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Supreme Court Decisions

TALLAHASSEE, June 17.—(Special.)—The supreme court has reversed the decree of the circuit court for Duval county in the case of the Jacksonville Loan and Insurance Company, a corporation, appellant vs. National Mercantile Realty and Improvement Company, a corporation, appellee. The opinion is by Hon. W. S. Bullock, circuit judge, approved by each of the justices of the supreme court under the act of 1919. Bissell and Rinehart for the appellant; J. M. Mathews for the appellee.

The court has affirmed the judgment of the circuit court for Washington county in the case of Chipley State Bank, plaintiff in error, vs. J. S. McNeill, receiver of the Pensacola State Bank, defendant in error. The opinion if by Hon. D. K. Reaves, circuit judge, approved by each of the justices of the supreme court under the act of 1919. William Phillips, for plaintiff in error; John W. Stokes and Scott M. Loftin for defendant in error. The Pensacola State Bank became insolvent and Mr. McNeill was appointed receiver. At the time of the failure, the Pensacola State Bank held the Chipley State Bank and also owned capital stock in the Chipley Bank. Therefore the assets of the Pensacola Bank, including its stock in the Chipley Bank passed to the receiver for the benefit of all its creditors. Thereafter, and while the receiver still held such stock, the Chipley Bank declared a dividend on all its stock, but refused to pay such dividend to the receiver, claiming the right to set off the amount thereof against the unpaid balance due it from the insolvent Pensacola bank. Whether such right exists is the only question involved in this case. The court holds that the dividend was wholly earned and declared long after the receiver was appointed, and it never was the property of the insolvent bank, actually or potentially, and hence could not be pleaded as a set off against this suit of the receiver.

The court has affirmed the decree of the circuit court for Orange county in the case of Robert Dun, Douglass, Georgia Supply Company, Frictionless Metal Company and Simonds Manufacturing Company, appellants, vs. State Bank of Orlando, appellee. The opinion is by Hon. D. K. Reaves, circuit judge, approved by all of the justices of the supreme court under the act of 1919. V. S. Starbuck for appellants; Massey and Warren for appellees.

The court has reversed the judgment of the circuit court for Marion county in the case of the First National Bank of Gainesville, a corporation, plaintiff in error, vs. John R. Williams, defendant in error. The opinion is per curiam, concurred in by all of the justices. Hampton and Hampton for plaintiff in error; Anderson and Anderson for defendant in error.

The court has reversed the judgment of the circuit court for DeSoto county in the case of Howard Cole and Company, plaintiff in error vs. R. E. Whidden, defendant in error. The opinion is by Hon. Mallory F. Horne, circuit judge, approved by each of the justices of the supreme court, under the act of 1919. Treadwell and Treadwell for plaintiff in error; no appearance for defendant in error.

The court has affirmed the decree of the circuit court for Hillsborough county in the case of Minnie A. Rausch et al, appellants vs. The Equitable Life Insurance Society of the United States, appellee. The opinion is the supreme court under the act of 1919. E. J. Bindley for appellants; Knight, Thompson and Turner for the appellee. In this case the court adheres to the ruling so often announced by it that the acknowledgment of a married woman and the certificate of the officer in the absence of fraud of duress, are conclusive as to the separate and private examination of the wife.

In the case of Willie Pearl Phinney, complainant vs. Ernest G. Phinney, appellee, the court has affirmed the decree of the circuit court for Duval county, granting the divorce, but has reversed so much of the decree as requires the complainant below to pay to the respondent, one hundred dollars a month, or any other sum, as permanent alimony.

"BAYER CROSS" ON GENUINE ASPIRIN

BAYER

"Bayer Tablets of Aspirin" to be genuine must be marked with the safety "Bayer Cross." Always buy an unbroken Bayer package which contains proper directions to safely relieve Headache, Toothache, Earache, Neuralgia, Colds and pain. Handy tin boxes of 12 tablets cost but a few cents at drug stores—larger packages also. Aspirin is the trade mark of Bayer Manufacture of Monoaceticacidester of Salicylicacid.

