

THE EVENING HERALD.

VOL. VIII.--NO. 54.

SHENANDOAH, PA., THURSDAY, MAY 4, 1893.

ONE CENT.

YOU!

HAVE been good to us, neighbors. You have helped us to build up our splendid business. Once in a while we like to especially emphasize our appreciation of your kindness. This week will be one of the

"Ones!"

And our Flour Department will be the Field of operations.

Best Family Flour

\$4.20

Per Barrel.

Every Barrel Guaranteed First-Class.

Watch for Other Prices Next Week.

All goods promptly delivered free of charge. Mail orders will receive careful and prompt attention.

SHENANDOAH

READY-PAY STORE,

114 South Main Street.

FRESH BUTTER.

Received Daily.
Strictly Fresh—Extra Quality.

Dairy and Creamery Butter.

Pure Country Lard.

PURE COUNTRY LARD

Pure Country Lard.

FOR SALE.

One Car Fancy Minnesota Flour.

One Car Choice Middlings.

One Car Baled Straw.

Two Cars Choice Timothy Hay.

AT KEITER'S

FRANEY Bed Room Suits, \$16, \$22, \$25

And upwards. Two Beautiful French Glass, large plates, highly polished, at A BARGAIN—Just arrived. Call and see the entire stock and ask prices. If the goods and prices don't suit, you don't need to buy. The price will sell them.

SCHOOL BOARD MEETING

A REGULAR SESSION HELD LAST NIGHT.

ROUTINE ORDER OF BUSINESS

Nothing Said About the Superintendency—The Board Will Hold Another Meeting on Friday Night.

THE School Board held a regular meeting last night to hear reports for the last school month and attend to a routine order of business. Nothing was said or done in regard to the superintendency which occupied the attention of the members at the special meeting the night before.

The members present were Messrs. Conry, Bachman, Muldoon, Ogden, Hanna, Brennan, Gallagher, Gable, Lynch, Burke, Trezise and Davenport.

An invitation from Watkin Waters Post, No. 146, G. A. R., to participate in the Decoration Day parade and memorial exercises was accepted.

Applications of Miss Elizabeth Carroll and Frank B. Williams for recommendations for State Normal School certificates were granted. The secretary had two applications for Mr. Whitaker's position at the Turkey Run school, but as a vacancy does not yet exist they were not considered.

Superintendent Freeman reported that the school month closed yesterday and the usual report of percentages of attendance, etc., will be ready on Friday.

It was decided to place a substantial pavement in front of the Lloyd street school building and do away with the board walk. Mrs. Thomas McDonald and Mrs. Patrick Stanton were recommended for exoneration from payment of taxes.

The finance committee reported a balance of \$7,750 in the hands of the treasurer.

It was decided that when the graduating exercises are held next month there shall be afternoon as well as evening exercises. It had been intended to dispense with the afternoon sessions, but several directors objected last night, claiming that the public should have full benefit of the school work for the year.

The board adjourned to meet on Friday evening when it will consider the revised plans for the new West Centre street school building.

USE DANA'S SARSA-PARILLA, ITS "THE KIND THAT CURES."

AN APPEAL TAKEN.

The Water Works Case Goes to the Supreme Court.

A committee of the Shenandoah Water and Gas Company went to Potomac to-day and entered proceedings for an appeal to the Supreme Court for the eastern district of Pennsylvania in the case of the bill in equity of M. P. Fowler and others against the borough of Shenandoah, and also a certiorari to the judgment on the petition for the setting aside of the election held for increasing the indebtedness of the borough. Both these writs will be granted by the Supreme Court, and will be filed in our Court of Common Pleas and Court of Quarter Sessions. It is proposed that these writs will be superseded and will therefore prevent any further action by the borough towards establishing public water works until the entire question shall be disposed of by the Supreme Court.

Costiveness is the primary cause of much disease. Dr. Henry Baxter's Mandrake Bitters will permanently cure costiveness. Every bottle warranted. 1m

Surprise and Presentation.

