

ASSESSMENT OF COMPANIES

(Continued from Page 5)

family building is used exclusively for repairing the rolling stock of the company. Assessment No. 251, by same affidavit, asks exemption for \$1,000 from assessment of pattern shop. Assessment 252 asks exemption from one blacksmith shop and four and nine-tenths acres of land, amounting to \$21,850. By same affidavit exemption is asked from assessment of pattern shop, blacksmith shop, \$1,500, No. 253, one passenger car shop, \$1,500; No. 254, one eight-wheel shop, \$2,000; No. 255, caboose shop, \$100; No. 256, switch shop, \$200. All of the above property is claimed by the person making affidavit as necessary and indispensable in the successful management and carrying on the business of this transportation company.

It is for you to ascertain whether the goods manufactured or the repairs done, and the different purposes for which these properties are used, are necessary and indispensable for the successful operation of the company's affairs. If they are, and are represented by their capital stock, they are not liable to local taxation.

Affidavit No. 4, made by T. S. Dwyer, president of most of the said companies, asks exemption under assessment No. 253, Eighty-four, one machine shop, \$25,000; No. 254, one round house, \$25,000; No. 251, one boiler house, \$1,000.

The round house asked to be exempt by this affidavit becomes a stable or storage place for locomotives while they are not running over the road.

It seems to me that it is absolutely necessary for a transportation company in order to properly carry out the purposes of their charter and give efficient service to the public to have shops and yards for the proper storing and housing of their rolling stock when it is not used upon the road. Common sense teaches us that care should be used in a suitable place provided for the reception and care of machinery, such as locomotives, which are not used in transporting freight or passengers over the line of their road.

I believe it is fully within the power of the company should provide themselves with such a property from the capital stock as will give them the best facilities for caring for the property of the company. The property provided for which the company has asked exemption is not a part of the corporate franchise, and cannot be subjected under the law to local taxation.

An boiler shop, machine shop and car shop belonging to a railroad company and used exclusively for repairs in its own business subject to taxation by local authorities.

The late Justice Williams, of the Supreme court of Pennsylvania, has said: "This matter depends upon the answer to the question whether such repairs are reasonably necessary to the successful prosecution of the business of the railroad company."

PROPERTY TAXABLE.

If the shop is for the original construction of locomotives or cars it is under all our cases subject to local taxation. A machine shop is a necessary part of the equipment of a carrying company, whether the carriage is conducted upon land or by water, nor can a corporation engaged in any other line of business than that which its charter and the general law under which it is granted authorities. It may do the work for which it was created with as efficient and useful methods as it can command and its operations to serve the public, and compete with its rivals are within its corporate powers, and are therefore covered by the transaction to which the state subjects its corporations. The company appearing in this case, by the terms of its charter, is a carrying company, and the business a corporation may lawfully do must be defined by its charter. A water company cannot manufacture gas because it may use gas in the distribution of water or gas. It cannot engage in the manufacture of plumb's supplies because it might be profitable to it to supply such material in its business. Its business is one, the supply of water. The railroad company's business is one, the carrying of passengers and passengers from one point to another. A railroad company is given privileges and franchises to enable it to build and operate a line of railroad for the public convenience and its own profit. It must devote itself to the business for which it has been created and may not engage in the mining of coal without leave. It may not engage in the business of making and manufacturing iron and steel, or in the establishment of commercial houses, or any other business not incident to and reasonably necessary for the successful operation of a railroad. It may improve its road to any extent that is practicable to do. It may avail itself of the best equipment and appliances as long as they are equipments and adjuncts only, and make its road as nearly perfect as it may be able. It may provide the best known machinery and the best means for keeping it as nearly as possible in constant order and repair. It may buy the best rails and cars and engines and manufacturing establishments of the world can offer. It may employ all necessary mechanical talent to keep its road and rolling stock in the best possible state of repair and to offer the public the greatest efficiency and safety attainable in its business. This is the legitimate province of a railroad company, within it is ample room for the employment of its capital and for the exercise of the highest administrative powers. While this province it must be content of its steps over its boundary local taxation is among the penalties which it incurs.

THE BIBLE EXTRACTED.

The title, therefore, which is to be extracted from the authorities on the subject, is the liability of railroad companies to taxation for local purposes to that it is only so much of their property as is indispensable to the construction of the road and to the rolling stock, and a successful operation that is exempt. It is not all which they can lawfully do or hold under their charters. It is not enough that it is a convenient possession, although it is necessary in conducting the business of the company, and enabling it to make profits. The property of a railroad company is exempt from taxation for local purposes only when it is indispensable to the operation of the railroad as such. Therefore, the railroad company that seeks to relieve itself from the pains of local taxation must come within this rule.