The opinion is by Chief Justice Browne, concurred in by Judges Taylor and Ellis. Judges West and Whitfield dissent as to the reversal feature of this decree. Myers and Myers and W. M. Toomer for appellant; Cromwell Gibbons for the appellee. In this case, the court holds that permanent alimony cannot be awarded to the former wife, in a suit brought by the husband, where the divorce is granted for the fault of the wife.

The court has reversed the judgment of the circuit court for Duval county in the case of the Jacksonville Terminal Company, a corporation, plaintiff in error vs. Richard Blanchard, et al, defendant in error. The opinion is by Chief Justice Browne, concurred in by Judge Taylor. Judge Ellis concurs in the conclusion; Judge West and Judge Whitfield dissent. John E. Hartridge for plaintiff in error; George C. Bedell, A. H. King and Roswell King for defendants in error. In this case it is held that the provisions of the Constitution granting to railroad companies of eminent domain does not prohibit the legislature from providing for the payment of attorneys' fees to the party whose land is sought to be condemned. It is also held that the statute allowing an attorney's fee contemplates its being paid by the petitioner whether the suit is prosecuted to final judgment or dismissed at the instance of petitioner, but there is no warrant in law for execution to issue on a judgment in condemnation proceedings except the general provisions for execution for costs, and the party entitled to attorneys' fees, unless the petitioner taking the land, must recover for his expense in employing an attorney in an independent suit.

The court has reversed the order of the circuit court for Duval county in the case of William Bostwick, jr., appellant vs. the City of South Jacksonville, appellee. The opinion is by Judge Taylor concurred in by Chief Justice Browne and Judge Ellis; judge Whitfield and Judge West dissent. J. E. Mathews and Lake Jones for appellants; Edgar W. Waybright for appellee.

Signed by the Governor

TALLAHASSEE, June 17.—(Special)—The following bills have been signed by Governor Catts:

House bill No. 493—An act defining and punishing the crime of unlawfully possessing, controlling, using, maintaining, repairing and employing any thing for the unlawful manufacture of distilled intoxicating liquors and prescribing a rule of evidence governing such cases.

House bill No. 166—An act to amend section 1492, general statutes as amended by chapter 5902, relating to challange of jurors.

House bill No. 20—An act to provide for compulsory school attendance in the state of Florida, of all children between certain ages.

House bill No. 882—An act to amend an act fixing the number of the Ninth judicial circuit and fixing the time for holding the terms of the circuit court in the counties of said county.

House bill No. 872—An act to provide for the levy of taxes for the years 1919 and 1920.

House bill No. 735—An act for the appointment, compensation, expenses, duties and powers of probation officers in counties of 90,000 or more population and having two or more circuit judges.

House bill No. 151—An act to amend section 1 of chapter 7294, being an act creating a state fire insurance fund and authorizing the commissioners of state institutions to insure all property of the state in such fund.

House bill No. 191—An act amending section 2481, general statutes, providing for acknowledgement and proofs of execution of instruments to be made in foreign countries and validating certain acknowledgements and proofs of the same heretofore had and taken in foreign countries.

House bill No. 569—An act to regulate the issuing of marriage license and providing penalty for the violation thereof.

House bill No. 88—An act to authorize the state treasurer to advance to the state officers an amount not exceeding the earned portion of the salary to be paid such officers quarterly.

House bill No. 538—An act to extend the time for completing the Tallahassee Southeastern Railway, etc.

House bill No. 442—An act to amend section 1271, general statutes, relating to analysis of fertilizer by commissioner of agriculture.

House bill No. 784—An act to amend section 40, of act entitled an act to amend section 2, 3 and 5, of chapter 7259, entitled an act creating a state board of pensions, defining who shall receive pensions, etc.

House bill No. 88—An act to amend section 132 of article 5, of the general statutes relative to "may deposit money in banks of the state." House concurrent resolutions numbers 34, 31, 33, 32, 35 and 19, house joint resolution No. 279.

BUILDING BLACKWATER BRIDGE

CRYSTAL SPRINGS, June 17.—(Special)—The second carload of lumber for use in the construction of the new concrete bridge for the national highway over the Blackwater, has arrived, and materials are being hauled by wagon and motor truck from this station.

