

Counsel on both sides have presented PETER N. HAAN numerous requests for findings of fact. 1 shall answer each request specifically in Livery, Boarding, Heavy Teaming the proper place. It will not be necessary, therefore, to repeat here all the details set forth in the requests and in sary. and General Draying.

I therefore find that the plaintiffs have failed in their contention charging brib-

are insufficient to warrant a finding that the sum of five hundred dollars was paid

ery, so far as the passage of the second ordinance is concerned, and that the tes-timony of P. W. Gallagher and all the

Contributions That Are Acknowl edged by the Treasurer. circumstances disclosed by the evidence,

The treasurer of the Men's guild of St. Luke's church, desires to acknowledge receipt of the following cash con-

drew closer to Mr. Freedman, who has not scored any points in two weeks. Charles Dorsey kept up his energetic A GAS RANGE

New Stables, 1415 Mulbery Street. a broad and general way that one speci-fic finding of fact controls and determines New 'Phone-2057.

If You Are Considering

The purchase or sale of any high grade stocks or bonds, better consult us. We make a specialty of this kind of securi-ties.

I. F MEGARGEL & CO., Rooms 206 & 207, Commonwealth Bldg.

Slippery Stuff. When drawing your pay lay aside a portion of it for a rainy day by using our savings department.

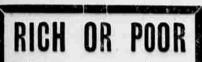




POLICE COURT CASES.

P. H. Liske, alias "Mike White," who was arrested in Centre street by Superin-tendent Day for being drunk, disorderly and using abusive language, was fined \$5 in police court yesterday morning. J. Dillon, who was arrested on similar

charges, also paid a tine of \$5. Mrs. Elizabeth Dailey, a homeless wanderor, who was picked up by the police Thursday night, was discharged yester-



Butter, per lb..... 24c A. & P. Blended Coffee, per lb..... 15c Choice Drinking Teas, per 1b. 40c 20 Pounds Fine Granulat-

ed Sugar.....\$1.00 The ONLY HOUSE that actually saves you cash for cash.

The Great Atlantic and Pacific Tea Co., 411 Lackawanna avenue, 321 North fain avenue. 'Phone, 75-2. Prompt elivery. New 'Phone, 123.

dinance. FREE PASSES. the controversy between the parties to this case. Was the passage of the second 3. As to the free passes and the payment of witness fees referred to in the second ordinance, the ordinance of August 28th, finding and the bearing these matters 1899, procured through bribery? All other have on the second ordinance, I adopt the finding of Judge Gunster in his opinquestions in the case are incidental to this main inquiry. ion modifying the injunction, wherein he 1. The first ordinance giving the Pitts ton and Scranton Street Rallway com-"As soon as the giving of passes by the pany the right to construct a street rall-way in the borough of Old Forge was passed June 5, 1809. This is the ordinance company, and the acceptance thereof by members of the borough council had been declared illegal and improper, the attacked in plaintiffs' bill. While the or-dinance was pending in the council, the councilmen who had passes immediately surrendered them to the company, and, company's agent distributed passes to al as far as I can judge, the ordinance of the councilmen. The passes were books, each containing lickets for one hundred August 28, 1899, was introduced and passed because a majority of the borough counfive-cent ides. After the passage of the ordinance and while the defendant com-pany, through its agents, was preparing cil honestly thought it should be done for he benentit of the community. The fact that they were paid their witness fees to build the road, the plaintiffs, on July 18, filed their bill in this case and secured and expenses at the former hearing by the agent of the company, does not appreliminary injunction restraining the pear to have anything to do with this ordinance. That was all done in con-nection with the first ordinance, and was defendant from proceeding with the con-struction of the railway. At the hearing of the rule to continue the preliminary done before that ordinance was declared njunction before Judge Gunster, the evi-lence as to the distribution of the passes illegal. I have examined the testimony carefully, and while the councilmen who to the councilmen was substantially the voted for the present ordinance are the same councilmen who voted for the first one. I cannot find that their votes in the same as at the final hearing. Judge Gunster held that the giving of the pasess to the councilmen, under the cir-cumstances, was sufficient proof of bribpresent case were cast from improper motives or procured by improper means." ry to invalidate the ordinance, and he 4. It may be well said that many sustherefore continued the injunction. I take the same view of the matter as my picious circumstances are disclosed by the evidence, and that some things have late learned colleague did, and I adopt been done which deserve condemnation. his finding, which was in substance that the ordinance of June 5, 1899, was pro-The employment of a councilman to do work in itself legitimate, when he is in cured through corrupt means. But it is immaterial now what the influences were that secured the passage of the ordinance a position to grant official favors in re-turn, opens the door to criticism and sus-picion; the payment of fees to councilin question, because it was repealed by the council on August 14, 1899, and the men who are witnesses, in excess of the amount allowed by law; donations to churches, under the circumstances the defendant company acquiesced in the action of council repealing the ordinance by presenting the subsequent ordinance of August 28, 1899, to Judge Gunster, and donations were made, or attempted to be made, by the defendant's agents in this case-these are matters that should be asking for a modification of the injunc-tion, on the ground that this second oravoided. They are some of the circum-stances relied upon by the plaintiffs to corroborate the testimony of P. W. Gal-lagher in the charge of direct bribery contained in his testimony. Nevertheless, dinance was free from all taint of bribery. Therefore the ordinance of June 5 is a dead letter, from whichever point of view it may be considered. the most that can be said about these circumstances is that they tend to create THE ORDINANCE. 2. This brings us to the consideration of the ordinance of August 28, 1899, hereinafter, for convenience, called the sec-ond ordinance. It was under this ordi-

