THAT SUIT FOR WATER RENT

It Will Be Given to the Jury for Consideration This Afternoon.

INTERESTING LEGAL BATTLE

Testimony That Was Heard Yesterday in the Case-Non-Suit in the Everhart Ejectment Case-Other Cases in Court Yesterday.

As President W. W. Scranton, of the Gas and Water company, was the principal witness for the plaintiff in the suit now on trial before Judge Gunster in the main court room, his testimony occupied the greater part of the attention of the court and jury. He resumed his evidence yesterday morning and went on to tell how he estimated the amount of money that was a fair equivalent to the supply of water surreptitiously consumed by the defendant

All through the trial there has been a hot legal warfare carried on between the opposing attorneys. As quickly as question was put by the plaintiff, of Philadelpast, or Olmstead, of Harrisburg, was up with an objection. When Mr. Scranton was asked to give the water bills for which the suit is brought it was tediously opposed, but Judge Gunster allowed the bills in evidence. In detail they are as follows:

Water used at converting works from March 1, 1881, to Jan. 1, 1891,

total, \$750. Water used through secret i-inch connection at \$6,800 a year..... 06,866 66

How Estimate Was Made. The witness told how he fixed those rates. He said that his estimates were based on the tonnage of the mills. The put of 160,000 tons a year. The price of rock. water is fixed at 5 cents a ton for a year, making \$8,000. Half of this water is consumed in the converting department, ing it about \$4,000. Of this supply between one-third and one-half is used for cooling purposes; that is for cooling the consumption of this water would easily, at a fair estimate foot up \$1,500. And the water used at the upper mill would be about the same, basing the

Another way of estimating it is by means of the pump that now forces the water to the mills. It sends out 350,000 of 8 cents a thousand gallons the price would amount to \$8,400 a year. Mr. Scranton thought in the face of these figures that \$1,500 a year was a very conservative estimate.

cost on the relative outputs of the two

The item of watering the mules was next explained. The usual charge is \$5 a head, but in the bill only \$5 for every 150 mules was estimated. In the item of secret connection between the pipes of the reservoir and the Gas and Water company's main, Mr. Scranton said that pipe was capable of supplying between 500,000 and 600,000 gallons of water day. He estimated that \$66,866.66 was fair charge for ten years. Master Mechanic Niebell was called He estimated that \$66,866.66 was

testify as to the number of times this keeret connection was used, and he stated that it was not used more than

thirty whole days in the ten years. The bill of \$2,950 for water used at the foundery, boiler, machine, and blacksmith shops was based on the water used at these places according to the estimates made on the other items, be cause this water was also surreptitious-

Superintendent Reeves Testifies. With the introduction of the correspondence that passed between the two companies, Mr. Scranton's testimony was closed. Superintendent Robert Reeves was the last witness for the plantiff. His testimony was, in effect, concerning the pressure of water at the fire hydrants used at the mills. Before the secret connection was taken off the pressure amounted to nearly forty pounds, and after it was taken off it amounted to only fifteen pounds. The disparity in the different pressures was

passing through the secret 4-inch pipe. Attorney Olmstead moved for a compulsory non-suit, submitting a complicated thread of argument on the evidence of the plaintiff. The motion was argued for a long time and at length Judge Gunster refused the motion and ordered the defendant to present their

Attorney Joseph O'Brien began for the defendant. He told the jurors that they proposed to show that the plaintiff by the agreement of the president and directors of the company had agreed to change the clause in the contract on which the suit hinged. After Reformed church. Mr. O'Brien's opening Edwin F. Hatfield, of New York, president of the Lackawanna Iron and Steel company, was called to the stand. In 1876 he was chosen president of the company, which was then the Lackawanna Iron and Coal company. In 1881 a supplemental contract was drawn up and then Attorney Olmstead made an offer proposing to prove by the witness the construction of the contract, but court would not allow it.