Last evening there was a large gathering of friends at the residence of Marshal Myers, on North West street. The occasion was a surprise party and presentation to Miss Jones, who is leader of the P. M. church choir. Miss Jones is removing to Philadelphia. The Rev. J. Proud, was master of ceremonies and Mr. Baugh made the presentation speech, followed by Mr. Millchop and the pastor. The rest of the evening, until the wee small hours was occupied with games and music. Those present were: Rev. J. Proud, M. Baugh, Mr. and Mrs. Phillips, Mr. and Mrs. Hoskins, Mr. and Mrs. E. Cooper, Mr. and Mrs. J. Lee, G. Millchop, W. Jones, C. Parrish, D. Mianick, T. Thomas, T. and J. Hall, E. Davis, R. Durham, H. Parker and W. Richards. The ladies were Misses M. and S. Baugh, A. Timmins, M. Parrish, E. Davis, L. Taylor, J. Hall, P. Godber, L. Patton, S. Cooper, L. Jones and Mrs. Blakewell. A very pleasant evening was spent.

Free luncheon at Scheider's restaurant Friday evening, May 5th. 5-3-93

Special Meeting.

A special meeting of the Junior "Y" will be held this (Thursday) evening, for the purpose of making arrangements to attend the funeral of the late Emily Griffiths. LILLY LEWELLYN, Pres. SALLIE BEDDALL, Sec'y. 5-4-11

Bartholomay's Rochester Beer at Schoener's North Main street. 4-22-11

A DAM CAUSES ALARM.

The Breastwork of Reservoir No. 5 Weakens and Threatens the Town.

At ten o'clock this morning George Davidson and William Mackie, two employes of the Kehley Run colliery, ran down the hillside to town and warned the people that one of the dams of the Shenandoah Water Company threatened to burst.

The two men had been sent out to warn the people by the officials of the colliery, who at the same time stopped all work and ordered all men out of the mines.

Superintendent Thomas Baird, of the Thomas Coal Company, had feared serious consequences from the heavy and continual rains of yesterday and last night, and for that reason had some of his men watching the dams, which are so located above the colliery that a break in one of them would cause great damage to the mine.

Shortly before ten o'clock Outside Foreman Kelper reported that the breastwork of the largest dam, and which is the uppermost but one of the five, was weakening.

Immediately upon receipt of the alarm the Union street schools were dismissed and families in all parts of the First ward prepared for the worst. This part of the town would suffer the most in case of a flood, as it is directly in line with the ravine in which the dams are located.

Much excitement prevailed, and it was not without some cause, for the creek that take the overflows from the dam and pass through the First ward were greatly swollen and rushed under the bridges and past the houses in roaring torrents.

A visit to the dam was enough to satisfy one that the breastwork was in a very threatening condition. Its appearance indicated that the water had undermined it, for the stone facing on the south side of the breastwork had fallen to the north and left a gap about thirty feet in length, and extending from the top to almost the bottom.

The north facing of the breastwork seemed intact and was holding the water back at noon. But a small part of the breastwork's top had fallen down, although it was badly cracked.

Mr. S. D. Hess, superintendent of the water company, arrived from Potomac at noon and hastened to the dam by carriage. After inspecting the break he put a number of men at work making water courses to tap the reservoir.

When the HERALD went to press the excitement had subsided considerably and there was a general belief that the crisis had passed.

The dam affected covers an area of about four acres.

People thronged to the dam when the reports of danger spread, among them being Rev. H. F. O'Reilly, who said he did not think there would be any great danger. Counselman Betteridge was also there and he did not seem to be alarmed.

A gentleman who made a full examination of the place stated just before the HERALD went to press that there was no more danger. He said that the break was not really one to cause much alarm. It was simply a wash due to the rain beating on the outside of the breastwork and was in no way caused by a pressure of the water in the reservoir.

The water company has a force of 150 men at hand in case there should be an extraordinary rain to-night and extra water courses should be required to relieve the strain on the breastworks.

Watchmen will also be kept on duty throughout the night.

None of the water company officials seem to be alarmed in the least. In answer to all questions they say, "There is more excitement than is called for. We do not think the dam will give way."

Obituary.

Emily, daughter of Edward and Lizzie Griffiths, of East Oak street, died this morning from pneumonia, after a short illness. The funeral will occur Saturday afternoon, and interment will be made on the hill.

Lane's Family Medicine Moves the Bowels Each day. In order to be healthy this is necessary.

Injured in the Mines.

