

THE MODERN HARDWARE STORE.

Protect Your Trees

By using the

Lloyd Steel Tree Guard

Constructed entirely of steel. No trouble to put it on.

Price, \$1.25.

Foot & Shear Co.
119 N. Washington Ave

The Course of Study

In all departments of the Hardenbergh School of Music and Art is arranged on broad lines and according to modern progressive ideas. Send for circular. Carter Building, 604 Linden Street.

Girl's Wash Dresses for Summer Wear

In sizes from six to twelve years. Latest models in LINEN, COTON, and CRISPE.

Costs for early Spring and Summer wear. Best! West! Dressed! Boy! Dressed! Girls!

THE BABY BAZAAR
118 Washington Avenue.

Shoes

In all styles at \$1.50, \$2.00, \$2.50 and \$3.00 for Ladies' and Gents' at

NETTLETONS
Burr Building, 134 Washington Avenue.
Green Trading Stamps.

PETER N. HAAN

Livery, Boarding, Heavy Teaming and General Draying.

New Stables, 1415 Mulberry Street.
New Phone—2057.

Cost is Small to Launder Your Lace Curtains...

Don't you want to try our way this time? We guarantee artistic lace effects and careful hand work. Lace laundering is a specialty.

LACKAWANNA THE LAUNDRY.
295-310 Penn Avenue.

SQUARE IS ILLUMINATED.

Eight Arc Lights Make Court House Lawn Brilliant.

Last night, for the first time, the eight arc lights, placed on Court House Square by the county commissioners, were lighted up and for the first time the beautiful aspect of the Square was visible at night.

The fact that the Square with its great expanse of lawn, picturesque court house and magnificent monuments, is the city's principal show place prompted the erection of these lights. Those who viewed the scene last night were unstinted in their approval of the commissioners' action.

Physical Culture at Its Best.

The training of a sound body is considered of an utmost importance at Swarthmore College as intellectual culture. It receives the same discriminating direction and care. The handsome gymnasium recently built is the latest evidence of this.

But physical culture at Swarthmore is intelligently conducted. A course of training is prescribed for each individual case to meet the individual need. As a result the health record of Swarthmore is remarkable.

In this, as well as in every other department, the advantage of the "small college" is manifest. It makes possible that close personal relation between instructor and student that awakens and develops the best there is in a man or woman.

The same discrimination, thorough equipment and intelligent attention extend to every branch of the college work—the libraries, the physical, chemical and biological laboratories, machine shops, astronomical observatory, etc.

Swarthmore is co-educational. It offers four courses—Arts, Science, Letters and Engineering. It is under the conservative, yet progressive management of Friends—yet is distinctly non-sectarian. It is ideally located amid 200 acres of wood and lawn, affording ample opportunity for all kinds of outdoor sports. For catalogue and further particulars address the president, William W. Birdsall, Swarthmore, Pa.

JUDGE KELLY IS SUSTAINED

SUPREME COURT IN GILMORE-DUFFY CASE.

Agreement Between Partners That Ten Per Cent Interest Should Be Allowed on the Difference Between Their Contributions to the Firm's Capital Is Not Usury—City Wins in a Damage Case Tried Before a Referee—Other Matters of Interest in and About the Courts.

The opinion of the supreme court in the Gilmore-Duffy case was received yesterday by Prothonotary Copeland. It affirms Judge Kelly's finding that an agreement by one partner to pay ten per cent. interest on the difference between their investments in the partnership is not affected by the usury laws.

Gilmore and Duffy entered into partnership in the wholesale grocery business. Gilmore put in about three times as much as Duffy in the capitalization of the concern. When it came to a dissolution of the partnership, Gilmore claimed \$2,700 more than Duffy was willing to allow, the claim being based on a provision of their agreement, that Duffy should allow Gilmore 10 per cent. interest on the difference between the respective amounts invested.