MANY DENTISTS IN CITY TO ATTEND CONVENTION

OPENS THIS MORNING AT HILLSBORO HOTEL

Officers of the Society and Personnel of the Committee—Today's Program

Dentists arrived in increased numbers yesterday to attend the opening of the thirty-sixth annual session of the Florida State Dental Society today at the Hillsboro, and it is certain that the convention will be a big one.

Dr. W. G. Mason, the president, will call the meeting to order at 10 o'clock and with hardly any changes from the program, as given in The Tribune yesterday, the first day's exercises will be carried out.

The officers of the society are Dr. W. G. Mason, Tampa, president; Dr. F. S. Robinson, Jacksonville, vice-president; Dr. W. K. Bradfield, St. Petersburg, second vice-president; Dr. Alice P. Butler, Jacksonville, recording secretary; Dr. C. J. Caraballo, Tampa, corresponding secretary-treasurer; Dr. J. S. King, Marianna; Dr. W. W. Wilder, Daytona; Dr. J. S. Williams, Jacksonville; Dr. C. L. Nance, Tampa and Dr. A. J. Myers, Miami, are the executive council.

The following committees have been selected:

Committee on Oral Hygiene—Drs. Taylor, Butler, Berkshire, Earman and Noble.

Committee on Prosthetic Dentistry—Drs. Bradfield, Buck and Chilson.

Committee on Operative Denistry—Drs. Chace, Tison and Whitman.

Voluntary and Special Essays—Drs. Robinson, Coker, Pound, Harrel, and Haddock.

Legislation—Drs. Chace, York and Van Brunt.

Public Education—Drs. Elkins, King and Frink.

Ethics—Drs. Willis, Whitman, Whiteside, Mason and Pattishall.

Necrology—Drs. Young, Taylor and Kemp.

Good Fellowship—Drs. Kemp, Myers and Hodge.

Clinics—Drs. Williams, Hall, Nance, Butler and Bradfield.

Program—Drs. Dean and Caraballo.

Arrangements—Drs. Dean, Nance, Kohly, Allen, Wilkes and Anderson.

Exhibits—Drs. Berkshire, Mansker and Brumotte.

Special committee on Roses, Chickens and Feathers—Drs. Hodges and Darsey.

Sessions will be held at 10 a.m., 2:30 and 8:30 p.m. each day of the convention except Saturday, the final day.

Day's Program

The program as outlined for today, with possibly one or two eleventh hour changes will be as follows:

Registration at 8 a. m., followed by calling to order of the meeting at 10 o'clock by the president, Dr. W. G. Mason of Tampa.

Invocation Rev. L. M. Broyles, Tampa.

Address of welcome in behalf of the city, Cayor D. B. McKay.

Address of welcome in behalf of Tampa District Dental Society, Dr. W. A. Dean, Tampa.

Response to address of welcome, Dr. J. E. Chace, Ocala.

President's address, Dr. W. G. Mason, Tampa.

Introduction of clinicians, Dr. Russell W. Tench, New York City, by Dr. C. J. Caraballo, Tampa; Dr. H. P. Johnson, Atlanta, Ga., by Dr. Jesse L. Williams, Jacksonville; Dr. J. R. Mitchell, Atlanta, Ga., by Dr. F. S. Robinson, Jacksonville.

Adjournment for lunch.

General session at 2:30 p. m.

Dr. Russell W. Tench, New York City, paper on Basic Principles of Professional Denture Construction. Discussion opened by Dr. F. E. Buck of Jacksonville.

Report of committee on presirent's address.

Evening session at 8:30 p. m.

Illustrated lecture by Dr. Harry D. Johnson, Atlanta, Ga., on Pulp Canal Treatment and Filling Technique. Discussion opened by Dr. J. S. Helms, Tampa.

Paper, "Seek Ye First the Kingdom of Heaven" Dr. J. S. Helms, Tampa. Discussion, general.

