### THE SCRANTON TRIBUNE-TUESDAY, JULY 10, 1900.



best features of our stores. We are surprised that the demand for good bake stuffs is so general. Glad to know that ours is the right kind; that the selling grows every day; that we have had to add new bakers in order to supply the increasing demand.

APPLIED FOR A LICENSE. Kearney told the representatives of

Bake Stuffs at all our stores. Ice Cream by the Dish or Gallon.

33<u>/</u>40

20

15c

51/2c

20

15c

18c

19c

25c

ogy, etc., etc., met with very surly re-sponses. He was unable to elicit a word of information from them and on Silver Filling 50c his return to headquarters reported the matter to Supervisor Edwards. Good Care. A warrant was then issued for their arrest and Marshal Lowry took them Good care of the teeth does much to into custody and brought them to the preserve them, but the dentist does more. He can direct you in that care and, by examination, prevent you from suffering and inconveniences.

LACKAWANNA DAIRY CO Telephone Orders Promptiy Delivered

Office D., L. & W. Passenger Station. Phone 525.

Gold Filling, \$1 Best Set of Teeth \$5

ty last night.

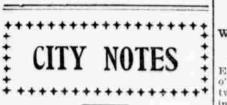
DR. REYER EIASPRUCE ST. OPP. COURT HOUSE. Open Wednesday and Saturday evenings

DR. H. B. WARE, SPECIALIST.

Eye, Ear, Nose and Throat

Office Hours-9 a. m. to 12.39 p. m.; 2 to 4. Williams Building, Opp. Postoffice.





SPECIAL SERVICES .- Rev. C. H. Anderson, of Philadelphia, will conduct services at the Shi-loh Baptist church during this week,

PENN AVENUE CHURCH CHOIR .- The members are requested to attend a special meeting at the church tonight (Tuesday). Haydn Evans.

ANNUAL INSPECTION,-On Toursday the inches. Scranton board of health will make its annual inspection of the sources of the city's water till the new station is completed. supply.

PAPER FOR SALE.—The subscription list of The Guide, published by Miss Emma E. Dengler, is offered for sale. For particulars write to the publisher, of this city

INDIAN BELIEF FUND, -The foreign mission board of the Lutheran church of the general synod of the United States has raised an India famine relief fund of \$22,000, and has authorized

SPEEDWAY NEWS.

### The Speedway Hotel (Open All Year.)

Track open for Gentlemen's Races every Wednesday and Saturday Af-

Rifle Range is open. Quoits, Dumb Bells, Throwing Hammer, and Shot. All Erie and Wyoming railroad J. Mach trains stop at Speedway crossing.

Breakfast, 6 to 9 a. m. Lunch, 1 to 2.30 p. m. Dinner, 6 to 9 p. m. Lunch all day in Cafe.

Arrangements for large parties by phone, 4674.

SAMUEL B. COX, Manager, P. O. Scranton Pa.

They received their saving of interest charges, a hearing before Commissioner Taylor about 10 o'clock and were then committed to the county jail.

ing their ages, family history, geneaol-

ANOTHER FIRE ORDINANCE. Mr. McAndrew, It Is Said, Has One Up His Sleeve.

And still another fire department rerganization ordinance! Rumor says

VERY HEAVY RAINFALL.

the Measurements.

tion may be expected.

thirty-five inches.

Dunn & Dunn.

ovr four tens,

PEDESTRIANS GO FREE. this time that Select Councilman Mc-The public should bear in mind that Andrew, of the Twenty-first ward, will only the driving and wheeling public introduce one on Thursday night, proare required to pay toll, and they can iding for a reduction of the number afford to. The walking public have of hose companies to twelve, of which the Tripp Park company is to be one. The members of the fire committee

frec use of the roads, bridges, etc. which undoubtedly adds to the attractiveness of Nay Aug park and extends are determined in their stand taken their pleasure grounds indefinitely over the mountains. The beautiful roads last Thursday night to shelve both the Oliver and Chittenden-Vaughan ordibuilt and maintained by Mr. Scranton nances and to introduce one of their

the public on that score.

