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Their exquisite pieces for artistic home furnishings are made in our own studio, hence the very low prices.

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"They Draw Well." Morris' Magnet Cigars. The best value for 5 cents.

E. C. MORRIS, The Cigar Man, 325 Washington Avenue.

In and About The City

Automobile Races at Speedway. The Automobile club will hold races on the Boulevard this afternoon.

D. L. & W. Fay Days. The Delaware, Lackawanna and Western paymaster began paying the train men yesterday for June, and will finish today.

Bond Approved. The bond of George F. Cushman, collector of taxes of West Abington township, in the sum of \$2,000, was approved by the court yesterday.

Reunion of Veterans. The Seven County Veterans' reunion, arrangements for which are being made, will be held the third Wednesday in August at Nay Aug Park.

Missing from Home. A. C. Nivell, of 827 Jefferson avenue, has been missing from home during the past week, having disappeared last Saturday night after telling his wife he would soon return.

Bankruptcy Hearing. Referee in Bankruptcy C. A. Van Wormer yesterday morning conducted a hearing in the case of John A. Coddington, of Hallstead, certain creditors of whom have filed a petition alleging him to be insolvent and to have committed an act in bankruptcy.

Must Moderate Speed. Director of Public Safety F. L. Wormser has decided that the reckless speed at which automobiles are being propelled along the city streets must be stopped.

For Fast Driving. James Rennie and Maggie Jones were arraigned before Magistrate Howe, in police court yesterday morning, charged with violating the city ordinance regarding fast driving.

Bankruptcy Cases. James C. Chatham, of Parandeville, Clinton county, yesterday filed a petition in bankruptcy in the office of Clerk E. W. Searle, of the district Federal court.

Mischievous Small Boys. William Corbett, Jr., of Hemlock street, and Frank and Leo Ryan, of Prospect avenue, were arraigned before Alderman John T. Howe yesterday, on the charge of the new Rapid Transit company.

Are You Going to the Seaside Or to the Country?

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embankments and acting in a general disorderly manner. The boys' fathers went their bail.

Kept on Collecting. Myron Jones, of Lackawanna avenue, a young man who has been employed as collector by Frank G. Lally, was yesterday committed to the county jail by Alderman Karson, in default of \$50 bail.

ARLINGTONS WIN TROPHY.

Champion Bowling Team of the City League. The final games in the City Bowling League were rolled on the Elks' alleys last night, and invincible Arlington's won two out of the three games played, thus winning the trophy for the series.

Table with columns for names and scores. ARLINGTONS: J. Kiefer 157, Smith 145, etc. INDEPENDENTS: Pockham 132, Jones 135, etc.

FOR THE POLICE AND FIRE DEPARTMENTS

Plans of the Building It Is Proposed to Erect in the Rear of City Hall.

The plans submitted to common council Thursday night by Superintendent of Building Inspection F. L. Brown, for a joint fire and police house, to be erected by the city, at a cost of \$40,000, on the lot adjoining the city hall, facing on Mulberry street. The lot is 130 feet long by 50 feet wide, and is municipal property.

The primary use of the building is as general fire headquarters. The first floor will be arranged for the accommodation of three companies, two steamers and a truck, with the attendant men. The present intention is understood to be the raising of No. 2 Truck and the old Crystal company into the building. A third stall will be used for the housing of the chief's carriage and the supply wagon. This apartment will be in the front of the first floor.

Another apartment will be partitioned off, which will be utilized for a general repair shop and a storeroom for damaged apparatus. Underneath will be a cellar, used for the storing of fuel, and a tower will extend from the cellar up, which will be utilized for the drying of hose.

In the rear of the repair shop, facing on Dix court, there will be three stalls for the police patrol, ambulance and reserve apparatus of the fire department. Three separate box stalls will be used for the care of horses, temporarily disabled, who will be brought here for hospital purposes.

STABBED WITH A FORK.

Man Who Did the Stabbing Made His Escape. A stabbing affray occurred at 8.30 o'clock last evening in a boarding house at 118 Franklin avenue, conducted by C. Battaglia.

Yesterday's Marriage Licenses.

Joseph Skamich, Scranton; Basil Busch, Scranton; Vasil Kosty, Scranton; Mary Feduzzo, Binghamton, N. Y.

IMPORTANT CASES THESE

THEY WERE PASSED UPON BY SUPERIOR COURT.