Anthony Gravesky, a Polish miner, was badly injured about the head and legs by a fall of coal in the Turkey Run colliery. He was taken to his home in the First ward.

G. Meade Peters, the popular bartender, has not gone to Lakeside. He can now be found at Schoener's restaurant. 4-27-11

Best work done at Brennan's Steam Laundry. Everything white and spotless. Lace curtains a specialty. All work guaranteed.

DOINGS AT THE COURT.

JUDGE BECHTEL'S DECISION ON LICENSE MATTERS.

IMPORTANT QUESTION DECIDED.

The Creditors of Paul Summa Can in no Way Interfere With the License Transferred to Mrs. Breen.



WHEN Paul Summa turned his back on Shenandoah in February last he little thought his departure would bring about one of the most important discussions of our county courts affecting the transfer of retail liquor licenses and the interest creditors of the license might have in his license. When application was made by Mrs. Kate Breen, the owner of the licensed property, for the transfer to her of the Summa license, it was opposed by Summa's creditors on the ground, first, that the transfer could not be made without Summa's consent, and, second, that the creditors' interests should be protected to the extent of their debts. Judge Weidman directed that the transfer be made. Then J. H. Pomeroy and T. E. Beldall, Esq., took a writ of certiorari removing the case to the Supreme Court, and on the heels of this proceeding took a rule on Mrs. Breen to show cause why the order making the transfer should not be revoked, for the reason that the certiorari superseded the transfer.

Making this rule absolute would have been to close up Mrs. Breen's place of business 'till the Supreme Court could pass upon the case in February 1894. M. M. Burke, Esq., appeared for Mrs. Breen. Judge Bechtel discharged the rule. The opinion is published in order that the HERALD readers may have a copy for future reference.

In his opinion Judge Bechtel says: In effect, the rule is taken to determine whether the writ is a superseasus or not. We have heretofore expressed our doubts as to whether or not we should undertake to determine the effect of writs such as this. When the Common Pleas sends a writ to a Justice to remove his record, it is not left for him to say whether he will obey it or whether he will execute the judgment he rendered. Why should the Common Pleas decide whether the writ of the Supreme Court supercedes its authority? When the Supreme Court of the United States sent its writ to the Supreme Court of Pennsylvania in the case of the Pennsylvania Railroad Company vs. the Commonwealth our Supreme Court declined to dispose of the question whether process stayed, and the parties were given time to apply to the Supreme Court of the United States for a superseasus. Justice Woodward said, "I hold that the question of jurisdiction and the effect of these writs of error are questions for the Supreme Court of the United States." Justice Strong said, "I concur with the Chief Justice and Brother Thompson as to the effect of the writs of error from the Supreme Court of the United States, and I think it is for that Court to enforce their own writs." If, however, it will be of any advantage to the parties interested here to know our conclusion upon the question presented and the reason therefor, they can have it. The granting of a license under the law as it stood previous to the present Act, was entirely in the discretion of the Court of Quarter Sessions. In Baudenbusch's case, 120 Pa. St. 326, it is said in substance: the granting or refusal of licenses under our present Act is a matter of legal discretion to be exercised wisely and not arbitrarily; to perform this duty the Court below may hear petitions, reasonances, or witnesses, and in some instances act of its own knowledge, and this Court will not review the manner in which such discretion is exercised. But the present Act says nothing in relation to the transfer of a license, and that is still governed by the Act of April 20, 1858, Sec. 7, P. L. 366. It provides that "if the party licensed shall die, remove or cease to keep such house, his, her or their license may be transferred by the authority granting the same." The regulations of the laws under this Act permitted a certain discretion to the authority granting or refusing licenses, and this discretion is considerably enlarged by the Act of 1877.