POLICE ASKED TO FIND S. R. HOOD; HAVE WIRE

Chief of Police T. N. Henderson last night received a telegram from Mrs. Belle Hood of Atlanta, Ga., asking the police to try to locate S. R. Hood for the purpose of notifying him of the serious condition of his nephew, J. C. Hood, who is not expected to live.

The police department will try to find Hood, and have requested The Tribune to add its efforts in the attempt.

BILLBOARD ORDINANCE IS LAID ON THE TABLE

CITY TO BUY TWO MOTOR SWEEPERS

Waterworks Ordinance Passed—Salary of Assistant Tax Assessor Raised

After hearing the address of Col. H. C. Macfarlane, representing the John C. Martin Company and Tampa Poster Advertising Company, and after hearing a petition read, the city council last night unanimously tabled the proposed ordinance for regulating bill boards which, it was claimed, would bankrupt Mr. Martin and Mrs. C. C. Parsons without in any way benefitting the city. It was shown that the boards here are neat and attractive and are not dangerous to the public; that the poster concerns are large employers of labor and bring much money into the city. The ordinance would have confiscated these boards because of its provisions regarding the size, distance from the street, etc.

A delegation of twenty prominent business men was present in the interst of Mr. Martin. Members of the council expressed themselves as pleased at the presence of visitors on this occasion, after the council chamber having previously been conspicious by its emptiness during the transaction of some of the most important business ever before the council, notably that relating to the waterworks purchase.

Will Purchase Two Sweepers

Dr. D. E. Saxton reported on his visit to Jacksonville where he examined into the operation of the Elgin motor street sweepers, and after hearing his report the council passed a resolution authorizing the city auditor and finance committee to secure funds and the mayor and clerk to enter into contract at once for the purchase of two of those machines, so that the economy said to result from their use may begin as soon as possible.

The council passed to third and final reading the ordinance requiring complete financial reports from the Tampa Water Works Company, the provisions of which were stated in The Tribune of last Wednesday.

There was considerable discussion regarding an increase in the pay of the assistant tax assessor. An ordinance had been introduced which would have created an office, and to avoid doing that the council merely passed a resolution authorizing Mr. Wright to pay his assistant $150 per month.

Injured by Fireworks

Attorney Wall stated that a claim had been filed against the city on account of injuries received by Augustus Keen from fireworks May 10, when it was claimed, a celebration had been authorized by the mayor in connection with the victory loan. Mr. Wall advised that the city is not legally liable for this claim, the mayor never having authorized anything which would cause any injuries to any one.

Dr. Beyer presented a bill for medical attention to young Mickler, who was injured by a city patrol wagon and, although Mr. Wall advised that the city is not legally liable for any claim in that case either, Mr. Etzler moved that the bill be paid, and the motion carried.

Mr. Wall asked that the city refund $79.50 which he had expended in securing an important set of books on public utility decisons, and the request was referred to the finance committee.

Wants Water and Paving

The Texas Company, which will spend $2,000,000 on oil terminals here, asked for paving near its plant and water mains to connect for fire purposes and the request was referred to the fire and water and street committees.

Mrs. Adriana Morales, owner of a building at No. 1513 Seventh street, protested against the owners of a building at No. 1515 Seventh avenue, building over the sidewalk. Her complaint was referred to the fire committee, building inspector and city attorney.

George S. Gandy wrote again urging the council to build a bridge across the Hillsborough river at Platt street to enable his interurban car line to St. Petersburg to cross at that point. T. C. Hammond spoke for his proposition, declaring Mr. Gandy was ready to build his line as soon as this is provided for. The suggestion was made by Mr. Etzler that Mr. Gandy furnish the city with specifications for such a bridge. The matter was referred back to the wharves and bridge committee to communicate again with Mr. Gandy.

At the request of the Municipal Reference Library of St. Louis it was decided to send that concern a copy of the Tampa city code.

BROREIN ENJOYS ROTE MEET, SALT LAKE CITY

The Tribune is in receipt of a telegram from W. G. Brorein, president of the Tampa Rotary Club, who is in Salt Lake City attending the national convention of that organization, stating that the opening sessions are proving a great success with 3,000 persons in attendance.