Lower Court Sustained in the Case of George L. Peck, Trustee for Howard H. Beldeman and His Creditors Against William Connell and Reversed in the Case of George Cooper Against the City of Scranton—Opinion as Rendered in the Latter Case.

In the two cases from this county in which the superior court handed down opinions at Philadelphia Thursday important questions were decided. The court in this case was sustained in the case of George L. Peck, trustee for Howard H. Beldeman and his creditors, against William Connell. Mr. Beldeman was in the book business on Spruce street in this city. On April 29, 1899, when he began business, he borrowed \$1,500 from Mr. Connell and gave him note for that amount.

Along in 1899 Mr. Beldeman became financially involved and to protect the note of \$1,500 Mr. Connell had an execution issued on it. On June 5, 1899, Mr. Beldeman filed a petition in bankruptcy and on June 19 following was declared a bankrupt. In the meantime there had been a sale of his stock on the Connell judgment and \$1,300 was realized.

Mr. Peck, as trustee for the creditors of Beldeman, began suit to collect from Mr. Connell the amount realized by the sale, alleging that the amount should be divided pro rata among the creditors taking the ground that as the execution was not issued until less than four months before Mr. Beldeman became a bankrupt under the bankruptcy act of 1898, the note should be paid in preference on his note but must take his place among the other creditors.

POSITION OPPOSED. This position was vigorously opposed by Attorney Ezra H. Connell, who appeared for the defendant. He argued that it was not the purpose of the bankruptcy act to deprive the creditor his incentive to vigilance in collecting his claim from a debtor who happens to become an insolvent and that it would be a great injustice to rob a man of his right to collect on a note where it was manifest there was no attempt at preference on the part of the person owing the claim.

The court of this county sustained the position taken by Attorney Connell and decided against Trustee Peck who thereupon took an appeal to the superior court where Attorney Connell again argued the ground he advanced in the lower court. The opinion of the superior court was written by Judge W. D. Porter and endorses the contention of Attorney Connell as good law and good sense. There will be no division of the amount realized from the sale.

The other Lackawanna county case was George Cooper against the city of Scranton an appeal by the city from a verdict of \$1,400 awarded in favor of the plaintiff. It was the third trial of the case. On the first trial a non suit was granted on the ground that the city of Scranton was an inadequate party to the suit. On the second trial the declaration was held to be defective and judgment on the part of the engineers by whom the sewer was planned and the city was not liable for their errors of judgment.

On the second trial the declaration was held to show that the damage was caused by the negligent manner in which the sewer was maintained by the city and a juror was withdrawn and the case continued.

The third trial resulted in a verdict for \$1400 in favor of Cooper and the city appealed to the superior court. The grade of the street was taken by the city. The opinion of that body written by Judge W. D. Porter follows:

THE OPINION. There was no dispute as to the facts material to the consideration of this appeal. The plaintiff was the owner of a block of houses fronting on the east side of Eighth street in the city of Scranton. Eighth street ran from Lackawanna avenue to the city hall. The grade of the street had been a gradual descent from the former to the latter street, and a sewer was laid in the street in 1885 which carried off all surface water to the city sewer. The city undertook the work of constructing approaches to the Linden street bridge over the city sewer, and in doing so changed the grade of Linden street and about 20 feet of the northerly end of Eighth street, so as to make the grade of the street correspond with that of Linden street at the intersection.

NOT CAUSE FOR ACTION. The mere omission of the municipal authorities to provide adequate means to carry off the water which storms and the natural formation of the ground throw upon city lots and streets, will not sustain an action by the owner of land against the municipality for damages arising from the accumulation of water. Cities are not bound to provide sewerage for the natural flow of the surface water, although they are bound to provide the means to construct such sewers, as in the judgment of the officers exercising the corporate powers, are necessary and expedient.

When they do adopt a plan of sewerage they are not liable for damages resulting from the insufficiency in the size of the sewers, although they may be called upon to answer for injuries resulting from negligence in the construction or repair of such works; Car vs. Northampton, 18 Pa. 224; Allentown vs. Kramer, 23 Pa. 402; Fair vs. Philadelphia, 88 Pa. 208; Collins vs. Philadelphia, 83 Pa. 272; Fairbank Coal Company vs. Elroy, 118 Pa. 223. The plaintiff could not recover because of mere inadequacy of the Eighth street sewer, with its catch basins, to carry off the surface water.