Court then adjourned for the after-Attorney Olmstead said that about an hour is all that would be occupied in evidence today, but arguments

OUR

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200 DAYS' TREATMENT, \$1.00 COMPOSED OF

And will Positively cure all diseases arising from IMPURE BLOOD, SUCH AS

Rheumatism, Kidney Disorder, Liver Complaint, Sick and Nerv-ous Headache, Neuralgia, Dys-pepsia, Fever and Ague, Scrofu-la, Female Complaints, Erysipe-las, Nervous Affections, Catarrh, and all Syphilitic Diseases.

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to the jury would probably occupy the entire day.

Before Judge McClure Before Judge McClure in court room No. 3 a trespass sult was in progress during the day. It was that of Mrs. Jemima Davis against the People's Street Railway company, of Luzerne county, for damages in the sum of Attorney Charles L. Hawley was counsel for the plaintiff and Attorneys ex-Judge Jessup and Horace E. Hand for the defendant.

day, Mrs. Davis got abourd of a Green Ridge car in the central city intending to ride to her home on Capouse avenue. It is alleged that when the car got to the corner of Penn avenue and Mulberry street and began to descend be harmless. He also bore witness to the incline toward the Dickson works its activity as a digestive agent. that the motorman lost control of it and the car sped along with runaway speed. At the intersection of Penn avenue and Olive street it collided with another car and Mrs. Davis alleges to have been thrown vollently to the street, sustaining injuries to her knee and elbow which became permanent and caused her pain and the loss of the use of her arm and leg in the ordinary care of her household duties. This was the substance of her case and the defendant company placed on the stand Drs. W. E. Allen, J. J. Sullivan and Lackey, who testified that the disablement of which Mrs. Davis complains did not arise from the injury received but from rheumatic pains or the chalky growths in the joints. The case was

not finished at adjournment. Judge Archbald in court room No. 2 presided and the greater part of the day was consumed with the suit of O. A. Halford against William R. Williams and S. D. Mayer. Attorney E. C. Newcomb appeared for the plaintiff and Attorneys Major Everett Warren and John R. Jones for the defendant. The plaintiff is a rock driller and takes contracts for boring holes with diamond drills. The defendants engaged him to sink a bore hole in a part of the West Mountain off from Peckville and agreed to pay him at the rate of \$1.75 a foot. They made a contract with him that the depth of the hole should be regulated by the finding of conglomerate rock. He sunk it to a depth of 1641/2 feet and Scranton Steel mill averaged an out- alleges to have struck conglomerate

Then he packed up his belongings and went to execute another contract. When the defendants examined the hole they which would make the cost of supply- found it was not driven to the depth as agreed to and they offered the contractor \$4 a foot to sink it to their satisfaction. He refused, as he had another the molds, the pit, ingots, cupolas, etc. job, and they refused to pay him for The amount of money represented in any of the work as he had not fulfilled his contract. The case will go to the

Everhart Ejectment Suit. From the day before the ejectment suit before Judge Archbald was resumed yesterday morning. This is the case where James M. Everhart is suing to dispossess the defendants, G. F. Nesgallons of water a day and at the rate, ty-six acres of land in Ransom townbitt and G. Mortimer Lewis, from thirship. When all of the testimony of the plaintiff was heard Attorney E. N. Willard, for the defendant, moved for a compulsory non-suit for the reason that the plaintiff failed to connect the asment against the land in dispute with the treasurer's sale which was made by virtue of the defaulting of payment of the taxes on the land through that assessment. Judge Archbald heard the argument of both sides and after a short deliberation granted the non-suit.

In the morning after the foregoing case was disposed of an appeal suit was opened before Judge Archbald, that of Music on Thanksgiving afternoon and Frank Craig, "The Harlem Coffee Cool Cleiand, Simpson & Taylor against
Henry Battin & Son. It was a book account and occupied very little of the the account showing a debt of \$231.25 lowing to say regarding the performand the defendant offered no testimony. The jury retired and in a little while a bright comedy sketch by Haynes and will not hereafter be used for racing pur brought in a verdict in favor of the Redmond, whose bright sayings and plaintiff for the full amount of the ela lm.

or continuance.

The same disposition for the same reason was made of the appeal suit of Michael Dee against the same company. taken as a guide to the amount of water Frank Passek the jury found a verdict of judgment for \$4.50 in favor of the plaintiff

THANKSGIVING SERVICES.

