



SYRUP OF FIGS. NEVER IMITATED IN QUALITY. An Excellent Combination. The pleasant method and beneficial effects of the well known remedy, SYRUP OF FIGS, manufactured by the CALIFORNIA FIG SYRUP CO., illustrate the value of obtaining the liquid laxative principles of plants known to be medicinally laxative and presenting them in the form most refreshing to the taste and acceptable to the system.

Ice Cream. BEST IN TOWN. 25c Per Quart. LACKAWANNA DAIRY CO. Telephone Orders Promptly Delivered. 272-273 Adams Avenue.

Scranton Transfer Co. Baggage Checked Direct to Hotels and Private Residences. Office D. L. & W. Passenger Station. Phone 525. DR. H. B. WARE, SPECIALIST. Eye, Ear, Nose and Throat.

CITY NOTES. COACHMAN'S MEETING.—The coachman and cabmen will meet tomorrow evening at 7 o'clock in Reid's hall on Wyoming avenue.

PAY DAYS.—No more payments will be made by the Lackawanna and Delaware and Hudson companies until the latter part of the week.

MEETING TONIGHT.—The Jewish Chautauque society will hold a meeting at the residence of Mrs. Max Toubert, 273 Madison avenue, this evening at 8 o'clock.

ENTERED HALL.—George McNamee, of Moscow, was arrested before Alderman Miller yesterday on a charge of assault and battery, referred by Arthur Eber. McNamee waived a hearing and entered \$500 bail for appearance in court.

W. C. T. U. MEETING.—The Women's Christian Temperance union will meet this afternoon at 3 o'clock in Guernsey's hall. The meeting will be of an evangelistic character, led by Mrs. Emily Hoar.

DUMPED ASHES ON STREET.—James Bogart, of Broadway, was arrested and taken before Alderman Hoar on complaint of the street department, for dumping ashes on the street. He was released upon payment of the costs and promise to remove the ashes from the street.

PERKINS LECTURE.—There is more food for thought in one of Perkins' talks than is to be got from the ordinary discourses of lecturers whose themes are of a more serious nature. Mr. Perkins, who appears at the High school on Thursday evening, is well known, not only as a humorist, but for his interesting read books on philosophical subjects. He is a college graduate and has had the most thorough and interesting training as a journalist. He not only knows all about wit and humor, but gives to his audience an clear understanding of each. While it goes with the greatest difficulty that he was selected for this evening he has consented to deliver two lectures in one evening, thus offering an opportunity to hear the two for the cost of one hearing only. The sale of seats is still progressing rapidly at Powell's music store.

Advertisement for Lehigh Water Supply Co. Gold Bonds. 5 per cent. Free of Tax. Maturity 1920. The company owns 2,000 acres of land, and control the water-shed, as well as the available water supply. Water is supplied to the towns of Lehigh and Westport, as well as the Lehigh Valley, for the two for the cost of first-class in every respect. Price and particulars on application.

TWO SLICK SWINDLERS. They Use a False Measure in Selling Vegetables. The public is warned to look after two crooks who are masquerading as farmers, and who quite successfully worked the Thirteenth ward yesterday. They have potatoes and apples for sale and when they make sales show bushel baskets full of their wares. They visited Mrs. E. F. Chamberlin yesterday and for some reason her suspicions were aroused by the manner of the man who went to the cellar with vegetables. She followed him and discovered that he was pouring the very smallest bushel of potatoes into the barrel which she ever remembered seeing.

HARTLEY GETS BACK AT THE CITY CLERK. Says All Balances Have Been Properly Transferred and That Mr. Lavelle Assumed Powers. Deputy City Controller Charles A. Hartley stated most emphatically yesterday to a Tribune man that all balances from the appropriation of 1899 subject to be merged and not otherwise provided for had been transferred on his books to the judgments and incidentals account for this year.

ICE CREAM. BEST IN TOWN. 25c Per Quart. LACKAWANNA DAIRY CO. Telephone Orders Promptly Delivered. 272-273 Adams Avenue.

Scranton Transfer Co. Baggage Checked Direct to Hotels and Private Residences. Office D. L. & W. Passenger Station. Phone 525. DR. H. B. WARE, SPECIALIST. Eye, Ear, Nose and Throat.

CITY NOTES. COACHMAN'S MEETING.—The coachman and cabmen will meet tomorrow evening at 7 o'clock in Reid's hall on Wyoming avenue.

PAY DAYS.—No more payments will be made by the Lackawanna and Delaware and Hudson companies until the latter part of the week.

MEETING TONIGHT.—The Jewish Chautauque society will hold a meeting at the residence of Mrs. Max Toubert, 273 Madison avenue, this evening at 8 o'clock.

