

SUSTAINED THE BILL.

Judge Stowe Dismisses the Demurrer of the East Liberty

SECEDE FROM THE P. P. CHURCH.

He Decides That an Equity Suit is the Proper Remedy.

THE NEWS OF THE COUNTY COURTS

Judge Stowe yesterday handed down an interesting opinion dismissing the demurrer in the case of the East End Reformed Presbyterian Congregation against the Rev. O. B. Milligan and others, the seceders to the United Presbyterian Church. The suit is a contest for the church property, and the demurrer was argued a few days ago. The opinion is as follows:

The first reason assigned for demurrer is that the plaintiff's bill does not state such a case as entitles them to the relief sought and prayed for against said defendants. The second and third are substantially to the same effect, and all raise the question of the equitable jurisdiction of the court. This question is disposed of by the decision of the Supreme Court in Henry vs. Ditcher, where it is said by Justice Woodward: "The Courts of Common Pleas by statutory enactment have the jurisdiction and powers of a Court of Chancery in the supervision and control of all corporations other than those of a municipal character."

Religious societies are entitled to a more appropriate legal protection of their secular and spiritual interests than would consist in the power to appeal to a Criminal Court. By reason of numbers and of the character of the rights of the parties, damages are unsuitable as a means of redress and the case admits of no adequate remedy at law. Equity alone can apply the required remedy while the malcontent can be restrained only by the powers of a Chancellor.

In Kerr vs. Treva it was said that a bill in equity is the remedy usually adopted when churches divide into parties. In Reole's appeal Justice Sharwood said: "Equity is the proper remedy usually adopted and we applied it in three cases in the last year. Therein we decided directly on the rights of property because that became the issue. Indeed a religious society, incorporated or unincorporated, is but the trustee of a charity and it has always been peculiarly within the provisions of equity to prevent the diversion of property, held in trust for such purposes, from the object and design of the original endowment."

An action at law could not settle the difference between the parties to this suit, and it follows that a resort to equity is necessary, no less for the public interest, than for the welfare and propriety of the congregations represented by the parties to this suit.

The Corporate Seal Not Necessary.

The fourth, fifth, sixth, seventh, eighth ninth and twelfth reasons are in substance that the parties using the name of the East End Reformed Presbyterian Congregation acted without authority; that they are mere volunteers, and the bill is defective in not being under the seal of the corporation. But we do not think these objections or any of them, are well founded. The bill is signed by parties who allege that they are, one the President, the other the Secretary and the third a trustee of the plaintiff congregation. This cannot be gainsaid on a demurrer. If it is to have the effect of the bill verified by the seal of the corporation, no suit could be brought because the bill shows that the defendants have themselves the seal which they refuse to deliver to the plaintiff, and if under such circumstances a corporation could be formed, there would be no protection against violent and illegal intrusion and usurpation of corporate rights which the corporate seal affords. Equity will not recognize such a corporation.

The tenth and eleventh reasons are matters not to be considered by way of demurrer as there is no objection to the bill which alleges that the corporation by any authority contained in plaintiff's charter vested in defendants the control and management of the corporation or its property. It, in fact, alleges just the contrary.

The thirteenth reason that the prayer for relief is broader than the complaint in the bill and not relevant or suitable does not seem well founded, as the bill is broad and for seems proper and the bill is sustained.

This decision allows the case to go to a final argument.

DIDN'T KNOW WHAT IT WAS.

Frederick G. Muller's Reason for Canceling a Mortgage.

A bill in equity was filed yesterday by Frederick G. Muller against Jacob Dietrich. Muller states that in February, 1881, he and his wife agreed to sell a lot in Shaler township to Dietrich for \$346 25. In addition Muller was to erect a house on it for \$275. Dietrich to pay for the house on it for \$275. Muller performed his share of the contract but Dietrich has never paid him any money. Instead, in last March, when the mortgage was due, Dietrich got Muller to write a bond and mortgage for \$500 on the place. Muller did not at the time know what he was doing. He now asks the court to cancel the bond and mortgage and grant such other relief as is necessary.