Union Meeting at Penn Avenue Church Thursday Morning.

One of the leading features Thanksgiving day will be the great union service to be held at the Penn Avenue church at 10.30 a. m. Practically all the central city churches will participate in the service and an appropriate sermon will be preached by Rev. G. L. Aldrich, paster of the Grace

A large chorus choir drawn from the city churches will render special Thanksgiving music.

Music Boxes Exclusively. Eest made. Play any desired number of tunes. Gautschi & Sons, manufacturers, 1030 Chestnut street, Philadelphia. Won-derful orchestral organs, only \$5 and \$10. derful orenestral organic Specialty: Old music boxes carefully repaired and improved with new tunes.

SUFFERING WOMAN TESTIFIES

Mrs. Henrietta Button, of Janvier, N. writes: "For a long time I suffered from a disordered stomach. My appetite was gone and what little I ate distressed me terribly. My health failed rapidly. I became very weak and feared I should never be well. After reading Circus." your "Guide to Health," I was encouraged to try Munyon's Dyspepsia Cure. Its action was so prompt that I soon felt like a new woman, and am now

ompletely cured."
MUNYON'S STOMACH AND DYS-PEPSIA CURE cures all forms of indigestion and stomach troubles, such as constipution, rising of food, distress after eating, bloating of the stomach, palpitation of the heart, shortness of breath, and all affections of the heart caused by indigestion. It soothes, heals and invigorates stomachs that have been weakened by over-eating, or where the lining of the stomach has been im paired by physic and injurious medi-

iness. Price, 25 cents. Munyon's Homeopathic Home Rem-edy company, of Philadelphia, put up specifics for nearly every disease, which are sold by all druggists, mostly for 25

A VICTORY FOR PASKOLA. IN THE FIELD OF SPORT "Disfigured

It Receives the Official Endorsement Joe Welischek Says He Was Not For Life" of Eminent Experts and a Jury of Representative Citizens.

The suit brought by Ohlo's food commissioner against a Cincinnati druggist for selling Paskola on the ground that it was nothing but glucose, result-On Sept. 13, 1892, which was a rainy ed in a great victory for Paskola and a

verdict against the state. During the course of the trial Pro-fessor Shaller, of the University of Cincinnati, testified that Paskola was not glucose, and even if it was, it would

Professor William Dickore, of the Miami college, testified to the same facts. So did Professor Schmidt, the chemist of the board of health; Professor William Hoffman and others. A practical test was made in court,

showing the digestive action of Paskola on eggs and meats of various kinds, whereas glucose under precisely the same conditions produced no effect whatever. This test but confirmed the experts'

of great value in indigestion and wasting diseases. This verdict disposes of the malicious attack that has been made against Paskola by interested rivals, and suits have now been brought against the proprietors of a well known emulsion of cod liver oil for having given wide circulation to a false formula and other mis-

representations regarding it. The animus of this attack will be the better understood when it is stated that Paskola is being largely used in the place of cod liver oil.

IN LOCAL THEATERS.

melo-drama, "Kentuck," whose theme Is largely that of life in the sunny state. which give it it's name, will undoubtthe patrons of the Frothingham. Among the performers are two running horses that figure in the exciting horse race scens, which forms the strong point of the second act. This beautiful drama will be seen at the Frothingham tonight.

Tomorrow afternoon and evening Joseph Jefferson will present his best known creation, "Rip Van Winkle," at the Frothingham. He will be supported by a fine company. One of Jefferson's early experiences was of being stranded in Matamoras, Mexico, in 1848, during the war. After the soldiers had gone the gamblers remained, and he conceived the idea of opening a cake and coffee stand in their interest. Mr. Jefferson had a pardner, a stranded actor like himself, and their stock in trade consisted of a tin coffee can and beneath it an alcohol lamp; a dozen also probably be the last foot ball game old cups and saucers, a corresponding bowl and an attenuated milk pitcher. The business flourished, but the associations were so uncongenial that Mr. brig bound for New Orleans,