ENTERED HALL.—George McNamee, of Moscow, was arrested before Alderman Miller yesterday on a charge of assault and battery, referred by Arthur Eber. McNamee waived a hearing and entered \$500 bail for appearance in court.

W. C. T. U. MEETING.—The Women's Christian Temperance union will meet this afternoon at 3 o'clock in Guernsey's hall. The meeting will be of an evangelistic character, led by Mrs. Emily Hoar.

DUMPED ASHES ON STREET.—James Bogart, of Broadway, was arrested and taken before Alderman Hoar on complaint of the street department, for dumping ashes on the street. He was released upon payment of the costs and promise to remove the ashes from the street.

PERKINS LECTURE.—There is more food for thought in one of Perkins' talks than is to be got from the ordinary discourses of lecturers whose themes are of a more serious nature. Mr. Perkins, who appears at the High school on Thursday evening, is well known, not only as a humorist, but for his interesting read books on philosophical subjects. He is a college graduate and has had the most thorough and interesting training as a journalist. He not only knows all about wit and humor, but gives to his audience an clear understanding of each. While it goes with the greatest difficulty that he was selected for this evening he has consented to deliver two lectures in one evening, thus offering an opportunity to hear the two for the cost of one hearing only. The sale of seats is still progressing rapidly at Powell's music store.

Advertisement for Lehigh Water Supply Co. Gold Bonds. 5 per cent. Free of Tax. Maturity 1920. The company owns 2,000 acres of land, and control the water-shed, as well as the available water supply. Water is supplied to the towns of Lehigh and Westport, as well as the Lehigh Valley, for the two for the cost of first-class in every respect. Price and particulars on application.

PERMPTORY WRIT DENIED

CITY CLERK NEED NOT DRAW THE WARRANT. Effort of the Barber Asphalt Paving Company to Compel Him to Do It Is Not Sustained by Judge Archibald in an Opinion Handed Down Yesterday—His Opinion of the Questions Raised on the Demurrer. The City Clerk Acted Within His Rights in the Premises.

Judge R. W. Archibald handed down in the matter of the demurrer to the return to alternative mandamus in the case of the Barber Asphalt Paving company against Martin T. Lavelle, city clerk. The opinion follows: By the act of June, 1880, P. L. 242, the courts of common pleas in this state are empowered to issue writs of mandamus "to all officers and magistrates elected or appointed in or for the respective counties or in or for any township, district or place within such county." The wording of this statute is practically the same as the act of June 11, 1880, P. L. 626, which preceded it, and, while the city clerk is not a magistrate, jurisdiction to compel city officers to perform a ministerial duty has been freely assumed under these laws. There is, therefore, no question as to the authority of the respondent to issue such a writ as an officer of the state, and, notwithstanding the earnest argument of the learned counsel who represents him, we think that he is right. The contention is that he is not an officer, but a mere employee, the creature of councils, who elected and can remove him and who prescribe the duties which he is to perform. But this we cannot agree.

CITY CLERK MUST ISSUE WARRANTS

Judge Archibald Directs That a Peremptory Writ of Mandamus Issue to City Clerk Lavelle.

Judge Archibald yesterday granted a peremptory writ of mandamus to compel City Clerk Martin T. Lavelle to issue warrants for the amount of the former Patrons, James Saul and Stephen Dyer, whose claims were recently passed upon favorably by the city councils. In his opinion Judge Archibald says: "While the city clerk is an important and a functionary of the duties given him by ordinance do not extend to the auditing and checking up of the various city appropriations, nor watching to see when and how they are drawn up or exhausted. It is for the controller to look after these things, and as he has undertaken to do so in the premises and approved the plaintiffs' claims, according to the respondent's own statement, that is the end of it. While the police appropriation may be exhausted, the controller has charged these claims to the fund for judgments and incidentals, and, no doubt, to the fact that the rights of the relators have been adjudicated and sustained by the judgment of this court, and it is not for the respondent to question this action.

IS NOT DISCRETIONARY.

The duty, moreover, which the respondent has refused to perform is a ministerial and not a discretionary one. The statute provides that no money shall be paid out of the treasury except upon appropriations made according to law and on warrants drawn by the proper officer in pursuance thereof. Act May 25, 1880, article 4, section 2, P. L. 227. It is, therefore, the duty of the city clerk to issue warrants in pursuance of the ordinance of Aug. 20, 1884, already quoted, the person in the city of Scranton who is to prepare and issue such warrants is the city clerk. He must, of course, be authorized in any given case by the necessary recording steps, but when they have been duly taken there is nothing for him to do but to draw up a warrant and issue it to the party entitled thereto. He has no discretion to exercise and cannot allow or withhold it according to what may seem to him proper in the premises.