A DEFECTIVE PATENT.

The Purchasers Claim It Is Valueless and Want Their Money Back.

In the United States Court yesterday, the case of the Eureka Mower Company, of New York, vs. the Eureka Mower Company, of Towanda, Pa., was continued until the next term owing to the withdrawal of a juror. The case of the Eureka Mower Company, of Utica, N. Y., against the executors of the late E. T. Fox, was taken up and is still on trial. Mr. Fox, it appears, was at the time of his death President of the Eureka Mower Company, of Towanda, Pa., and sold the property and franchises, including a number of valuable patents, to the New York corporation, which, it is alleged, after a trial proved defective and valueless. They sue the executors of Fox, for having conducted the negotiations.

To-Day's Trial Lists.

Criminal Court.—Commonwealth vs. Della Cohn, L. I. Richards, August, Danner (2), W. H. Walker et al. (2), Charles Strain, (2), George R. West (2), C. H. West (2), George A. Nye (2), A. L. Nye (2), Julia Boyer, Joseph Ryan, D. B. Lupton (2), J. Casity, John Langhlin, H. F. Bigham, Matthew Stewart, F. E. Johnston, Matthew Heist, J. Gosh, George Hark, Frank Gross, J. R. Woodcock, W. E. Howley, Alice Plant, James Blair. Common Pleas No. 1.—McNeil vs. McNeil; McLean vs. Getty, Jr.; Osmond vs. Brady; Maloney et al vs. Seyfarth; Truby vs. Clemons; Weiss vs. Weyland et al; McDonald vs. P. & W. Ry.; Bretling & Co. vs. Hughes; Shannon et al vs. Thomas; Mooney vs. Barnes. Common Pleas No. 2.—Harrison vs. McKeesport; Woods vs. Beymer; Graham vs. Dean; Ekendow vs. Philadelphia Company et al; Caldwell vs. East; East vs. Kross; Barber vs. Piccardi; Leechburg Foundry and Machine Works vs. Ewing; Bros. & Co.; Williamson vs. Croft; Ewing vs. Hamilton et al; Miller vs. Newman. Common Pleas No. 3.—Cris vs. Pennsylvania Railroad Company; Hemmle vs. Henneke; Whitehouse vs. Whitehouse; Hill, administrator, vs. United Life Insurance Association; Kross vs. White; Mackenzie vs. Blaine Land Improvement Company; Glass vs. Philadelphia Company et al; Conomos vs. McInerney; Kenney & Henning vs. Wolfe, Jr.; Jones vs. Brackus; Gundlach vs. Wolenski.

The Hum of the Courts.

A non-suit was taken by the plaintiffs in the case of Annie Price against John A. Adams, a suit for damages for slander.

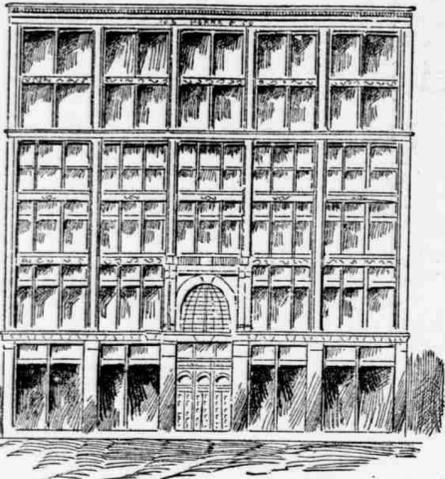
A verdict for the defendant was given in the case of Spence & Glosser against A. B. Stevenson, a suit to recover a commission on a sale of real estate.

In the case of Undercraff & Conrad against Wm. Weigand and Thon, Lofink, a suit on a mechanic's lien, a verdict was given yesterday for \$3 for the plaintiff.

A verdict for the defendant was given in the case of Isabella Bothwell against Mary E. Bowman, and action for damages for alleged injury to property caused by drainage, etc.

A verdict of \$125 for the plaintiff was given

A NEW MERCANTILE PALACE.