A few months ago former City Solicitor A. A. Vosburg was asked for an opinion on the same matter, and said: Board of City Assessors of the City of Scranton, Gentlemen: I have your honorable address sent to me by counsel for the Delaware, Lackawanna and Western Railroad company, in response to the suggestion made in a conversation you had in respect to this matter a short time ago, which was participated in by the representatives of the company and myself.

In compliance with your wishes, I will give you my views as to the legal questions involved, of course, my opinion is based upon the institutions of the state made by representatives of the company in the affidavits on file, which is the only information at my command. From these affidavits it appears that the property

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Shiloh's Consumption Cure is sold by all druggists at 25c, 50c, \$1.00 a bottle. A reliable guarantee is given with every bottle. If you are not satisfied go to your druggist and get your money back.

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LOCAL ENTHUSIASM.

On One Subject Scranton People Grow Enthusiastic.

The increase of popular enthusiasm on the following subject is almost daily manifested by public expression and local endorsement. Read what this citizen says, and discover the cause of the constant showering of praise which follows in the wake of Doan's Kidney Pills.

Mr. Raymond French, of 519 Garfield avenue, Hyde Park, says: "I suffered more or less for ten years with kidney and bladder trouble. There was a constant sharp, shooting pain across my back, and if I stooped it was so severe I could hardly straighten. When I took cold it always settled in my back and made me feel so stiff and sore I could hardly move about. I suffered a great deal from bladder trouble, accompanied by symptoms resembling gravel. I read about Doan's Kidney Pills in our papers and got a box of Matthews' Tires' drug store. I received a great deal of benefit from them. The difficulty with the kidney secretions was relieved entirely, and I felt that I was again in my own skin. My wife used Doan's Ointment with the best of results. She had eczema for a year or more and she got Doan's Ointment. It cured it and was promptly cured. There has been no return of the terrible plague since."

For sale by all dealers. Price 50 cents. Prepared by Doan Brothers, Buffalo, N. Y. Sole agents for the United States.

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erty which the company asks to have exempt from assessment and taxation is used exclusively for repair work, and that no new work is done, either for this company or any other company at any of the shops described in the affidavits. It appears that these repairs are necessary for the operation of the railroad. The distinction seems to be made by the decided cases between such shops as are absolutely necessary and indispensable to the construction of the road, and fitting it for use, and such shops as are only in the language of the Supreme court, "a convenient possession, affording facilities in conducting the business of the company and enabling it to make profits." See Railroad Co. vs. Van Dyke, 137 Pa., 249.

The former class was exempt from taxation, while the latter class was not. The decisions are by no means in accord upon this question, and the distinction which I have just referred seems to be well taken, and has met with general judicial approval. See Railroad vs. Berks Co., 6 Pa., 76.

This question has been the subject of recent judicial investigation, in the case of Railway Co. vs. County of Venango, 5 Pa., Superior Ct. Repts., 294, in which case Judge Orady reviews the various decisions of the Supreme court and lays down the rule which is thus expressed in the syllabus: "In determining the liability to taxation of railroad property, the test is to be found in the distinction between that which is indispensable to the operation of the railroad as such, and that which is necessary to profitably conduct the business of the corporation."

It is there held that lots and buildings are exempt from local taxation when used as general repair shops of a railroad, where the use is exclusive and limited to repairs and rebuilding, in reconstructing and restoring from damage to safe conditions the motive and rolling stock of the company after accidental injury and natural wear and tear.

An examination of the affidavits filed in this case will show the car shops of the Delaware, Lackawanna and Western Railroad company in this city are not used for any new work whatsoever, but exclusively for the necessary repairs incident to the safe operation of the road. It is, therefore, apparent that they are within the ruling of the court in the case last cited, as well as the other authorities to which I have called your attention, and that they are, therefore, exempt from assessment and taxation in this municipality.

THIS AND THAT.

Lackawanna railroad trainmen have been notified that a representative of J. Marshall & Hall, of Newark, N. J., will be at the Young Men's Christian association rooms, Hoboken, this afternoon and evening, for the purpose of measuring passenger conductors, brakemen and baggage men needing summer uniforms.

Organizer R. A. Courtwright yesterday returned from Bernice, Sullivan county, where, with "Mother" Jones, he investigated a local strike. Between two and three hundred men have been out there for five weeks. A mass meeting was held "yesterday" night, and Courtwright was present. On their return, the former stopped off at Wilkes-Barre.

RAILROAD TIME TABLES.