While the court is required to hear and decide questions relating to the transfer of licenses, the higher court will not determine how we shall decide. Chief Justice Paxson says in Blumenthal's case, after a full discussion of the subject, "the court below had the power, under the Act of 1858, to transfer this license, but it was a matter of discretion and not reviewable here." Petition of Babelia Blumenthal, 125 Pa. St. 416. There is, however, another serious difficulty in the way of the parties who obtained the above rule, as we stated at the time the order of transfer was made. Lewis Kline says the parties interested are creditors of Paul Summa, who disappeared, and this is the interest they have in this question. Mrs. Kate Breen, to whom the license was transferred, owns the property for which the license was granted, and under the order of transfer she is required to pay a proportionate share of the license fee to the parties legally entitled thereto. This does not seem to be satisfactory, but it appears there is a desire to de-

mand more, for they assert no other interest, than that of creditors. We are inclined to think that, as creditors, they have no interest in this question at all. This seems to be warranted from the following quotation from the opinion in the Blumenthal case: "While it is true, as was said in Baudenbusch's case, 120 Pa. St. 326, that 'neither the petitioner nor any other person in this state has any property in the right to sell liquors,' yet it is also true that when the state grants a license to a man for that purpose, the latter acquires a privilege to sell liquors for a specified time, for which he has paid the Commonwealth a valuable consideration. The privilege, however, is personal, and is not assignable, nor does it go to the personal representatives in case of death." Under these circumstances what interest or right has a creditor in the question whether or not the court shall transfer the license to another occupant of the house? If, as has been decided, we may transfer a license in a proper case without the consent of the owner to whom the privilege is personal, there would seem to be no reason why his creditors should have to be consulted.

In Henry & Johnson's Arnica and Oil Liniment is combined the curative properties of the different oils, with the healing qualities of Arnica. Good for man and animal. Every bottle guaranteed. 1m

SCHOOL SUPERINTENDENCY.

Great Interest is Manifested Over the Matter.

The election of Martin P. Whitaker as superintendent of the public schools of this borough has caused more interest and comment than has manifested in anything since the interest in public water works was manifested. Mr. Whitaker's friends on the one hand stand by the appointment and claim it is nothing more than a just recognition of ability. On the other hand the opposition claims that it does not think Mr. Whitaker is qualified for the position.

Inquiry last night elicited the statement that the formal protest made before the School Board on Tuesday night by the six members voting against Mr. Whitaker was a determined one and not a "bluff." It is said the protest was made not because there is any personal feeling against Mr. Whitaker, but because the parties who made it honestly believe that the gentleman is not competent to fill the place, and nothing but an examination by the State Board of Public Instruction will be satisfactory.

It is understood that all the papers to bring the matter officially before the attention of the State Superintendent are ready and will reach headquarters before the close of the present week. The contesting parties claim that under the law when one-fifth of the membership of a School Board believes that an unqualified or incompetent person is elected to a superintendency of schools that one-fifth of the membership may protest and the State Department will require the party elected to stand an examination before the State Board of Examiners.

It is said that thirty days must elapse before the commission can be issued to Mr. Whitaker and that will afford ample time to arrange the examination.

Take your friends with you and enjoy the big free lunch at Scheider's, Friday evening. 5-3-93.

Political.

George is becoming a regular machine job. An' the people of the state air givin' hot. They can't see enny joke in the good ole name o' Hoke.

An' they're askin' w'ats the matter with Dink Bott.

Well, we'll poke no jokes at Hoke, An' our latter we will choke; We'll try an' stop his drink, Before we let at Dink; We'll mix this mill rebuske, When we hear o' Pod Dismaske.

For in that sunny lan' o' cotton, coons and yams, Such games es them is jes' the proper game, But w'en it comes to "Podolan game" We'll lay to crack er snipe. —Carl Currier

Just think of it! All the departments of the National Government are being run by the "rascally Republicans" in the absence of their chiefs.

Another Richmond in the field. Squire Carden is an applicant for the post office. Next!

"A stich in time" often saves consumption. Downs' Elixir used in time saves life. 1m

Twelve Photos for 50c. By sending us your cabinet, together with 50 cents, we will furnish you one dozen photos. 1-2-11 W. A. KEASEY.

Do You Smoke?

If you do you want something good. You can have it in the "Admiral" cigarette. It is not made by the trust. For further particulars call on or address E. Labows & Co., Mahanoy City, Pa.

Those who in the goodness of their hearts desire to benefit their neighbors, should recommend the use of Dr. Cox's Wild Cherry and Seneka.

Buy Keystone flour. Be sure that the name LEWIS & BAER, Ashland, Pa., is printed on every sack. 3-3-93

Best photographs and crayons at Dink's.

CARPET BEATERS.

All kinds, at Fricke's Carpet Store, S. Jardin St