The champion feather weight of the world, George Dixon, and a clever vaudeville and specialty company will be the attraction at the Academy of at Layborris' court, Providence, Thanksbe the attraction at the Academy of ourt's attention. The plaintiffs offered of boxing. An exchange has the folance: The entertainment opened with songs kept the audience amused. Nellie Seymour delighted all present with her singing, and was favored with horse will be on the track again next sea-Two other cases were called for trial before Judge Archbald. The first was several recalls. The Tanakas gave a that of William Davis against the New wonderful exhibition of Japanese top York and Scranton Coal company, appeal. Counsel for the plaintiff asked ters sang several duets. They are Academy of Music Thanksgiving evenfor a continuance and on motion of At-torney Thomas T. Wells the case was the business. Bentley and Greve con-Harry Woods, of this city. non-suited on the ground that when it tributed a clever musical act, full of was regularly called up for trial in its good comedy work and catchy muproper order the plaintiff was not ready sical selections. Herbert and Carin gave to proceed and no proper reason or an acrobatic exhibition which won for cause was adduced for a postponement them much applause. Murphy and Me-Coy created a sensation with their cyclonic knockabout act and burlesque boxing. They kept the audience convulsed with laughter. Kitty Nelson de-In the case of Gustav Zimmer against lighted all present with her songs and dances. Her dancing made a hit.

> As living pictures are at present in great vogue in the metropolis, Manager Eugene Robinson, who this season presents an entirely new version of his most popular success, to wit, "Paul Kauvar," says with some degre of pride that the celebrated dream scene in the second act of "The New Paul Kauvar" will in point of impressiveness of scene, dress and grouping, surpass anything ever attempted even by the famous "Kilyani," and feels certain that this effort on his part will meet with unqualified approval by the great number of lovers of the clean and legitimate drama, which comes to the Academy of Music on Friday evening.

> Who that has ever seen the Gormans can forget George Gorman's portrayal of the Irish character. His Owen Gilhooly in their new comedy, "The Gilhoolys Abroad," is said to be the hit of his life. The company will appear here next Saturday evening at the Academy of Music.

Sherman and Morisey's comedians, which opens at Davis' theater Thursday, offers to the patrons a bill of rare excellence. Prominent in their list of entertainers is Mile. Delmore, in her wonderful serpentine dance, introducing beautiful calcium and stereoptican effects. Also Sherman and Morisey, the kings of comic acrobats, whose specialty is original and very laughable. Emery and Marlow in their side-splitting comedy; John Patten, the brothers Ancolletti, four emperors of music; the Punchinellos, Carr and Ingram and others too numerous to mention. Major. the wrestling pony, will perform a great wrestling feat in the after piece, "A Jay SHAW,

IF YOU NEED a good medicine to EMERSON, purify your blood, give nerve strength and build up your entire system, take Hood's Sarsaparlila. It prevents sickness by making pure blood.

HOOD'S PILLS cure nausea, sick headache, indigestion and biliousness. Pilisbury's Flour Milis have a capacity ERIE.

When Baby was sick, we gave her Castoria, When she was a Child, she cried for Castoria. When she became Miss, she clung to Castoria. When she had Children, she gave them Castoria

Treated Fairly in This City. Is the despairing cry of thousands

afflicted with

Unsightly skin dis-

Do you realize

what this disfigu-

ration means to

sensitive souls?

eases.

It means isolation, seclusion.

upon these sufferers when

cure or even relieve.

CUTICURA REMEDIES

Skin Specifics.

experiment.

In short

less?

It is a bar to social and business success.

Do you wonder that despair seizes

Doctors fail, standard remedies fail,

And nostrums prove worse than use-

Skin diseases are most obstinate to

It is an easy matter to claim to cure

Have earned the right to be called

Because for years they have met

There are cases that they cannot cure,

It is no long-drawn-out, expensive

Will prove more convincing than

And its cures are simply marvellous.

Sold everywhere. Price, Cuticura, 50c.; Soar, 55c.; Resolvent, St. Potter Dang and Chim. Conf., Sole Props., Boston. "All about the Skin," free-

STILL IN EXISTENCE.