Delaware, Lackawanna and Western. In Effect Dec. 25, 1900.

Scranton for New York at 1:30, 2:30, 3:30, 4:30 and 6:00 a. m.; 12:55, 2:25, 3:25, 4:25, 5:25, 6:25, 7:25, 8:25, 9:25, 10:25, 11:25 a. m.; 1:30, 2:30, 3:30, 4:30, 5:30, 6:30, 7:30, 8:30, 9:30, 10:30, 11:30 p. m. For Philadelphia at 8:00 and 10:00 a. m.; 12:55, 2:25, 3:25, 4:25, 5:25, 6:25, 7:25, 8:25, 9:25, 10:25, 11:25 a. m.; 1:30, 2:30, 3:30, 4:30, 5:30, 6:30, 7:30, 8:30, 9:30, 10:30, 11:30 p. m. For Harrisburg at 6:30, 7:15, 8:05, 8:45, 9:15, 10:00, 10:45, 11:30 a. m. For Pottsville at 6:30, 7:15, 8:05, 8:45, 9:15, 10:00, 10:45, 11:30 a. m. For Reading, Lehigh and Harrisburg, via Allentown, 8:30 a. m. and 1:00 p. m. Sundays, 2:15 p. m.

North-Leave Station for Buffalo and intermediate stations at 1:15, 6:45, 8:00 a. m.; 1:55, 6:48 and 11:55 a. m. For Oswego and Syracuse at 6:45 a. m. and 1:15 p. m. For Elmira at 8:00 a. m., 1:00 and 5:48 p. m. For Niagara at 1:00 and 6:15 p. m. For Buffalo at 1:25, 2:55, 5:45 and 10:00 a. m.; 3:30 and 8:00 p. m. For Oswego and Syracuse at 2:30 a. m., 12:25 and 5:00 p. m. From Buffalo at 2:55 a. m., 12:38 and 5:30 p. m. From Niagara at 7:50 a. m. and 6:00 p. m. From Montreal at 10:30 a. m. and 5:30 p. m.

Bloomington Division—Leave Scranton for Northumberland at 1:00, 2:40, 4:15 and 6:00 p. m. For Plymouth at 1:00, 2:40, 4:15 and 6:00 p. m. For Kingston at 8:10 a. m., Arrive at Northumberland at 1:15, 2:50 and 4:45 p. m. Arrive at Kingston at 8:10 a. m., Arrive at Plymouth at 2:50, 4:35, 6:15 p. m.; 11:30, 12:00, 12:45 and 1:30 a. m.; 2:30, 4:00 and 8:45 p. m. From Kingston at 11:00 a. m., From Plymouth at 7:55 a. m., 2:30 and 8:55 p. m.

SUNDAY TRAINS. South-Leave Station at 1:00, 3:00, 5:30, 8:00, 10:30 and 11:30 a. m.; 1:30, 3:30 and 11:30 p. m. Bloomington Division—Leave Scranton at 10:00 a. m. and 5:30 p. m.

Delaware and Hudson. In Effect Dec. 25, 1900. Trains for Carbondale leave Scranton at 6:30, 7:30, 8:30, 10:15 a. m.; 12:30, 1:30, 2:45, 3:45, 4:45, 5:45, 6:45, 7:45, 8:45, 9:45, 10:45, 11:45 a. m.; 1:15, 2:15, 3:15, 4:15, 5:15, 6:15, 7:15, 8:15, 9:15, 10:15, 11:15 p. m. For Wilkes-Barre at 6:45, 7:45, 8:45, 9:45, 10:45, 11:45 a. m.; 1:25, 2:15, 3:15, 4:15, 5:15, 6:15, 7:15, 8:15, 9:15, 10:15, 11:15 p. m. For Pottsville at 6:45, 7:45, 8:45, 9:45, 10:45, 11:45 a. m.; 1:25, 2:15, 3:15, 4:15, 5:15, 6:15, 7:15, 8:15, 9:15, 10:15, 11:15 p. m. For Reading, Lehigh and Harrisburg, via Allentown, 8:30 a. m. and 1:00 p. m. Sundays, 2:15 p. m.

For Pottsville, 8:30 a. m. and 1:10 p. m. Through tickets to all points east, south and west at lowest rates at the stations.

H. P. BALDWIN, Gen. Pass. Agt. J. H. OLMSTEAD, Gen. Supt.

NEW YORK, WESTERN & ATLANTIC RAILROAD. Time Card in Effect Dec. 30th, 1900. SCRANTON DIVISION.

Table with columns for STATIONS, TIME, and TRAINS. Includes stations like Scranton, Carbondale, and Pottsville.

