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CITY NOTES MAY POCKET GUIDE.—The Scranton Pocket Guide and Business Directory for May is ready for distribution. BOARD OF CHARITIES.—The board of associated charities of Scranton will meet this evening on account of absence of members from the city.

FIRST TO PAY.—District Attorney John B. Jones was the first of the Republican candidates to pay the assessment made by the county committee. MONTH'S MIND MASS.—A month's mind mass for the late Mrs. Patrick Joyce will be held in Holy Cross church, Bellevue, Thursday morning at 8 o'clock.

ELM PARK COLLECTIONS.—The official statement of the receipts of Elm Park for the last conference year shows that \$18,875.70 was collected for church work. LIGHT AND WATER COMMITTEE.—The light and water committee of common council will meet tonight to consider the resolution fixing a standard height for all electric light poles.

ACCUSED OF ASSAULT.—Michael Conway was yesterday arraigned before Alderman Hines on the charge of assault and battery preferred by Catherine Ferguson. He was held in \$500 bail. FOX WANTS TO KNOW.—I would like to know if Tim Murphy, of Pine Brook, wishes to write me or not. This challenge is for anybody who is at age of 15 and weighing 112 pounds. Al. Fox.

CANDIDATES REGISTER.—The following candidates for city commissioner registered yesterday with Chairman Vosburg, of the Republican county committee: Charles Wiggins and John Davis. FRANK HELD IN BAIL.—H. Frank, of Oakford court, was yesterday arraigned before Alderman Hines, charged by his wife with assault and non-support. He was held in bail for his appearance at court.

SPECIAL MEETING.—St. Joseph's society will hold a special meeting in College hall at 2.30 o'clock tomorrow afternoon. All members are requested to be present, as business of importance will be transacted. OPENS TONIGHT.—The annual convention of the Central Pennsylvania diocese of the Protestant Episcopal church will open in St. Luke's church tonight. The convention will consist of about three hundred delegates, two-thirds of whom are laymen.

first part of Goethe's "Faust" Thursday night in the Albright library. It is hoped that patrons will appear punctually at 8 o'clock if they care to hear all the address.

WEEKLY HEALTH REPORT.—There were 47 deaths last week, according to the report of the secretary of the board of health. There were twenty-six cases of contagious disease reported, 12 being diphtheria and 11 scarlet fever. There were five deaths from contagious disease.

FINED \$5.—Gertie West was arraigned before Mayor Moir in police court yesterday morning on the charge of drunkenness, and was fined \$5. She was arrested by Patrolman Louis Gort, 11th. Saturday morning she appeared before the mayor charged with using profane language.

WILL NOT ATTEND.—Mayor Moir yesterday received a letter from the mayor of York, inviting him to attend a convention of the mayors of third class cities, to be held in that city this week. The mayor has declined not to accept the invitation, as he believes Scranton is already out of this class.

THE BAPTIST MINISTERS.—The Baptist ministers of the city met yesterday morning in regular session at the Penn Avenue Baptist church and listened to an excellent paper by Rev. M. R. Thompson, who contended that Christianity can learn much from some of the heathen religions.

LOST CHILD.—Mrs. Anna Turinski, of Throop, last night reported to police headquarters the disappearance of her 5-year-old daughter. The child had come into with her parents in the afternoon. She was found on North Washington avenue and taken to the county jail, where her parents came to her.

REUNION.—A reunion of the Seventy-seventh regiment, Pennsylvania Volunteers, will be held Wednesday, June 6, 1900, at 2 o'clock p. m., at Hotel Washington, Gettysburg. All comrades are earnestly requested to be present, especially survivors of the Battle of Shiloh, to assist in locating positions of the regiment during that engagement.

DRUNK AND FIGHTING.—Patrolman Conroy arrested "Baby" Jones yesterday evening at the charge of drunkenness and fighting. When taken into custody he had in his hand an open knife, which had to be wrested from him. He then threatened to kill the people with whom he had been quarreling. They will appear against him this morning.

PROFITABLE RUBBING SALE.—Rubbage sales furnish a lucrative means of getting a living or certainly would do so if the rubbish merchant could have the stock furnished gratis, as it has been during the past few weeks in this city. The recent sale conducted by the managers of the Home for the Friendless realized \$400 for that needy institution.

DISORDERLY CONDUCT.—A woman giving her name as Mrs. M. Welsh was arrested yesterday afternoon in front of a Lackawanna avenue saloon, where she was creating a disturbance, by Patrolmen Palmer and J. D. Thomas. A revolver was found in her possession and she was taken to the Centre street police station, from which she was afterward released on a deposit being left for her appearance at court this morning.