ne answers thereto. It may be stated in

suspleton and doubt. As a general con-clusion of fact, based upon a considera-tion of all the evidence. I find that it has not been proven that the passage of the ordinance of August 28, 1899, by the coun-cil of the borough of Old Forge, was pro-The plaintiffs claim that the second ordi-nance is void, like the first and for the cured by bribery or any other unlawful means

same reason; that the two ordinances are substantially alike; that they were passed CONCLUSIONS OF LAW. by the same councilmen; that the in-fluences which secured the passage of the first ordinance continued to operate in connection with the second, and that the repeal of one ordinance and the subse-quent passage of another was only a sub-terfuse. To obstantiate the mainting. There are no legal questions involved that require discussion. I find: 1. That the ordinance of June 5, 1839, known as the first ordinance, is invalid. 2. That the ordinance of August 28, 1899, known as the second ordinance, has not been successfully attacked, and is valid terfuge. To substantiate the plaintiffs' contention, certain evidence has been ofand is binding upon the borough of Old Forge. 3. That plaintiffs' bill of complaint

fered, which will now be considered. A.—The distribution of the free passes to the councilmen while the first ordishould be dismissed and the injunction dissolved. After considering the plaintiffs' and

nance was pending. It appears that af-ter Judge Gunster condemned this prac-tice, the passes were called in by the company and surrendered by the coundefendant's conclusions for findings of law and fact, the opinion closes with climen when the tickets had only been partly used. This was done some time before the introduction of the second orthe following decree: Now, July 18, 1902, this cause having been heard at a regular term of equity

been heard at a regular term of equity court, and having been argued by coun-sel, it is ordered, adjudged and decreed that the plaintiffs' bill of complaint be dismissed, and the injunction dissolved, the costs to be paid one-half by the plaintiffs and one-half by the defendants. Let the prothonotary enter a decree uisl and give notice to the parties or their counsel. Unless exceptions are filed with-in ten days, decree absolute. B .- The payment of fifty dollars to Councilman Kilcoyne. This money was paid by P. W. Gallagher, claim agent of paid by P. W. Galagner, claim agent of the Scranton Railway company. It is not clear when this money was paid. Kilcoyne says it was paid after the pas-sage of the second ordinance. P. W. Gal-lagher is the main witness upon whom the plaintiffs rely to prove the payment of money to councilmen for the purpose in ten days, decree absolute.

of money to councilmen for the purpose of influencing their official action in con-nection with the ordinance. But Galla-gher himself testifies that the money was paid for expenses. Gallagher says: "I want to state that I didn't enter into any arrangement with Kilcoyne at all for the nurchase of his yere, but he assisted me The annual excursion of the Scranton Liederkranz will take place Monday, July 21, to Mountain Park. Bauer's full band and orchestra. Tickets, 75 cents; children, 50 cents. Trains leave at 8.30 a. m. and 1 p. m. rchase of his vote, but he assisted me

to influence the official action of the councilmen in conenction with either orfor the summe ibutions Cresco: Amount previously acknowledged...\$249 25 In memory of L. E. D...... 25 09 Mrs. Susan Jermyn..... Miss M. E. Sanderson..... D. Sanderson..... 10 00 H. E. Yewens.....