Additional trains leave Carbondale for Mayfield and 6:45 a. m. except Sundays and 7:30 p. m. Sunday only, arriving at Scranton at 11:30 a. m. and 6:30 p. m. Arrive at Scranton at 11:30 a. m. and 6:30 p. m. Arrive at Scranton at 11:30 a. m. and 6:30 p. m.

Additional trains leave Scranton at 7:00 a. m. and 7:25 p. m. Through tickets to all points west. Rates 2 cents per mile. Lowest Rates to all Points West.

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RAILROAD TIME TABLES. PENNSYLVANIA RAILROAD.

Schedule in Effect March 17, 1901. Trains leave Scranton: 6:45 a. m., week days, for Sunbury, Harrisburg, Philadelphia, Baltimore, Washington and for Pittsburgh and the West. 9:38 a. m., week days, for Hazleton, and for Sunbury, Harrisburg, Philadelphia, Baltimore, Washington and Pittsburgh and the West. 2:18 p. m., week days, (Sundays 1:58 p. m.) for Sunbury, Harrisburg, Philadelphia, Baltimore, Washington and Pittsburgh and the West. 4:22 p. m., week days, for Sunbury, Hazleton, Pottsville, Harrisburg, Philadelphia and Pittsburgh.

Lehigh Valley Railroad. In Effect March 2, 1901. For Philadelphia and New York via D. & H. R. R. at 8:45 and 11:55 a. m. and 2:15, 3:15, 4:15, 5:15, 6:15, 7:15, 8:15, 9:15, 10:15, 11:15 p. m. Sundays, D. & H. R. R. 1:25, 8:57 p. m. For White Haven, Hazleton and principal points in the coal region, via D. & H. R. R. at 6:45, 7:15 and 4:27 p. m. For Pottsville, 4:30 p. m. For Bethlehem, Easton, Reading, Harrisburg and principal intermediate stations, via D. & H. R. R. at 6:45, 11:55 a. m. and 2:15, 3:15, 4:15, 5:15, 6:15, 7:15, 8:15, 9:15, 10:15, 11:15 p. m. For Tunkhannock, Towanda, Elmira, Ithaca, Geneva and principal intermediate stations, via D. & H. R. R. at 8:00 a. m. and 1:00 and 3:00 p. m. For Geneva, Rochester, Buffalo, Niagara Falls, Chicago and all points west via D. & H. R. R. at 11:55 a. m., 2:35 (Black Diamond Express), 7:15, 10:15, 11:30 p. m. Sundays, D. & H. R. R. 1:25, 8:57 p. m. Pullman parlor and sleeping car Lehigh Valley parlor cars on all trains between Wilkes-Barre and New York, Philadelphia, Buffalo and Suspension Bridge. ROLLIN H. WELCH, Gen. Supt., 26 Cortland street, New York. A. W. SORAN, M. M. H. P. Pass. Agt., South Bethlehem, Pa. For tickets and Pullman reservations apply to 209 Lackawanna avenue, Scranton, Pa.

Central Railroad of New Jersey. Stations in New York—Port of Liberty street, N. Y., and South 10th st., Jersey City. Trains leave Scranton for New York, Newark, Elizabeth, Newark, Jersey City, Hoboken, N. J., Philadelphia, March 10th and White Haven at 6:30 a. m.; express, 1:00; express, 3:50 a. m. Sundays, 4:45 p. m. For Paterson and Wilkes-Barre, 8:30 a. m.; 1:10 and 3:50 p. m. Sundays, 2:15 p. m. For Paterson and Washington, 8:30 a. m.; 1:10 and 3:50 p. m. Sundays, 2:15 p. m. For Long Branch, Ocean Grove, etc., at 8:30 a. m. and 4:10 p. m. For Reading, Lehigh and Harrisburg, via Allentown, 8:30 a. m. and 1:00 p. m. Sundays, 2:15 p. m. For Pottsville, 8:30 a. m. and 1:10 p. m. Through tickets to all points east, south and west at lowest rates at the stations. H. P. BALDWIN, Gen. Pass. Agt. J. H. OLMSTEAD, Gen. Supt.

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Erect Form Style 701—Heavy front steel, white and drab front; hip gored, \$1.00. Erect Form Style 702—Hip-gored, heavy front steel, made of imported Diamond Satens in white and drab, \$1.50.

Erect Form Style 903—Of imported Corall full gored, hip cut; for small, slender figures, \$1.75. Erect Form Style 904—Improved—Of French Corall, in white and drab; full gored, hip cut, \$2.00.

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