The World Renowned and Old Reliable

Every box gurranteed to give satisfaction or money refunded. Full printed directions from a child to a grown person. It is purely vegetable and cannot positively harm the most tender infant. Insist ou having Dr. Camp-boil's; accept no other. At all Druggists, 25c.

WONDERFUL

SOUTH SCHANTON, Pa., Nov. 10, 1894.
Mr. C. W. Campbell—Dear Sir: I have given my boy. Freddie, 7 years old, some of Dr. Campbell's Magic Worm Sugar and Tea, and to my surprise this afternoon about 2 o clock he passed a tapeworm measuring about 35 feet in length, head and all. I have it in a bottle and any person wishing to see it can do so by calling at my store. I had fried numerous other remedies recommended for taking tapeworms, but all failed. In my estimation Dr. Campbell's is the groatest worm remedy in existence.

Yours very respectfully.

Yours very respectfully. FRED HEFFNER, 732 Beech St.

Note—The above is what everybody says after once using. Maunfactured by C. W. Campbell, Lancaster, Pa. Successor to Dr. John Campbell & Son.

Mom Manon. Of.

Instruments in every sense of the term as applied to Planos. Exceptional in holding their original ful-

SOLD BY

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SPECIAL EXCURSION RATES TO

Allentown for the Eisteddfod.

THANKSGIVING DAY,

Thursday, November 29.

Special excursion tickets from Scranton will be sold good to go on all trains Nov. 29, and for return Nov. 29 or 3).

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AYLESWORTH'S

The Finest in the City.

The latest improved furnish-

ings and apparatus for keeping

223 Wyoming Ave.

meat, butter and eggs.

"WELL, SIR"

have a specialist

here to fit you who

does nothing else.

and have your

eyes fitted in a

scientific manner.

Sit right down

Yes sir!

"Spectacles !"

1115 Adams Ave., New Telephone Bdg

YORK WAREHOUSE, No. 80

Dr. Campbell's Great Magic Worm

with most remarkable success.

but they are few indeed.

25c. invested in a cake of

a page of advertisement.

CUTICURA works wonders,

CUTICURA SOAP

Sugar and Tea

them, but quite another thing to

THIS STATEMENT IS UNTRUE He Lost the Battle with Clunan Because

He Was Not So Good a Fighter-Foot Ball Game at the Park Thanksgiving Afternoon.

Anybody who saw the bout between John Clunan, of Brooklyn, and Joe Welischek, of Philadelphia, at the recent tournament of the Excelsior Athletic club at Music hall can easily affirm that Clunan is by long odds the better man of the two.

On the first night Clunan fought with Harry Woods, of this city, a lightweight whose cleverness has been the cause of trying to match him against George Dixon, the colored champion, who appears at the Academy of Music tomorrow afternoon and evening. Clunan was so far the superior fighter of the two that the groans of the spectastatements that proved Paskola to be tors were long and loud at the utter inability of Woods to make a respectable showing

On the second night Clunan went against Wellschek and defeated him according to the judgment of the referee and the unanimous expression of sentiment of the spectators. Welischek went off the stage in the sulks, and when he went home he told stories that created impressions such as are contained in the following clipping from

Sunday's Philadelphia Item: What the Item Says.

Joe Welischek, the well-known amateur boxer, is back from Scranton, where he went to contest in an amateur boxing tourney held under the auspices of the Southern life possesses an unfailing Excelsior Athletic club. Joe says that of interest as a dramatic study and the the worst. He claims to have fairly and squarely won the competition by defeating John Clunan, of Brooklyn, but de spite the fact that he not only out-pointed edly appeal to a large proportion of but battered Clunan's face to pieces, the referee, who was a New Yorker, gave the decision to Clunan. Welischek says Clunan went home with both eyes nearly closed and battered up generally. also says he has done with Scranton and he will never compete there again.

When Wellschek came on the stage he was greeted with loud cheering and Clunan was put off with a few miserable attempts at applause. But when the fight had ended and the decision of the referee was announcd everybody present said it was a square deal, although Wellschek was the favorite. He should have taken his medicine, but doing the baby act will not win him any laurels.