and to which the boulevard gives acown. A very hot debate on the quescess, are in line with the action of the public spirited men who built the boulevard and who only care to manage and control it now so that the only desirable drive in the neighbor-Weather Observer Paine Gives Us hood of the city will not be destroyed

the bridge, at less than cost. The sale

wned by the company. The bridge

could not be duplicated today for 50

per cent, more than the cost to the

Boulevard company. Should the city

decide to purchase this part of the

road the Boulevard company could re-

tire the bonds and expend, through the

to include the 100 feet right of way 1sti.

by falling into the hands of partles According to Weather Observer H. who may allow it to be destroyed by neglect or use it for their own selfish E. Paine's calculations, made at 7 clock last evening, there has been objects. I should be pleased to have you pub-

two and one-fourth inches of rainfall in the six days that the "rainy season" lish the opinion of Mr. Warren, attorhas been on. The total precipitation ney for the company, who gives our for a year in these parts averages legal position very clearly, ns well as the equity of the whole case, and to The present heavy fall is not exactly which the public are entitled before

phenomenal, Mr. Palne says. Three forming a hasty opinion: cears ago, in the two first weeks of Mr. C. D. Simpson, President, Nay Aug Falls July, we had a precipitation of four and Elmhurst Boulevard company, city, Dear Sir: I am in receipt of your letter of

Mr. Paine will continue his observing June 27th, enclosing copy of concurrent resolu-tion of the councils of the city, directing your ompany to remove their toll gate and to gatherer from within the limits of the ci COURT HOUSE NEWS NOTES. and authorizing the city solicitor to take a

necessary steps to prevent your company from collecting tolls within the limits of the city, Charles P. O'Malley, the exceptant to the report of the viewers of the First sewer district together with notice from the street commis-sioner, asking your company to carry out the provisions thereof at once. In accordance with of Olyphant, yesterday took an appeal to the Edward J. Sturdevant, a graduate of the ur request I have made a careful examination

Scranton High school class of 1900, yesterday registered as a law student in the office of of the law bearing upon the rights of your company to maintain its toff gate and toll gath-erer within the city limits. In this connection In the case of C. B. Scott against John J. Gorman, the rule for reference was yesterday unlered stricken off by the plaintiff's attorney, I have read the opinion submitted to councils, by the learned city solicitor, as printed in the public press, in which he announces that your George S. Horn, and notice given of the plain

company has no right to maintain its toll gate and toll gatherer within the city limits. ill's intention to have the case tried by ar-LEGAL QUESTIONS. George W. Paterson, tax collector of La Plume filed his bond yesterday in Clerk of I have made a careful examination of the legal aestions involved. I do not think the case is a

the Courts Daniels' office, after it had been duly approved by Judge Edwards. It is in the sum of \$1,500. The sureties are W. W. Paterson ose one at all. I believe the city solicito radically wrong and his opinion a tissue of mis takes and wrong deductions. The cuses he cites in support of his contention clearly justify the nd G. W. Davison. The bond of H. V. Lawler, or for Winton horough, was also approved and filed. It is in the sum of \$39,335.87, and has as survives, J. J. Lawler, Michael Gallagher, ntenance of the gate and the toll gathered where you have located it pursuant to the license issued by the court. It is a matter of no con-

cern to the city that you alid not secure this license until recently. First, as to the equities of the case: It is to be borne in mind that your company pur-chased a strip of land through what was pracically a wildernoss several years ago, connectin oth the then open streets and thoroughfare f the city at or near what is now called Na Aug Park. At that time there were no street located along the route of your boulevard, no

breamed of. There was no Nay Aug Park, ever spon paper. Subsequent to your purchase of the