The above is a cut of the magnificent building to be erected by Joseph Horne & Co. for their retail stores. It will be located on the corner of Fifth street, Penn avenue, and will have a frontage of 120 feet on Penn avenue, and a depth on Fifth street of 200 feet. The building will not only be an ornament to the city, and one worthy of the firm for whose accommodation it is being built, but will mark an epoch in the history of the drygoods trade in this bustling city. Hereafter Pittsburg merchants have been content with the patched up affairs which result from their taking in, as business increases, adjoining rooms or buildings. The present establishment of this firm is a most notable instance. In 1870 Jos. Horne & Co. moved from their store on Market street and occupied two rooms in Library Hall building. This store was then the largest in the city, though having only 50 feet frontage. One after another the storerooms of the building were taken in, until at last the entire building was thrown into one. The last move was the occupancy of the three-story 50-foot building next to Library Hall, which is now occupied by their coal and suit department. With this move further extension in the old quarters became impossible, and at last the

place was poorly adapted to a large and rapidly growing trade. But here Pittsburg's peculiar construction threw an obstacle in the way which it has taken years of effort to surmount. Propriety in the limited business district was almost wholly owned by individuals or estates and in small portions. It seemed almost as if property large enough or suitable could not be found. But the problem has been happily solved in the selection of the excellent location named above. It is probably the best spot it would be possible to secure for the purpose, taking its locality and general adaptability. The firm consider it a most fortunate purchase. The building to be put up, of which the above cut is fairly representative, will be six stories and of the most modern steel, fire-proof construction. Architecturally, it will be beautiful, and altogether a monument to the city. The main floor will be 22 feet high, giving perfect light and ventilation. A great skylight in the center and windows on every floor will flood the entire interior with light. A luxurious reception and toilet room and six large elevators will be features heartily appreciated by their lady patrons. No pains or means will be spared to secure perfect comfort and convenience to the buying public.

yesterday in the case of C. F. Todd against the Second Avenue Passenger Railway Company, an action for damages for the loss of a horse, struck and killed by a car.

A verdict of \$200 for the plaintiff was given in the case of Christian Stoub against William F. Morris, William Daniels and T. P. Collins, an action for damages for injury to property, caused by excavating in the adjoining lot.

DELLA CAIN was to have been placed on trial yesterday on the charge of murder for the killing of her child. The case, however, was allowed to go over until to-day, in order to conclude the cases on trial and secure a full panel of jurors from which to make a selection.

In Judge Collier's branch of the Criminal Court, the case of Frank Mandelick, charged with maintaining a nuisance in obstructing a public road, is still on trial. Mandelick, it is alleged, has built an outhouse on the road near Willow Grove, North Fayette township.

A verdict of \$500 for the plaintiffs was given yesterday in the case of Mary J. and Kate Haugan against the Duquesne Traction Company and the city of Pittsburg.

The case was an action for damages or injury to property caused by changing the grade of Forbes street when the Duquesne line was built.

AFTER the grip a gentle and safe strengthening medicine is needed. None so effective, none so invigorating and, when used with a little cold water, sweeter, easier, none so pleasant as Dr. D. Jayne's Tonic Vermifuge. Dose for grown persons one to two teaspoonfuls, and for children, smaller in proportion to age. As a worm medicine for children, it is of the greatest efficiency. Small bottles 35 cents, double size 50 cents each. Buy of your Druggist. ap23my11,27

The Penna. R. R. Co.'s Experience.

The experience of the Penna. Railroad Co. in cleaning their cars and offices is a curious example of the benefits of chemistry when applied to the small things of life. The railroad company had great trouble with the paint scuffing and wearing out on their cars. The matter reached an climax when a new car, built for the express, was finished in the finest manner, was returned to the Altoona shops after one trip with the paint looking scuffed and dingy. The cause of this rapid deterioration of the paint was referred to the chemist of the company, Mr. E. D. Day, of Altoona. By careful investigation and analysis he discovered that the whole trouble was caused by the soap used in washing the cars containing a large amount of free and carbonate alkali, which, of course, was fatal to the varnish and paint.