Attorney D. J. Davis, who was appointed master to adjust the dispute refused to allow the Gilmore claim on the ground that it was in violation of the usury laws, which restrict usury to 6 per cent. Judge Kelly in reviewing the master's report, reversed this finding and allowed the 10 per cent. The supreme court now affirms Judge Kelly's finding. The opinion of the supreme court was written by Justice Mitchell and is as follows:

Objections having been made by appellee that the appellant's paper book did not contain the whole of the evidence, all the assignments of error were withdrawn except the tenth, and in order to facilitate the hearing upon that, the following statement of facts from the appellant's paper book was agreed to as the basis of the court's consideration of the case:

The appellant and appellee entered into partnership in forming their partnership agreement, which had contained, agreed that in distributing the profits at the end of each year, both should pay Gilmore ten per cent. interest on the difference in their capital. This was actually done at the end of each year, and the charges fairly entered upon the books, which were equally open to examination by both partners, and of the result of which statements were given to Duffy each year.

The master found that this agreement was usurious, but the court sustained an exception and held otherwise. This ruling is the subject of the only assignment of error now before us.

The agreement was not within the usury laws. It was not for interest properly so called, but for a share of profits. The money was not a loan from creditor to debtor, but a contribution to the partnership capital and was all the time at the risk of the business. The agreement was a mere method of division of profits between partners having unequal interests in the firm.

It had stipulated that Gilmore should first have the amount of each year's profit, and then the rest should be divided, the effect would be the same. As said in Scott vs. Emery, opinion filed at this term, "Whether the sum to be paid was fixed in advance or left to be determined by a fixed percentage, is unimportant, as long as it was a share of the profits only."

Decree affirmed.

Referee Davis allowed Gilmore \$5,529.45. He claimed \$8,610.35. The Supreme court awards him the full amount of his claim. F. H. Jernyn was Mr. Duffy's bondsman in the appeal.

OUR SUMMER SCHOOL OF EIGHT WEEKS.

Opens June 19th, 1902.

Call or Write For Particulars. Both Phones.

J. ALFRED PENNINGTON, Director.
Adams Avenue and Linden St.

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TWO LETTERS.

Scranton Business College.
Williamsport, Pa., May 5, 1902.

Scranton Business College:

We shall be in need of an assistant bookkeeper by the beginning of next week, and would be glad to have you advise us promptly if you have a young man you can thoroughly recommend for that position. One of our office men expects to leave us next week, and we shall advance another to fill his position, and advance Herman Schmalz to the next higher position, which will necessitate filling his position. We pay the assistant bookkeeper \$10 per week, but do not wish anyone for that position who would not have the right qualifications for advancement when a vacancy occurs. Please advise promptly.

The college sent Herman Schmalz but a few weeks ago.

Williamsport, Pa., May 5, 1902.
Scranton Business College:

I am in receipt of your favor of the 7th inst., and thank you for referring W. C. Runyon to us. As we wish to have the opportunity of having him instructed in his work before the other man leaves, we would be glad to have you advise him to come here at once. Also request him to advise us the time that we may expect him.

To Go to Wilkes-Barre.

The members of Stothens Lodge, G. U. O. of P. have been invited to Wilkes-Barre on Sunday evening, May 11th, to take part in the annual Thanksgiving service. All of those that can go will meet at the D. & H. depot at 6 p. m. Sunday with badges, white gloves, etc., by order of

George W. Brown, Marshal,
L. E. Morton, Secretary.

AMATEUR BASE BALL.

The Lackawanna will cross bats with the Olyphant Browns on Saturday at 3 p. m., on the town's ground. E. Smith, captain.

What is FRUITED WHEAT? ..

FOR SALE

BY

W. T. HACKETT

This beautiful residence, one of the handsomest homes in our city, is offered for sale. The lot, which has a frontage 100 feet and a depth of 180 feet, is elegantly situated on the shady side of one of the finest of our residence blocks. This avenue is paved with asphalt, and there is an abundance of shade trees, shrubs, etc. The interior plan and finish of the house is excellent and will appeal to anyone of refined tastes. The price is \$12,000.

Persons who contemplate buying or building such a home should call upon or address W. T. Hackett, the real estate dealer, Room 10 Real Estate Exchange building, 128 and 128 Washington avenue, Scranton. He has also a full line of residences, ranging in price from \$600 to \$20,000.

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