'clock, from the residence, 724 Adams aven

don at the corner of Mulberry street the union, after his arrest, that, for Arthur avenue, to a point near Spring lake larger sum on the roadway for its furthe borough of Einshurst. The act provides ther improvement. I have not the data it upon such a report from the viewers, the art shall, by its order, permit your company at hand to correct the misstatement that the bridge is not safe and that fix such and so many gates upon and across throad as shall be necessary and sufficient to lised from all persons, otherwise than on foot the foundations are not well bedded. That matter will be referred to J. L. Crawford, who is entirely familiar with same tolls as therein authorized and grant I; and when such corporation is licensed the construction and can easily satisfy inner aforesaid, It shall and may be lawful

ot, the tolls authorized by the sixth clause of

the thirtieth section of the Act of 20th April,

REPORT OF VIEWERS

This action of the court was cased upon the report of viewers, appointed by the court in ac-

roited and constructed a turnpike road, about

miles in length, from a point in the city

y which it appeared that the company

plance with the Act, who made their report, before Alderman Kasson,

or them to appoint as many (of) gatherers as y may think proper to collect the tallcuring this license therefore, the right to of tofi gates became a vested right in the

As 1 understand it, pursuant to this licen sened by the court, by appropriate resolution of the board you established toil gates, among hers one within the limits of the City of Scranton, a little to the west of the bridge constructed by your company across Roaring Brook, and there placed a toll sutherer to gather he tolls and provided for by the Act of As

There seems to be in the minds of some people notion that it is a startling thing to have oll gate within the city limits. The minT is huck full of pavements and side-walks, and carlages rolling along, and podestrians jostling each her off the sidewalk, and immense structures here business and professional men are struging with each other to get in. This is surely city defacto and the public inconvenience sder such vincumstances would undoubtedly be

This is not the situation, however, at any oint along the line of your road and we need at consider the question of public inconvennee under the circumstances. It is a matter of no moment as locaring upon the law in any sient.

#### HIS CONCLUSIONS.

I will not weary you with a ritation of the authorities. I have examined the authorities, wever, and the text books. Speaking generally may say that your company owning a way the limits of the city of Scrantor that fact alone loses none of its corporate rights powers, And I conclude as follows: 7. That the Boulevard company is in legal effect specially chariened to creet toll gates or

2. That the charter takes effect in this resect on the granting of the Brense by the court a. The legislature baying waived its right to ate toll gates, and letters putent having her ued and received upon that basis, it is not in the power of the court, or of the municipalit or the legislature to now impose a location which the charter does not provide for. The location of toll gates as well as number is wholly with n the discretion of the company, 4. Toll gates having been creeted within th

city limits and the license now obtained furthers, neither the court nor the municipality nor the legislature can cause their removal unle under some proceeding of eminent domain.

5. Necessarily, therefore, the company has a right to retain its gates as now located, and there can be no interference except at the peril of the intermediller.

6. The case presented is not a clo therefore, the particular facts need not be nee ssarily invoked. It is not necessary to consider in aid of construction where the point of locaion is, or whother it is a de facto city. There a nothing to construe. The law is plain, and the authority plainly conferred without limits tion, and without proviso. 7. The city solicitor is radically wrong: and

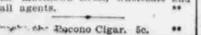
his opinion, as I have already suggested, is tissue of mistakes and wrong deductions. I arts, Very truly yours,

Everett Warren.

Smoke The Pocono, 5c. cigar.

It Is Perfectly Reliable.

"We have sold many different cough medies, but none has given better satisfaction than Chamberlain's," says Mr. Charles Holzhauer, druggist, Newk, N. J. "It is perfectly safe and can e relied upon in all cases of coughs, olds or hourseness. Sold by all drugzists. Matthews Bros., wholesale and retail agents.



the past five years he has filed an application for a license at each recurring term of license court, but each time he was refused. Mrs. Burns' place, it is said, is the one complained of in a letter sent to Mayor Moir recently by a woman who alleged that her husband spent most of his time and money there. Another prosecution, Attorney F. E. Beers says, is to be brought against "Gentleman Jack" Skelly, who, it appears, persists in openly selling on Sunday, despite his former arrest, the rule for a revocation of his license, the continuance granted through the

street; selling without a license.

nue: selling without a license,

Martin Rubega, 1302 Prospect ave-

Mrs. Burns gave bail in the sum

of \$1,000 before Alderman Fidler, Kear-

ney and Rubega gave \$500 bail each

leniency of the Men's union, and his [Continued on Page 6.]