Besides Mr. Brorein, Tampa is represented by Mr. and Mrs. J. A. Turner and daughter, and Mr. and Mrs. W. B. Gray. Other Florida points are represented as follows: Lakeland, Walter Merrill; Jacksonville, Mr. and Mrs. John Gay and Mr. and Mrs. Fred King; Pensacola, W. B. Logan, Hunter Brown; Gainesville, Dr. A. A. Murphree; Key West, Dr. Warren; Palm Beach, H. E. Robinson.

He adds that Salt Lake is a wonderful city and that a fine spirit of hospitality is being shown.

ROLL OF THE DEAD

GILES—Joseph Abbott Giles, 55 years old, died yesterday afternoon at 5:30 o'clock at the residence on Armenia avenue. He leaves a wife and four children, O. A. Giles, Mrs. Will Logan, Elta Giles and Osa Giles. The funeral will be held at 4 o'clock this afternoon from the home of F. A. Chapman, Armenia and Waters avenue, and interment will be in Oak Grove, under the direction of B. Marion Reed.

SUAREZ—Robert, the infant son of Mr. and Mrs. Ignacio Suarez, age 1 year, died at the residence, No. 2603 Twenty-first street, yesterday morning. Burial will be at 10 o'clock this morning in Woodlawn cemetery, under the direction of W. Primo Lord.

LETO—The infant son of S. Leto died at the residence, No. 2320 Twelfth avenue, Monday night, and was buried in Woodlawn cemetery yesterday noon, after services at the residence, in charge of W. Primo Lord.

Beautiful—Parklike—Picturesque

Myrtle Hill Cemetery

Every lot, every grave sold under perpetual care guarantee.

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Seen by itself, Swift & Company is one of the largest manufacturers and distributers of animal food products in the country.

Seen in relation to the total food business of the world, its size diminishes to small proportions.

We handle only about 22 per cent of the total output of the hundreds of packing plants under federal inspection, and only about 12 per cent of the total meat supply of the nation.

We handle only about 6 per cent of the total quantity of butter, eggs, and poultry sent to market in the United States.

Our tanneries handle less than 15 per cent of the hides made into leather in the United States.

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This is done in keen and open competition with every concern handling these products, and at a profit of a fraction of a cent per pound.

In the meat packing industry there is noone dominant concern handling a large proportion of the output.

Swift & Company, U. S. A.

Tampa Local Branch, 608-610 Ashley Street
R. H. Smith, Manager

A SWIFT DOLLAR WHERE IT GOES
12.96% Expenses, Taxes, Interest, &c.
85% To Stock Raiser
NET PROFIT

VERY LITTLE INTEREST IN THE BOND ELECTION

TWO DISTRICTS CAST EIGHTY-FIVE VOTES

Bonds Voted Amount to $165,000 Of Which $150,000 Will be Spent in Tampa

Interest was very light in the special school bond election held yesterday and no opposition worthy of the name developed. Only eighty-five votes were reported.

At No. 3 fire station sixteen votes were cast, the result being fourteen in favor of the bonds and two against. At the courthouse the total vote was forty-one, thirty-six for and five against the issue, and at the polling places at Nebraska and Seventh avenues there were eleven ballots cast, eight for and three against.

The Oak Park district only turned out seventeen voters, who signified their desire for increased school facilities by a vote of 100 per cent. for the issue, nobody being opposed. Returns were not available from Lutz last night, but, judging from the other districts, it is reasonable to suppose that the bond issue carried there also.

The total amount voted is $165,000, of which district No. 4 will expend $150,000 for new schools and extensions and the purchase of grounds for schools. This comprises Tampa and includes a new school in Ybor City. District No. 18, at Oak Park, will have $5,000 for the extension of the school at that point and district No. 30, Lutz, will build and furnish a new school, $10,000 being voted for that purpose.

WAR REPARTMENT GIVES ITS APPROVAL TO CITY'S REVISED ESTUARY PLAN

Approval of the war department to the city's revised plan of developing the Ybor City estuary, whereby the slip plan of development is abandoned by property owners, has been granted, according to a telegram received by S. M. Sparkman, chairman of the board of port commissioners.