Tomorrow's Foot Ball Game. Lovers of foot ball will have an opportunity to witness an exciting game of that cold weather sport at the ball park Thanksgiving afternoon. It will of any importance played in the city number of shining spoons, a fat sugar this year. The elevens that will contest are Wyoming seminary and Scranton. Manager Cahill says his men are in fine shape for the final struggle, but Jefferson and his partner sold out and it is not likely they will have anything took passage in a government boat to bordering on a walk-over, as the Wyo-Brazos, Santiago, and then boarded a ming seminary boys are putting up a decidedly gilt-edged article of foot ball just now.

Nubs of Sporting News.

Jerome park, the famous home of rac

ing at New York, is doomed. The city wants the property for a reservoir and it W. B. Dickerman, owner of the fast

son, and, he expects, will take a record of 2.68 or better. George Dixon, the champlon feather

Representatives from half a dozen cities met at Nashville, Tenn., Monday for the purpose of organizing the Central Base Ball league. Owing to non-arrival of some of the representatives, action was deferred until they could reach Nashville The league will be composed of Atlanta Terre Haute, Nashville, Memphis, Little Rock and Evansville. The other city will be selected from Springfield, Cairo and

The Madison county (Ill.) grand jury has returned indictments against a num-ber of St. Louis sports and many of those interested in the Madison Athletic club. They are charged with being connected with the proposed Tracy-Needham fight, which was prevented by the raid of Sheriff Hotz and his posse. They are also charged with being parties to or specta-tors of the two bouts which took place before the Madison Athletic club. Rusine men are among those indicted.

Consumption.

The incessant wasting of a consumptive can only be overcome by a powerful concentrated nourishment like Scott's Emulsion. If this wasting is checked and the system is supplied with strength to combat the disease there is hope of recovery.

of Cod-liver Oil, with Hypophosphites, does more to cure Consumption than any other known remedy. It is for all Affections of Throat and Lungs, Coughs, Colds, Bron-chids and Wasting. Paraphlet free. Scotta Bowne, M. Y. All Drungists. 50c. and \$1.

KRAKAUER,

NEW ENGLAND,

CLOUGH & WARREN, CARPENTER, WATERLOO, CROWN,

J. LAWRENCE STELLE, Music -:- Dealer,

134 Wyoming Avenue, Scranton,

- TICKLED TO DEATH -

That is the verdict of the jury of parents whose children have got copies of

PALMER COX'S

PEOPLE

which we are now distributing to our readers. His fascinating stories of GIANTS AND GOBLINS, who perform wonderful feats of strength and daring, and terrorize whole regions of country, until finally brought to some untimely end are perfectly entrancing to the little people. Among

STORIES OF MARVELOUS INTEREST

is that of the giant thief and marauder, Grim Griffin, who finally caught a whale and was drawn far out into the ocean and never heard of afterwards.



One of the most modest but really great men of the nation writes us as follows: "In our home are five grandchildren who remember Palmer Cox in all their prayers. 'QUEER PEOPLE' has set them wild with delight. IT IS A TRIUMPH. It ought to find a place IN A MILLION HOMES. LONG LIVE PALMER COX."

NO LIVING PEER

The world has known no Genius as a Juvenile Artist to compare with Palmer Cox, and the Philadelphia Press declares the humor of "Queer People" almost too good for adults. He commands the highest copyright of any Juvenile Artist or Author living.

YOU GET THE BENEFIT of the price by the 25,000 lots in this distribution, which is going to run far beyond our expectations.

32 Pages, NEARLY 15,000 COPIES TAKEN

We have doubled our first call for supplies, and intend the children not only of our readers, but those of their friends as well; in fact,

THEIR UNCLES, THEIR COUSINS, AND THEIR AUNTS

FARE FOR THE ROUND TRIP, \$1.70 Shall be supplied by mail for 12 cents, and at the office 10 cents.

SALE OF 3 WILL COMMENCE ON SATURDAY AT 9 O'CLOCK A. M.

SCRANTON, PA,





For sale by JOHN H. PHELPS, Pharmacist, cor. Wyoming Avenue and Spruce Street, Scranton, Pa.



For Sale by C. M. HARRIS, Druggist, 127 Penn Avenue