The Ruling Which Saves Scranton's Water Supply.

Text of the Decision of Judge McPherson of Dauphin County in the Effort of Lehigh Valley Interests to Monopolize the Fluid of the Lehigh River's Headwaters.

The opinion of Judge J. B. McPherson in the equity suits of the Lehigh Coal and Navigation company, the Bethlehem South Gas and Water company, E. P. Wilbur and Robert H. Sayre and Samuel Wallace and others against the Scranton Gas and Water company which was filed with Prothonotary Pryor Tuesday is given below almost in its entirety:

These three bills in equity, which were heard and argued together, raise substantially the same questions. They grow out of the defendant's claim to bring water from the river Lehigh for domestic and manufacturing use in the City of Scranton. * * *

FINDINGS OF FACT.

1. The Scranton Gas and Water company is a corporation chartered by the act of March 16, 1854, (P. L. of 1856, p. 599). The second section gives the defendant power * * * "to take water from any stream." * * *

2. Exercising the powers given by these statutes, the company has spent about two millions of dollars upon the plant which is now supplying an average of 13,000,000 gallons of water daily to the city of Scranton and its immediate neighborhood. Eight millions are used for domestic, and five millions for manufacturing purposes. The water is drawn from two streams nearby, one being Stafford Meadow Brook, and the other, which is the principal source of supply, being Roaring Brook. On these streams the defendant has several reservoirs, in which water is stored for use as occasion may require. During the prolonged drought of 1895 the available supply sank so low that the company turned in alarm to seek an additional source, and decided to carry out a plan first considered about ten years ago, and build a new reservoir upon the Lehigh river. In October, 1895, the board of directors passed the following resolution: (Here follows resolution appropriating water from Lehigh river). * * *

The defendant immediately notified the Lehigh Coal and Navigation company of this resolution, and asked its consent "that we may take water from the upper waters of the Lehigh near Gouldsboro' station on the D., L. & W. R. R., so far as your company is concerned and subject to your right to supply the canal of the Lehigh Coal and Navigation company;" adding, "We propose simply to build storage reservoirs and fill the same in time of freshets and high water, and not interfere with the ordinary and common flow of water in the stream." Consent was refused, however, and thereupon the defendant proceeded to carry out the resolution of its board.

3. For this purpose the defendant bought in fee a tract of land lying across the head waters of the Lehigh river near Gouldsboro' station, and built thereon in the county of Lackawanna a crib dam crossing the stream. The dam is two hundred and fifty-five feet long; the breast is about eight feet high; the spill-way is fifty-seven feet, and the sluice way is six feet, in breadth. When full, the pool above the dam covers an area of sixty-four acres and contains about 61,000,000 gallons of water. At the head of the pool the defendant erected a pumping station and installed therein a pump with a capacity of 10,000,000 gallons per day. About a mile and a half from this station is the ridge or divide, about thirty-five feet higher than the dam, which separates the water-shed or basin of the pool from the water-shed or basin of Roaring Brook. Connecting with the pump about two miles of iron pipe was laid, through which the water from the pool can be forced into the bed of Roaring Brook, mingling thenceforward with that stream and flowing into the defendant's reservoirs at Elmhurst and elsewhere, on its way to be used in the city of Scranton and neighborhood. The course of the river has not been changed by the defendant; but the stream flows now through the pool, and passes over the dam or through the sluice-way into its former bed.

4. Shortly after work was begun these bills in equity were filed, but there was no preliminary interference by the court, and within a few months the dam, pumping-station and pipe-line were ready for use. The cost of the whole work was about $53,000. In the month of February, 1896, while the river was in freshet above the dam, the gate was closed and the pool was filled. This was done in about five hours and a half without appreciable effect upon the stream at White Haven or below, and without affecting in the least the interest of any one of these plaintiffs. Since then the defendant has not obstructed or diminished the flow or volume of the water. The gate of the dam has been open, and the stream has flowed without hindrance. No pumping has been done and the water stored remains in the pool, awaiting the decision of the court upon the pending questions.

5. The defendant's right to build a dam across the stream upon its own land is not denied; but the plaintiffs deny entirely its right to take any part of the water at any stage, and carry it for use to the city of Scranton. Their respective interests are as follows: The Bethlehem South Water company, which supplies the community dwelling in that neighborhood, takes its water from the Lehigh at a point eighty or ninety miles below the dam in controversy. Messrs. Wilbur and Sayre are among the consumers of the water thus supplied; and the bill to No. 6 January term is filed upon the theory that these plaintiffs represent the riparian owners, and especially the right of such owners to use the water for domestic purposes. The bill to No. 7 January term, filed by Messrs. Samuel L. Wallace and others, asserts the right to use the water for power; each of these plaintiffs derives his right by lease or other contract from the Lehigh Coal and Navigation company, but as hereafter stated no stress is laid upon this fact and the plaintiffs are regarded as independent riparian owners. The remaining bill is filed by the Navigation company, whose interest in the subject of dispute requires a statement in some detail.

[In the sixth finding, after referring to the act of the Province passed in 1771 making the Lehigh a common highway for navigation, and prohibiting diversion of the water for mills or water-works, and erection of dams; also the act of 1818 (P. L. 197), the act of 1822 (P. L. 21) incorporating Lehigh Coal and Navigation Co., the court says:]

By virtue of this statute and supplementary legislation, the Navigation company improved the channel of the river and spent a large sum of money in constructing a slack-water and descending navigation, building dams at various points along the river from its mouth at Easton to the Great Falls at Stoddardsville. Its canal and equipment are now valued on the books of the company at about $2,100,000, but a few years ago a further sum of $1,500,000 was charged off, and it is probable that much more has been expended. Nothing seems to have been done by the company above the Falls; at all events, in March, 1836, (P. L. 212) the legislature extended the provisions of the act of 1803 above cited, "to the waters of the Lehigh above the falls at Stoddardsville"—thereby permitting dams to be erected on that part of the river;—and declaring also, that "the dams heretofore erected on the headwaters of said stream above the aforesaid falls shall be lawful under the provisions of said act."

