOOTHES THE CHILD, SOFTENS THE GUMS, ALLAYS ALL PAIN; CURES WIND COLIC, and is the best remedy for DIARRHOEA. Ask all Druggists in every part of the world. Be sure and ask for "Mrs. Winslow's Soothing Syrup" and take no other kind. Twenty-five cents a bottle.

Advertisement for Scotch Woolen Mills Co. featuring a woman in a long, patterned dress and a top hat. Text includes: "Suits That Are Fit for a King", "Saturday we delivered 58 finished Overcoats and Suits and 21 Separate Trousers; some of our first making in Scranton.", "You should have seen how enthusiastically every customer was pleased; they acted like boys with a new toy. We wish we could print all that was said, but here is a specimen: 'I never had as good a fit before in my life.'", "You have made me a better suit for \$15 than one paid \$35 for last fall.", "I don't see how you do it for the price, but you do and that is enough for me.", "Suits Overcoats \$15 None Higher None Lower. SEPARATE TROUSERS, \$4.", "Come and see the old-fashioned woman with the old-fashioned spinning wheel.", "Scotch Woolen Mills Co. Established in Scotland 60 Years Ago. Scranton Branch, 402 Lackawanna Avenue."

Advertisement for FIBRE CARPETS. Text includes: "The First Call", "If you are within reach of our call we want you to inspect our new arrivals in", "Straw Mattings", "Our own importations from China and Japan—made of grass that is fresh and strong—firmly woven—all the graceful, eccentric patterns and clear, bright, clean colors that give such charm to these goods from strange lands. All this season's goods at prices within the reach of all. Have you seen our new arrivals in", "FIBRE CARPETS", "MOTH PROOF SANITARY SERVICEABLE", "WILLIAMS & M'ANULTY, 129 WYOMING AVENUE."

Advertisement for Light Acetylene Gas Student Lamp. Text includes: "Something new—30 candle power; no grease; no dirt; no smell; no noise; no light. Brighter than electricity; cheaper than oil.", "FLOREY & BROOKS, 211 Washington Ave."

Advertisement for THIRD NATIONAL BANK OF SCRANTON. Text includes: "DEPOSITORY OF THE UNITED STATES.", "CAPITAL.....\$200,000 SURPLUS.....450,000", "WM. CONNELL, President. HENRY BELIN, Jr., Vice-Pres. WILLIAM H. PECK, Cashier."

Advertisement for TRIP A "FOR RENT" AD. Text includes: "18 YOUR HOUSE VACANT? TRY A 'FOR RENT' AD. IN THE TRIBUNE. ONE CENT A WORD."

Advertisement for SIMPSON & WATKINS Fiscal Agents, Board of Trade Building. Text includes: "OFFER A LIMITED AMOUNT OF NEW MEXICO RAILWAY AND COAL CO. 5% Gold Bonds At Par and Accrued Interest.", "Net earnings of the El Paso and Northwestern Railroad Co. since its completion to the Capitan Coal Fields last October, are as follows:", "October.....\$ 9,130.00 November.....10,055.00 December.....11,129.00 January.....17,550.00 February.....25,460.00", "Monthly proportion of the full interest on the total issue of Three Million Dollars of Bonds is only \$12,500.00."