HAD A SUCCESSFUL YEAR.

Annual Meeting of the Poyntelle Ice Company Held Yesterday. The annual meeting of the Poyntelle Ice company was held yesterday afternoon in the offices of T. C. and C. H. Von Storch, in the Williams building, corner of Washington avenue and Linden street. All the officers of last year were re-elected, as follows: President, C. Von Storch; secretary, treasurer, E. A. Clarke; directors, H. W. Taylor, J. M. Atherton, G. A. Clearwater, J. E. Burr, C. H. Von Storch, T. C. Von Storch, E. A. Clarke.

HOW IT GOES IN DETROIT.

During the present cold and grip season thirty-seven thousand eight hundred boxes of Laxative Bromo-Quinine have been purchased by the following wholesale drug houses of Detroit: Michigan Drug Co. and Far-land, Williams & Clark.

THEY MUST PAY COSTS

IMPORTANT OPINION OF JUDGE ARCHIBALD. He Decides That the Vaughan Bill Applies to the Costs in the Eighth Ward Contest and That the Petitioners Must Settle—This Would Indicate That There Is Grave Trouble Ahead for the Signers of the Langstaff-Kelly County Treasurer Contest.

Judge R. W. Archibald handed down an opinion yesterday in the Eighth ward election contest which is of vast importance. W. H. Thomas, a Republican, was elected constable of the Eighth ward in February, 1899, his opponent being John E. Walsh, a Democrat. Thomas was elected by five votes and Walsh instituted a contest. After the contest was under way Senator J. C. Vaughan introduced a bill which was passed by the legislature and became a law providing that in all election contests when it came to the matter of disposing of the costs they should be placed on the petitioners if the contest did not succeed in showing that the party contested had not been legally elected. When it came to disposing of the costs in the present case the city objected to being saddled with them for the reason that it had not been shown that Thomas was illegally elected and asserted that the proper place for the costs was on the petitioners. This position the court yesterday affirmed as correct and the petitioners will have to pay the upwards of \$2,200 costs which the contest caused to pile up. The opinion is of importance because it is the first time the act in question has been judicially passed upon and for the further reason that exactly the same facts apply to the Langstaff-Kelly contest in which costs to the sum of about \$100,000 are involved. The Eighth ward contest it was begun before the act was passed. If it shall be decided when the result of the contest is officially determined that former County Treasurer Kelly was legally elected then under Judge Archibald's opinion of yesterday the petitioners signed Langstaff's petition will have to pay the costs. The full text of the opinion follows:

THE OPINION.

Rule to show cause why costs should not be paid by the city of Scranton.

Costs are so purely the creature of statute that a party who claims them must be able to point to one which gives them to him; and it is not sufficient that such a statute existed at the time suit was brought; it must be in force when the costs were incurred. Under the provisions of the disposition of the case and before final judgment the right under it is gone; nor is there any vested right to costs of which a party cannot be lawfully deprived. It has been repeatedly held by the courts that the power to award them and the amount and items to be allowed depend upon the statute in force, not at the commencement, but at the termination of the controversy, or when the right to costs accrues. This occurs upon a final decision authorizing judgment. At any time during the pendency of the suit and before the final decision the parties are at liberty to agree by contract to alter the law previously applied either by totally repealing it or by modification only. In the absence of any law it may enact only. The rule so formulated applies with pertinence to the present instance.

THE AMENDMENT.

By an amendment passed April 25, 1890, P. L. 118, the first part of this section has been made to read as follows: "In contested elections of president or additional law judges and city, county, borough, township, municipal officers or school directors or school trustees, if the contestant or contestant fails to establish his or their right to the office to which he or they claimed or have been elected the petitioners and each and every one of them shall be jointly and severally liable for all the costs; and the same may be collected as debts of the amount are by law collectible or payment thereof may be enforced by attachment."

69 Children's Coats.

We have 69 Children's Coats which we want to close out before we finish our annual inventory, January 26, and we expect the following great cut in prices will do it: 15 Children's Coats, all \$3.95 and \$4.75 garments, to close at... \$2.95 24 Coats, all \$5.50 and \$6.00 garments, to close at... \$3.95 30 Coats, all \$6.50 and \$7.00 garments, to close at... \$4.95

69 Children's Coats.

We have 69 Children's Coats which we want to close out before we finish our annual inventory, January 26, and we expect the following great cut in prices will do it: 15 Children's Coats, all \$3.95 and \$4.75 garments, to close at... \$2.95 24 Coats, all \$5.50 and \$6.00 garments, to close at... \$3.95 30 Coats, all \$6.50 and \$7.00 garments, to close at... \$4.95

Banquet Globes

Have taken the place of silk shades. It is desirable in getting globes for lamps to have something that will soften the light, but not materially diminish it. Colors to match paper, etc. We have them in red, blue, canary, pink, opal; in fact, all colors. Prices ranging from 40 cents to \$10.00.