After many experiments and tests, Mr. Day advised the company to adopt, specifications and chemical tests, to which all soap purchased by them would have to conform. The adoption of these tests by the railroad company have had no trouble from having their paints destroyed, and in this one item alone save many thousands of dollars annually.

Messrs. W. & H. Walker, of Pittsburg, have been supplying this soap to the Penna. Railroad Co., and they have now concluded to offer this same soap under the name of Walker's Family Soap for general household uses.

If a great corporation like the Penna. Railroad Co. finds that it pays them well to use an absolutely pure soap, of how much more relative importance is it for every household to use the same?

Ask your grocer for Walker's Family Soap and try it. It costs no more than ordinary soap. xwv

UPRIGHT PIANO, \$200.

Upright Piano, \$150. Square Piano, \$195.

A fine upright piano, used about four months at \$300. A 7 1/2 octave upright in good condition, at \$150. Also a first-class square piano in perfect order at \$100. A grand opportunity to purchase a piano at a low figure. J. M. HOFFMAN & Co.

The unrivaled Solheim pianos, Golly pianos and Schubert pianos at the most reasonable prices.

TEACHER—Who discovered America? Buy—Don't know; but my mother discovered that the Camellia and Bayard Miller flour, of the Marshall-Kennedy Milling Company, make the best bread in the world.

The Iron City Brewing Company uses nothing but the choicest qualities of malt and hops in the manufacture of its favorite brands of lager and Pilsner beer. This beer is guaranteed to be four months old, unadulterated and a most delicious beverage. Fifty thousand barrels of it on hand in the vaults of the Iron City Brewing Company. Purity, age and quality combined.

Mailed Free.

Our new 5-page catalogue and price list of furniture, carpets, etc., sent to any address. MILLER BROS., 52 Federal St., Allegheny.

WALL PAPER.

Closing Out Sale.

Entire stock to be closed out within 30 days regardless of cost. Greatest bargains in the city. PITTSBURGH WALL PAPER CO., 811 FIFTH AVENUE.

Three Special Bargains.

Two cases 44 serge suiting at \$50 per yard, former price \$25; 100 pieces 25 and 28 satines reduced to 70 per yard, to close; 60 pieces new homespun suiting, 80c per yard, worth 1.00. H. J. LYON, 428-440 Market street.

Wholesale linen, collars at James H. Allen & Co.'s, 100 Fifth Avenue.

NEW ADVERTISEMENTS.



This young lady examines the young scholar. "Johnnie, where is Carlsbad?" "Part of it in every drug store in the United States."

"How do you make that out?" "The Carlsbad Sprudel Salts and the Waters are."

"What have they done for you, that you know so much about them?" "Why, they have cured papa of his dyspepsia, and in the place of a cross father they have given me a kind and loving parent."

Dyspepsia will spoil the most angelic temperament. Too much bile inactivity of the liver will start it. Try the Carlsbad Sprudel Salts or use the imported Carlsbad Waters. A standard, a never-failing remedy. The genuine have the signature of "Eisner & Mendelson Co., Sole Agents, New York," on every bottle.

Laird's Shoes are the best and the most popular in Pittsburg.

ASK YOUR FRIENDS HOW THEY LIKE LAIRD'S SHOES.

THEN AGAIN: IF THEY'RE COMFORTABLE! IF THEY'RE FASHIONABLE! IF THEY'RE RELIABLE!

AND ABOUT THE PRICE SPECIAL THIS WEEK.

2,000 pairs Ladies' fine Dongola Kid Oxford Ties at 75c, 98c, \$1.18 and \$1.24.

2,400 pairs Ladies' fine Dongola Kid Button Boots at \$1.25, \$1.50, \$1.75 and \$2.

1,500 pairs Ladies' finest Dongola Button Boots at \$2.50, \$2.90, \$3.

1,200 pairs Gents' fine Calf Seamless Bals and Congress at \$1.98, \$2.18, \$2.50 and \$2.90.

1,050 pairs Gents' finest Calf, Kangaroo and fine Patent Leather Bals and Congress at \$2.90 and \$3.90.