A Splendid Opportunity

WANTED—A few bright boys and girls, 7 to 14 years of age, to earn a year's instruction in singing. Easy work.

Apply at the studio of Alfred Wooler, Carter building—second floor—604 Linden street, Scranton; Saturday morning, July 12th, at 10 o'clock.

This has no connection with the Tribune's Educational Contest. consequence of its public works; Wier vs. Plymouth Borough, 148 Pa. 568; Elroy vs. City of Scranton, 118 Pa. 223. The plaintiff seeks to recover on this ground. The source of the injury complained of is thus stated in the case-books of the appellate courts in 1896 Linden street was graded. The ravine down which the water had theretofore flowed was dammed up. The grade of the northerly end of Eighth street was changed from a down grade of 15 per cent. from south to north to a grade of 1 per cent. from north to south for 20 feet on the northerly end of the street. The result was, according to the testimony of a large volunteer witness, that a large volume of water was cast from Linden street upon the north end of Eighth street, which, together with the water accumulating for 20 feet on the northerly end of the street, was all accumulating in front of Cooper's property and cast into and upon the same.

A CORRECT STATEMENT. This is a correct statement of the position taken by the learned counsel for the appellee here as well as in the court below. This leaves no doubt that plaintiff's cause of action has its foundation in the change of the grade of Eighth street which the injury meant and which the constitution of 1874, "municipal and other corporations and individuals invested with the privilege of taking private property for public use, and the compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, shall be just and equitable," provided for as such was unavoidable in the accomplishment of the public undertaking, but the property protected was not that which directly resulted from the improvement, but includes as a consequence of the change, the injury proximate, immediate and substantial; the grade of the street, which is the meaning of the constitution; Chatham's case, 118 Pa. 223.

The property of the plaintiff abated directly upon that part of Eighth street, the grade of which was changed, and the result was the injury to the property as a natural and unavoidable consequence of the change. If the property was injured by the change it came within the meaning of the constitutional provision. The change of grade having been made in the manner provided by law in ordaining the improvement. The grade as established by the act was changed by the city authorities, all that the plaintiff can demand is compensation.

EFFECT WAS DIRECT. The effect of the change of the grade of the street upon the drainage was direct, immediate and unavoidable; water must flow down hill. This was therefore an element to be considered in determining the value of the property of the plaintiff resulting from the change of the grade of the street. The constitution gave the plaintiff a right to compensation, inasmuch as the grade of the street might have been ascertained under the provisions of the act of May 25, 1889, P. L. 277, or the plaintiff might have availed himself of the more satisfactory remedy provided by the act of May 16, 1891, P. L. 75. A statutory remedy having been provided for the enforcement of the constitutional right, that remedy ought to have been pursued. The ascertainment of the damages and benefits arising from the execution of a public work by a municipality is a matter in which the public has, and many private individuals may have, an interest.

It is important that those who are to receive compensation for the injury to those who are to pay for benefits accruing to property as a whole must be taken into consideration, in connection with any injury that may result to land and buildings.

If each individual owner of land upon a newly graded street were permitted to sue his rights in an action of trespass, the result would lead to confusion and prejudicial to the rights of the public. When the injury to property is such only as is direct, immediate and necessary or consequential, the remedy is that of eminent domain itself, irrespective of the manner of execution of the work, a proceeding before the proper authority, and the remedy is that of eminent domain, and the point of the defendant requesting a binding instruction ought to have been affirmed.

CENTRAL HEATING PLANT.

Discussed by a Board of Control Committee.

At last night's meeting of the building committee of the board of control, the matter of establishing a central steam heating plant to furnish steam for the high school, the proposed manual training school and the proposed annex to the high school was discussed. Nothing definite was done in the way of carrying the idea into execution.

A committee of property owners of the Fourth ward was present, asking the board to join with them in constructing a private sewer on Rebecca avenue, from Price to Jackson street. The sewer will run along one side of No. 19 school and the committee decided to recommend to the board that it join with the citizens in building the sewer.

The high and training school committee also met last night, but did not take any action with reference to increasing the high school faculty. It will be deferred until the attendance in the high school, after the next term begins, is ascertained. The committee decided to recommend that high school pupils who do not return the school books entrusted to them be sued. The district has sustained great loss through the action of pupils in retaining a number of school books when they leave school. The practice is quite general.