China Wall.

Geo. V. Millar & Co. 131 Wyoming Avenue. Walk in and Look Around.

TEETH

Extracted Absolutely Without Pain. Our system of PAINLESS Dentistry is far superior to the old method of doing work. We both fill and extract teeth without the least particle of pain. Our prices for the present are extremely low, and if you are in need of any dental work, call and have your teeth examined.

Gold Crowns..... \$3 Gold Fillings..... \$1 Bridge Work (Per Tooth)..... \$3 Set of Teeth..... \$5

Schimpff, the Jeweler.

That's the name. You've heard it a good many times—most every time in fact, when jewelry is the topic of conversation, for the one implies the other.

Schimpff, the Jeweler.

Has much to show you in the Gift Line—more than you'll see in most other stores. Not only more, but something "different"—novelties that appeal to you, because of their novelty.

Schimpff, the Jeweler.

Has everything going in the jewelry line. Think of what you want; it's there. Prices, too, are less than you think, when you consider that no matter what you buy, quality is apparent.

Electric Lighted Trains

CHICAGO & NORTH-WESTERN RAILWAY. The North-Western Limited service, 6.30 p. m. daily to St. Paul and Minneapolis, cannot be excelled and offers the best of everything. Any agent will give you information about it. Three other first class trains from Chicago also—9.00 a. m. Daylight Train, 10.00 p. m. Fall Mail and 10.15 p. m. Night Express. Call on any agent for tickets or address 441 Broadway, New York 103 Vine St., Cincinnati 601 Chest St., Philadelphia 107 Elm St., Pittsburgh 500 Washington St., Boston 126 Summer St., Cleveland 217 Main St., Chicago 212ing St., East, Toronto, Ont.

E. Robinson's Soda

Lager Beer Brewery. Manufacturers of OLD STOCK PILSNER. The Coats are all new and correct styles. It will pay to buy and keep for another season. 485 to 455 N. Ninth Street, SCRANTON, PA. Telephone Call, 2333. TRIBUNE WANT ADS. BRING QUICK RETURNS

Banquet Globes

Have taken the place of silk shades. It is desirable in getting globes for lamps to have something that will soften the light, but not materially diminish it. Colors to match paper, etc. We have them in red, blue, canary, pink, opal; in fact, all colors. Prices ranging from 40 cents to \$10.00.

China Wall.

Geo. V. Millar & Co. 131 Wyoming Avenue. Walk in and Look Around.

TEETH

Extracted Absolutely Without Pain. Our system of PAINLESS Dentistry is far superior to the old method of doing work. We both fill and extract teeth without the least particle of pain. Our prices for the present are extremely low, and if you are in need of any dental work, call and have your teeth examined.

Gold Crowns..... \$3 Gold Fillings..... \$1 Bridge Work (Per Tooth)..... \$3 Set of Teeth..... \$5

Schimpff, the Jeweler.

That's the name. You've heard it a good many times—most every time in fact, when jewelry is the topic of conversation, for the one implies the other.

Schimpff, the Jeweler.

Has much to show you in the Gift Line—more than you'll see in most other stores. Not only more, but something "different"—novelties that appeal to you, because of their novelty.

Schimpff, the Jeweler.

Has everything going in the jewelry line. Think of what you want; it's there. Prices, too, are less than you think, when you consider that no matter what you buy, quality is apparent.

Electric Lighted Trains

CHICAGO & NORTH-WESTERN RAILWAY. The North-Western Limited service, 6.30 p. m. daily to St. Paul and Minneapolis, cannot be excelled and offers the best of everything. Any agent will give you information about it. Three other first class trains from Chicago also—9.00 a. m. Daylight Train, 10.00 p. m. Fall Mail and 10.15 p. m. Night Express. Call on any agent for tickets or address 441 Broadway, New York 103 Vine St., Cincinnati 601 Chest St., Philadelphia 107 Elm St., Pittsburgh 500 Washington St., Boston 126 Summer St., Cleveland 217 Main St., Chicago 212ing St., East, Toronto, Ont.

E. Robinson's Soda

Lager Beer Brewery. Manufacturers of OLD STOCK PILSNER. The Coats are all new and correct styles. It will pay to buy and keep for another season. 485 to 455 N. Ninth Street, SCRANTON, PA. Telephone Call, 2333. TRIBUNE WANT ADS. BRING QUICK RETURNS