PRINCIPALS ROUND TABLE.—The Principals Round Table met at the high school yesterday and heard an interesting discussion by Prof. H. L. Burdick, of the high school faculty on "Superior Methods in Mathematics." He used a class of eight girls to assist in illustrating his lecture. Methods used in banks and business houses were particularly dwelt upon. It was decided to hold the annual banquet in Hotel Jermyn, Saturday, June 2. President Kemmerling will act as toastmaster.

BIDS FOR FIRE HOSE.—A special meeting of the joint fire department committee of councils has been called for tonight, for the purpose of considering the proposals for hose just received by the city. There is an appropriation of only \$1,500 this year. Several of the bids submitted are below what the city has been paying for hose. For the last lot of rubber hose bought, \$1 a foot was paid and for cotton hose 75 cents a foot. The same company that this was purchased from now offers to sell cotton hose for 50 cents a foot, while still another company offers it as low as 25 cents. It is believed that cotton hose will be purchased in stead of the more expensive rubber.

JERSEY CENTRAL EXCURSIONS.—J. S. Scribner, district passenger agent of the Central Railroad of New Jersey, has returned to his office after several weeks' illness, and is busily engaged in looking up excursions to Mountain Park. The season opens on Wednesday, May 30, when the Jovial club, of Wilkes-Barre, will hold forth at this popular resort. A special train will be run from Scranton in connection with the excursion. Already sixty-three dates have been made by different churches, societies, etc., with the Jersey Central, and excursions will be run up to the middle of September. The Ancient Order of Britons, who ran the largest excursion from this city to Mountain Park last season, have secured the grounds for July 4.

BATCH OF OPINIONS FROM JUDGE KELLY

FIRST TO BE HANDED DOWN BY THE NEW JURIST.

One of Them Deals with the Side-bottom Checker Playing Case and Another the Question of Board Bills—"Pop" Laine's Debt Again in Court—Two New Trespass Suits Filed—Cases in Common Pleas Court—Judge Archbald Sustains the Report Concerning Toll Road.

Judge John P. Kelly yesterday filed five opinions, the first he has handed down since his elevation to the bench. None of them were of unusual importance, and only one of them contained anything that gave opportunity for interesting treatment.

This one was the case of the Shaffer estate, in which exceptions were taken to the report of Auditor Herman Osthaus by Isaac Sidebottom and his wife, whose claim of \$1,906 was dissolved. Part of the claim, it will be remembered by readers of The Tribune, was for time spent by Sidebottom in playing checkers with old man Shaffer.

Judge Kelly, after discussing the case interestingly, finds that the referee's judgment was correct and adds: "If any injustice has been done the claimant it is due to his misfortune in being unable to furnish evidence sufficient to satisfy the requirements of the law in cases of this character."

In the case of Mary Coyne against John Slane, Judge Kelly discusses and decides the question at issue as follows: "An one who has obtained a judgment for board for more than four weeks issue an attachment for a sum sufficient to pay for four weeks board, and after having collected such sum again issue an attachment on the same judgment to collect for an additional four weeks' board. We think not. The attachment is in the nature of an execution and should follow the judgment. We know of no authority to justify the plaintiff in the judgment, the whole amount of which is due and payable, in issuing a series of executions so as to collect his judgment in installments."

In the case of the Dime bank to the case of Frank Suidam against John Brown and others, the exceptions to the report of the referee were overruled and judgment directed to enter for the plaintiff for the amount of the sum of \$1,000. The rule for judgment for want of sufficient affidavit of defense, in the wage case of E. E. Blockhard, administrator, against M. T. Keller, was discharged. Judge Kelly holding that the affidavit, while not all that might be desired, was not insufficient.

The appeal from the summary conviction in the case of the common-law against Anthony B. Ruddy was sustained. Nicholas George, of Ferdinand street, had Ruddy, his son-in-law, arrested for driving on the sidewalk, and Alderman Meyers fined him \$5. The appellant claimed there was no sidewalk at the place in question, and nothing having the appearance of a sidewalk.

In Common Pleas Court. Judge Edwards in the main court room and Judge Kelly in No. 2, are conducting the first week of the May term of common pleas, which opened yesterday.

A verdict for the plaintiff in the sum of \$33 was secured in the case of E. M. Lepp against J. J. Woodling. Lepp worked as a carpenter for the defendant in 1897. He alleged Woodling owed him \$44 balance for wages. Woodling produced a check which he paid Lepp in December, 1897, and which was "payment in full to date." Attorney T. P. Duffy, who represented the plaintiff, argued to the jury that the "payment in full to date" was added after the check was returned from the bank, and pointed out a difference in the shade of the ink used to write the body of the check and that which was used to write the phrase in question, A. A. Whane was attorney for the defendant.

A jury was out at adjourning time in the wage case of Frank H. Oakley against George H. Welland, which was tried before Judge Kelly. The case of John Benore & Son against Ferdinand Arigliotti is on before Judge Edwards. It is a claim of \$10 for material.