Steam Heating and Plumbing. P. F. & M. T. Howley,231 Wyoming ave.



# Linen and Duck Skirts, Silks and Dress Goods.

Greatest inducements to buyers of desirable Dry Goods.

Wash Goods. Light Challies-For house dresses and comforts..... Dress Ginghams-Elegant selections of

styles Dimities-New styles in pretty fig-Jaconats, Dimities and Lawns-In 17 dainty patterns..... French and Scotch Ginghams-New 12 assortment.....

Ginghams-Silk cord and stripe. Reduced from 19c, 25c and 39c, to .....

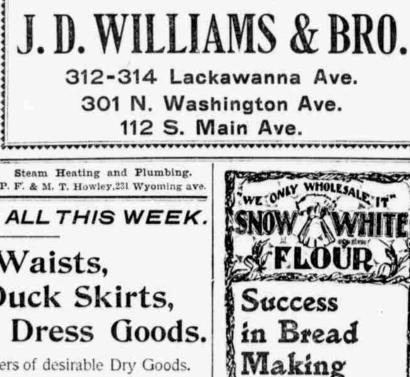
## White Goods. Checked Nainsooks-8c grade .....

Lawns—Open and Grenadine stripes, 15c 12 and 18c goods, for ..... india Linon, one and one-eighth wide ..... India Linon, a better one ..... Fine Fancy White Goods -- All 25c and 30C goods...... Pique--Cord, welt and stripe .....

Manchester Chambrays-The cloth that holds its color when washed. Blue, pink, helio and buff.....

Figured Mercerized Sateens 15c and 25c

MEARS & HAGEN, Lackawanna Avenue



"Snow White" and you'll invariably most with success in bread making. Its quality is the highest and it is always the same. The finest milling facilities coupled with a thorough knowledge of wheat selection makes this possible. For she by all good grocers in bags and havels. THE WESTON MILE CO. Low Rates West

in bread-making comes

from right flour buying. Get

CHICAGO & NORTH-WESTERN RAILWAY

ON July 9th, 17th, and August 1st, 7th and 21st the following rates will be made from Chicago for round trip, tickets good returning until October 31st: Denver and return Denver and return Colorado Springs and return 31.50 Pueblo and return 31.50 + \$31.50 Glenwood Springs and return 43.50 Salt Lake City and return - 44.50 Ogden and return - 44.50 Deadwood, S. D., and return 33.55 HotSprings, S.D., and return 29.55 Particulars of any agent, or call at

461 Broadway, - New York 435 Vine BL, - Cincinnet Bil Chee's St., Philadelphia 507 Smithfid St., Pittsburg 368 Washington St., Seaton 234 Superior St., Closeland 307 Main St., - Sufful 77 Commun Surviva, Detratt 212 Clark St., - Chicagu 28/ing St., East, Terente, Onf.



in J. McAndrey, John J. Sweeney and Thomas SPEEDWAY NOTES. A cyclone passed over Lake Scranton Friday ast and did its worst on the east side near the

aprings, oprooting large trees as well as small in its path, and overturning a rock weighing The following are registered and stopping at the Speedway this week: Mr. and Mrs H. G. Dunham, Mr. and Mrs. Fred R. Stark, Architect

Davis and wife, Mr. and Mrs. Bennett, Dr. Hand, life, son and daughter, Mr. and Mrs. George Mulley, Dr. G. E. Hill and wife.

DIED. YANDO-In Scranton, July 8, 1900, Violet, th daughter of Mr. and Mrs. Fred J. Yando, aged 4 months and 16 days. Funeral today at 2.36