IMPERSONATED OFFICERS.

Frank Cobb and Barney Cobb Accused of Blackmail. Frank Cobb and Barney Cobb, brothers, of Kressler court, were held in \$500 bail each by Alderman M. J. Ruddy, yesterday, on the charge of impersonating officers and blackmailing speakases and the proprietress of houses of ill-fame. In default, they were committed to the county jail.

SHIPPED UNSTAMPED CIGARS.

Antonio Schiavo, of Hazelton, Placed Under Arrest. United States Marshal J. W. Snyder yesterday arrested Antonio Schiavo at Hazelton, on a charge of manufacturing and shipping cigars packed in unstamped boxes. He was taken before United States Commissioner Hill, of Hazelton, and held in bail for a hearing Tuesday morning.

RAN AMUCK IN DICKSON CITY

COAL AND IRON POLICE GET THEMSELVES IN JAIL.

Trio of Delaware and Hudson Company Watchmen Stroll Out of Olyphant and Cross the Dickson City Line to Be Grabbed Up by Chief of Police Visnoski and Sent to Jail for Carrying Concealed Weapons. Preparations Being Made to Operate the Oxford Washery.

Three coal and iron police employed by the Delaware and Hudson company at Olyphant, are in the county jail to serve thirty days each in default of a fine of \$25 for carrying concealed weapons. They are: John Harvey, H. Cordell and John Holahan.

Their imprisonment is due to Burgess William Kennedy, of Dickson City borough.

The three policemen were off duty yesterday afternoon and went out for a stroll. As the geographies they had studied did not clearly define the boundaries between the upper valley municipalities, they unwittingly got across the Olyphant line into Dickson City.

Whether or not they were followed has not developed, but be that as it may they were very long within the precincts of Dickson City, when Chief of Police Luigi Visnoski took them in tow and arraigned them before Burgess Kennedy on the charge of carrying concealed weapons. They had revolvers in their possession and could not deny the charge, but sought to prove their right to carry arms by producing their commissions from Governor Stone, giving them all the powers that a Philadelphia police officer has.

The ordinances of Dickson, however, were held to be superior to the state laws, when the two came in conflict, and when the luckless policemen could not produce \$25, with which to mollify the offended dignity of Dickson City borough, they were committed to the county jail for thirty days.

The Delaware and Hudson company began an investigation of the case last evening, and will likely proceed to have the prisoners released on appeal or possible habeas corpus.

The Delaware, Lackawanna and Western company is preparing to open up another washery, the newly built one at the Oxford colliery. A gang of men was at work yesterday, cleaning up the place and oiling the machinery, preparatory to starting up. The washery will probably be in operation Monday.

President W. H. Truesdale, of the Delaware, Lackawanna and Western company was in the city for a few hours yesterday, but had nothing to give out regarding the strike.

District President Nichols, of the United Mine Workers, declared yesterday that the anthracite miners are unanimous in desiring the coming national convention to declare a general strike. He spoke confidently of something being done by the national convention which will insure a victory to the strikers.

The delegates to this convention from this locality will leave next Tuesday. President Nichols, Vice President Ryscavage and Secretary Dempsey will accompany them.

A mass meeting of the North Scranton locals will be held in St. Mary's hall next Thursday night. Delegations from all the locals in the city are expected to attend. It promises to be one of the biggest mass meetings of miners ever held in North Scranton.

Household Furniture \$10.00 to \$300 To Loan on Household Furniture. This company is widely known for its liberal policy. Not only are our rates THE CHEAPEST, but we also try to accommodate you just as much as possible.

Reduced Prices on All Summer Goods. The value giving period is here. You will find bargains throughout the store. "Why do you throw away your profits?" we hear you say. We don't. We are building up a big trade, and it is going to stand by us. That's profit for us.

McConnell & Co., 400-402 Lackawanna Avenue. This is Saturday. Have You Ordered Your Munster Or Bohemian Beer? These twin malt beers are just as good as purity of ingredients and scientific brewing can produce.

Meldrum, Scott & Co., 126 Wyoming Avenue. From a financial standpoint these prices forcibly convince you of their ability as money savers. Gowns, Corset Covers, Under Drawers. Fine grade muslin, made up with insertion, 3 rows tucks, ample width... 48c.