The board will meet shortly to make arrangements to improve the city's holdings and is expected to engage an engineer. Approximately $185,000 is available. The board will be able to proceed without much delay, it is stated, having disposed of litigation with property owners through the filing of its revised plan.

COMPLAINANTS AGAINST JOE ROBINSON ABSENT; MANY NEGRO CASES UP

Again the case of Negro Policeman Joe Robinson was called yesterday in criminal court, and again it was put over, this time because of the failure of the complainants in the case of alleged assault and battery, to appear.

It was stated later by Solicitor R. E. L. Chancy that the sheriff had failed to serve them with summonses to appear yesterday, and the case may be called again today, although Judge W. S. Graham said he might not get to it again until late in the week.

Ella Roberts and Jennie Rivers, colored, were charged with having taken a notebook containing about $75 in cash, from the pocket of a white man. They were defended by Attorney W. K. Zewadski. The jury returned a verdict of not guilty.

Corinne Williams, alias Effie Williams, alias Effie Green, a young negro girl arrested by Detective Lennon, was tried on the charge of grand larceny in the theft of a diamond ring and a watch chain, valued at $75 from Mrs. Mary Wellington and also with two charges of petit larceny.

On being questioned by County Solicitor Chancy she stated that she had never been convicted of crime but later admitted one conviction for receiving stolen goods. On producing the court records, however, it was discovered that no less than eight convictions stood against her for breaking and entering.

The jury found her guilty and she was sentenced to one year in jail for grand larceny and six months on each of the other charges.

Wymingo Knowles, negro, pleaded guilty to larceny of a silk shirt and other wearing apparel and received a sentence of six months in the county jail, while John Robinson drew a year for grand larceny.

The only other cases heard yesterday were minor offenses against the traffic regulations and these mostly went the usual route of small fines and costs.

My son, even as a straight line is the shortest distance between two points, so is The Tribune Want Ad the quickest way to secure what thou desirest.

Miller's Antiseptic Oil known as

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Will Positevly Relieve Pain in Few Minutes

Try it right now for Rheumatism, Neuralgia, Lumbago, sore, stiff and swollen joints, pains in the head, back and limbs, corns, bunions, etc. After one application pain disappears almost as if by magic.

A new remedy used internally and externally for Coughs, Colds, Croup and Sore Throat.

This oil is conceded to be the most penetrating remedy known. Its prompt and immediate effect in relieving pain is due to the fact that it penetrates to the affected parts at once. As an illustration pour ten drops on the thickest piece of sole leather and it will penetrate this substance through and through in three minutes.

Accept no substitute. This great oil is golden red color only. Every bottle guaranteed; 30c, 60c and $1.00 a bottle, or money refunded, at City Drug store.

NEVER GRIPES

Leonardi's LIVER-AID a Pleasant Liver Remedy

The action of practically all of the other liver medicines now on the market, including dangerous calomel, is attended by griping and similar painful and distressing symptoms. In Leonardi's LIVER-AID, the new vegetable liver remedy, this tendency to gripe has been entirely done away with. LIVER-AID does the work of calomel but may be taken easily and freely by the most delicate and sensitive person, young or old.

LIVER-AID offers quick relief for billousness, headache, constipation, indigestion, flatulency, pain, belching, dyspepsia, chills and fever and all disorders of the liver, stomach and bowels. It is sure, pure and harmless. Does not gripe or leave one constipated and is guaranteed to satisfy or money refunded. 50c for a large bottle. Sold by all druggists.

Rheumatism

Is completely washed out of the system by the celebrated Shivar Mineral Water. Positively guaranteed by money-back offer. Tastes fine; costs a trifle. Delivered anywhere by our Tampa Agents, Lucas Bros Co. Phone them.

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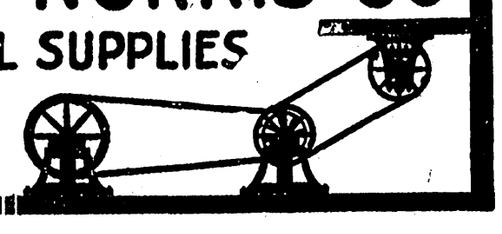

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