In the case of O. M. Fletcher against M. E. Worden, a verdict for the plaintiff in the sum of \$41 was mutually agreed upon. The case of Thomas W. Davis against Susan Spencer, which was to be tried today, was continued. Major Warren of E. C. Newcomb, attorneys for the defendant, desiring to file a demurrer. The case of John M. Cobb against Michael McCann, and A. A. Vosburg against Nathan Thompson were discontinued.

Laurel Hill Park Case. An answer was prepared yesterday by the Scranton Railway company to the General Manager Frank Sillman, Jr., to the suit brought by John Benore, Thomas F. Mullen and A. J. Atkinson, trustees, appointed by the creditors to liquidate the indebtedness of J. H. Laine in connection with the management of Laurel Hill park. Laine, it will be remembered, was given the lease for Laurel Hill park by the trolley company and he failed,

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with heavy liabilities. The creditors got together and after a conference with the trolley company in 1895, the trustees above named, should take charge of the park and conduct it until such time as enough money was realized to pay off Laine's indebtedness. The trolley company felt morally, if not legally obligated to help on the adjustment and agreed to contribute \$2,000 per year, to be used as a working capital and not to be distributed among the creditors while there was necessity of a working capital.

In March last the trustees brought suit to recover \$3,500, which amount it was alleged the company was owing under this agreement. In answer to this suit, the company says that one month before the suit was instituted it repossessed itself of the park through a default on the part of the trustees to pay the \$1 a year rental that was agreed upon. Further, it alleges that the trustees violated the agreement by not using their best endeavor to make the park prosperous and in voting to themselves \$500 a year for salaries as trustees.

The company claims to have paid \$6,074.69 to the trustees and that it has been unable to secure an accounting. William Warren & Knapp represent the company.

Two Damage Suits Begun. Mrs. Hugh Gaffney, of this city, instituted a suit yesterday, through Attorney M. J. Gilroy, to recover \$5,000 for alleged slander. It is alleged that on February 8, last, the defendant made allegations against the plaintiff's husband.

Charles A. Fox, through Attorney Charles L. Hawley, began proceedings to recover \$4,000 from William Craig for false arrest. Craig had Fox arrested for the larceny of a dog, and the case was ignored by the grand jury.

Favors the Annexation. In its report to court yesterday morning, the grand jury reported favorably on the petition for the annexation of a portion of Lackawanna township to Taylor borough.

The jury finds that all the prescribed conditions have been complied with, and that it is expedient to grant the prayer of the petitioners.

COURT HOUSE NEWS NOTES. Court yesterday appointed Harlem House burgess de la Plante to fill the vacancy caused by Burgess Tingley moving away.

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OPINION IN THE SCHOOL BOARD CASE

FULL TEXT OF SUPREME COURT'S DECISION.

The Whole of the Act of 1874 Declared Constitutional—What the Court Has to Say About the Difficulties It Encounters Owing to the Restrictions of the Constitution. Act of 1874 in Its Main Features Affecting School District Is in Harmony with Act of 1854.

Following is the opinion recently rendered by the Supreme court in the school board case, declaring the board of twenty-one the legal body in cities of the third class:

It is conceded that the respondents were duly elected school controllers in accordance with the act of May 23, 1874, section 41, P. L. 251, and that they are properly qualified and entitled to hold the office, if the act is valid. But is the act that the act is valid for the classification and regulation of cities of the third class, section 41 and those parts of the act which relate to school districts are void as local or special legislation for a subject prohibited by section 7 of article III of the constitution. The learned court below so held.

Section 41, which is in question, provided that "each of said cities of the third class shall constitute one school district." There is nothing new or peculiar in this, so far as it makes the district co-terminous with the city, for the legislature has always constituted school districts of territory embraced in some of the municipal divisions of the state. Thus the act of May 8, 1858, section 1, P. L. 417, which is not specially apparent, but the legislative intent is clear, and there is nothing unconstitutional in it. In Lloyd vs. Smith, 170 Pa. 213, it was said that the principle was established "that a law which does not create any one from a class, and applies to all the members of the class equally, is general. The same principle must make classification constitutional as to the municipalities and municipalities of the state when considered in their governmental capacity.

Classification of counties is, therefore, as permissible as classification of cities, and the legislature may determine what differences in situation, circumstances and needs calls for a difference in class, subject to the supervision of the courts as the final interest of the constitution, to see that it is actual classification, and not special legislation under that guise." And the test in this respect is not wisdom, but good faith in the classification. See, Com. vs. Evans, 187 Pa. 318. It has already been held in Sugar Notch borough, 102 Pa. 319, that "there is no constitutional objection to the classification of school districts any more than to the classification of municipalities and municipalities of the state when considered in their governmental capacity.

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