S. Weston..... 20 00 'homas Sprague..... 20 00 Kate G. Price.....

COURT HOUSE NEWS NOTES. Jacob Kline yesterday, through Attor-

ney A. A. Chase, began action against the Scranton Steel company to recover for damage done to his property by the loods of last spring. David W. Phillips yesterday registered as a law student with Taylor & Lewis, Miss Clara Miller registered with Car-

penter & Fleitz. The Odd Fellows of Jermyn vesterday made an application to the court for a charter. The subscribers to the articles of incorporation are: W. J. Tornow, Jos-eph T. Roberts, Michael Roberts, Richard Mellow, W. C. Nicholson.

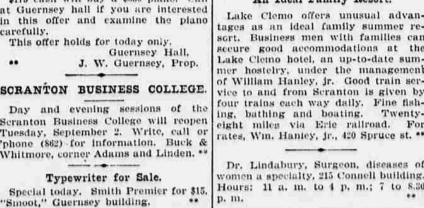
Today.

\$175 cash will buy a \$350 plane. Call at Guernsey hall if you are interested in this offer and examine the plano carefully.

This offer holds for today only. Guernsey Hall. J. W. Guernsey, Prop.

SCRANTON BUSINESS COLLEGE.

crates, \$2.50.



ages as an ideal family summer reort. Business men with families can secure good accommodations at the Lake Clemo hotel, an up-to-date sumner hostelry, under the management of William Hanley, jr. Good train serrice to and from Scranton is given by four trains each way daily. Fine fishng, bathing and boating. Twentyeight miles via Erie rallroad. For rates, Win. Hanley, jr., 420 Spruce st. ** Dr. Lindabury, Surgeon, diseases of women a specialty, 215 Connell building. Hours: 11 a. m. to 4 p. m.; 7 to 8.30

nan, of Bellevue, and now has a mar

Maxwell Shepherd, of Carbondale

century mark this morning. It is quite

a long look ahead for him now, but he

has conquered greater odds since July 1.

Homer Kresge, of Hyde Park, has undisputed possession of twelfth place.

having severed the tie that existed be-

tween him and J. A. Havenstrite, of

The standing of the ten contestants

who have scored the largest number of

gin of seven points.

nt for points

points in July follows:

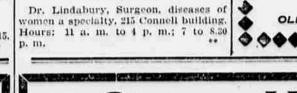
First Prize-

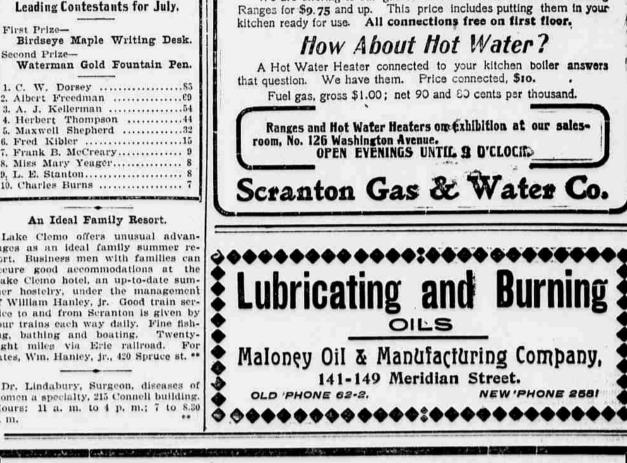
econd Prize-

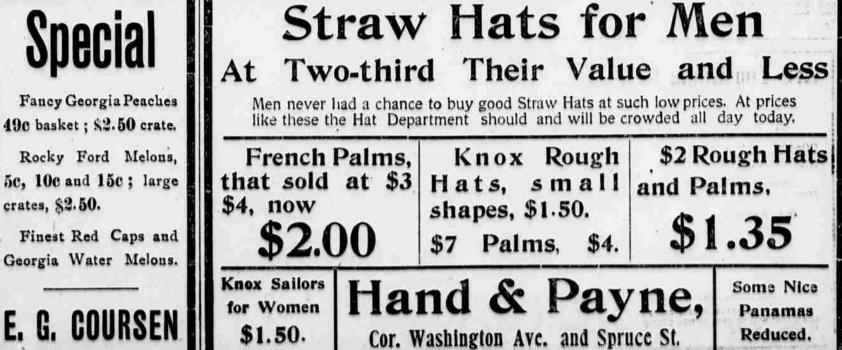
Maxwell

Albert Freedman

Moscow.







will remove all anxiety as to the Coal Supply for your kitchen, and will also save your wife much of the drudgery of housekeeping.

Cooking with Gas is as cheap as coal, is cleaner, and much more convenient.

We are offering to our gas consumers Double Oven Gas Cooking Ranges for \$9.75 and up. This price includes putting them in your kitchen ready for use. All connections free on first floor.