W.M. LAIRD, WHOLESALE AND RETAIL, 433 and 435 WOOD STREET, 406, 408, 410 MARKET STREET.

NEW ADVERTISEMENTS.

(Trade-Mark) P. & P. KID GLOVES

PERFECT FITTING THE NEWEST SHADES THE LATEST STYLES THE MOST DURABLE THE BEST WORKMANSHIP.

THEREFORE ALWAYS SATISFACTORY

None genuine unless stamped 'P. & P.'

For sale by ROSENBAUM & CO., 510-518 Market st.

HOSIERY GLOVES ?

Just now your stock of Summer Hosiery needs replenishing—the question is where to buy. Some inducement must be offered. Well, we're not giving a chromo with every pair of stockings, but we DO OFFER better values in this line than any other house in the city. Investigate for yourself. Read and think for yourself!

Genuine Hermsdorf fast black Ladies' Fine Hose, 13 1/2c. Full Regular Striped or Balbriggan, 13 1/2c. Fine Tan Ladies' Hose, 13 1/2c. Tan and Gray real Lisle Hose, 15c. Fast Black Hermsdorf Hose, 18c, 20c, 24c. Finest qualities Hermsdorf Hose, 20c, 25c, 27c. French Lisle, fast black, 35c, 45c, 48c. French Lisle Fancy Hose, 35c, 44c, 48c. Misses' Ribbed Fast Black Hose, 13 1/2c, 15c, 18c, 25c.

SILK HOSE FOR LADIES, GENTLEMEN AND CHILDREN, AT EXCEEDINGLY LOW PRICES.

Gents' Fast Black or Balbriggan Socks, 13 1/2c and 15c. Gents' Striped Full Regular, 13 1/2c and 15c; extra fine qualities, 18c to 25c.

Of course space forbids an enumeration of all the special offerings in the Hosiery Department. All we ask is that you come and see.

THE ART DIVINE.

Many music lovers will attend the Mozart Concerts this week, and we wish to call special attention to our line of Gloves for evening wear. There's nothing to compare with it hereabouts. No fancy prices, but quality guaranteed the best.

Black Silk Mitts for Ladies, Misses and Children, 25c, 35c, 50c, up to 75c a pair. Black and Colored Elbow and Full Arm Length Mitts of all kinds.

SILK GLOVES. We only keep the best makes in black from 38c, 50c, 75c to \$1; also Cardinal, Tan and Gray next style Silk Gloves at 50c a pair—excellent quality.

ROSENBAUM & CO. 510-518 Market St.

ELLIGENCE OFFICE HELP WANTED

To take the place of a corset—if you won't wear one—try the Ball waist.

That's, just what you can do. You can try it, and even wear it for two or three weeks, if you wish. Then, if you're not satisfied, you can return it, and get your money.

KAUFMANN'S, FIFTH AVE. AND SMITHFIELD ST.

SEND FOR SAMPLES. Sent FREE to any address.

G. G. O'BRIEN, PAINT AND WALL PAPER STORE, NO. 292 FIFTH AVE., THREE SQUARES FROM COURT HOUSE.

"WELL BRED, SOON WED." GIRLS WHO USE SAPOLIO ARE QUICKLY MARRIED. TRY IT IN YOUR NEXT HOUSE-CLEANING.

GRAY or Faded Hair Restored to Youthful Color and Gloss by Dr. HATT'S HAIR HEALTH. No more combing and washing. Does not contain any of those harsh, irritating, and unhealthy ingredients. Free, safe, most cleanly dressing. Druggists sell. Sold by J. W. FLEMING & SONS, and all drug stores.

PITTSBURGH'S CHEAPEST

WHY PAY CASH? When it may not be quite convenient for the same articles we give you on time at cash prices?

FURNITURE, CARPETS, REFRIGERATORS, BABY CARRIAGES, ICE CHESTS,

And every article necessary to completely furnish the home. An immense assortment at

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When it may not be quite convenient for the same articles we give you on time at cash prices?

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