In the year 1840, (P. L. 134) an act was passed to incorporate The Upper Lehigh Navigation company, for the purpose of improving the navigation above the great falls. No evidence was offered that anything was done in pursuance of this statute; and it is cited now because the defendant regards it as a fact from which the court should infer, that in 1840 the legislature did not suppose it had lost its power over the upper waters of the river, and therefore that the act of 1822 was not intended to transfer absolute dominion over the whole stream to the Coal and Navigation company.

In 1862 a great flood visited the valley of the Lehigh, and carried out many of the company's dams. [Here follows a review of the acts of 1863 (P. L. 99) and 1864 (P. L. 533) relating to the rights surrendered by the Lehigh Coal and Navigation company].

* * * * * * *

In pursuance of the powers granted by the acts heretofore cited the company maintains a slackwater navigation, forty-six miles long, from Mauch Chunk to the mouth of the river at Easton, upon which its own boats and boats owned by other persons, to the number of 309, are engaged in the transportation of freight, which in each of the years 1894 and 1895 aggregated about 350,000 tons. It has also conveyed to twenty-eight corporations and individuals, by lease or other form of contract, the right to use the water, and the water-power of the river for manufacturing and other purposes, receiving from these contracts a revenue of about $23,000 a year. Eighteen other corporations and individuals use the water for similar purposes without paying therefor. The valley is populous, and its inhabitants depend on the river and its tributaries for their domestic supply.

7. The defendant's dam is built within a short distance of the ponds which form the source of the river, and at this point the stream is usually of small size. The basin, or water-shed, of the dam is about fifteen square miles in area, and in its ordinary stage the volume of water flowing through the pool does not exceed * * * gallons a day. The stream is rather to be called a brook than a river. In times of freshets, however, which occur every year—usually late in the winter, or early in the spring—the volume is greatly increased, reaching 250,000,000 gallons a day, or even more. There are many tributaries of the main river, large and small, both above and below White Haven, all of which are swollen by floods every year and discharge large quantities of water into the principal stream. Without further detail, it is sufficient to find, in general terms, that every year during the season of freshets a vast quantity of water is poured down the channel of the Lehigh, far in excess of any demand which the plaintiffs, or the total population of the valley, can possibly make upon it, either now or within any period worth considering.

It is from this water in flood, arrested once a year at such a season only, that the defendant has filled and proposes to fill its pool, storing the contents there until an emergency arises. The evidence is ample to justify the finding that such an act has not been, and will not be, perceptible by any one of the plaintiffs; and that no injury, even of the most trifling character, has been done or will be done thereby to any interest which the court is now asked to protect. The ordinary flow of the stream will not be interfered with; for the dam and pool either are now, or can easily be, so equipped that the exact quantity of water flowing in may be accurately measured and allowed to flow out.

The water-shed of the river above White Haven is about 300 square miles in area; and of the whole valley as far as Easton, about 1,330 square miles. The Lehigh runs into the Delaware river, and thence into Delaware bay; while Roaring Brook belongs to the Susquehanna system and finds its way at last into Chesapeake bay.

DISCUSSION AND CONCLUSIONS.

The principal question to be considered has not yet been decided by the courts of Pennsylvania. In the Pacific states the subject has been discussed, * * * but I have not been willing to rely upon any case from these states as an authority, because of the different circumstances which prevail in that region and which have influenced the judicial and legislative treatment of the right to use the water of a stream. Elsewhere there is little help to be had. * * * The subjects of controversy have usually been, either a conflict between two rights, both growing out of riparian ownership; or an interference (under the right of eminent domain or otherwise) with the normal and ordinary flow of the stream. Many of the cases are collected in the note to Davis vs. Getchell, 79 Amer. Decis. 638. But the two questions now raised are new in almost every state of the Union. First: Does mere riparian ownership justify the owner in diverting a part of the flood-waters of a stream and carrying it elsewhere for consumption, so long as the quantity diverted is too small to affect even slightly the rights of others? And, second: May this diversion and consumption be authorized under a grant of eminent domain; the stream being navigable, the grantee being a corporation supplying water to a city, and the quantity taken being inappreciable by the persons complaining? * * * In this view it is enough to say, that the litigation taken as a whole brings before the court substantially every kind of right which now exists in the waters of the Lehigh and is averred to be in danger of injury at the defendant's hands. The Bethlehem South Water company and the individuals who join with it represent a certain class of riparian owners, and lay especial stress upon the domestic uses to which such owners may lawfully put the waters of a stream. Samuel Wallace and his associates represent those who use the river as a source of power, and for other objects in the business of manufacturing.

Finally, the Navigation company standing upon its legislative title has a certain interest in the water which does not depend upon riparian ownership. The extent of its right will be examined more fully at a later stage of the discussion.

It is unnecessary to spend time over the first question above stated. The proposition is, that because the defendant owns a riparian tract of land it may divert a part of the flood-water of the stream for consumption in the city of Scranton, as long as such diversion does no actual harm to any lower right. This view of the law was argued with vigor, and I do not attempt to pronounce it unsound. If, however, the argument is supposed also to sustain the view that mere riparian ownership would justify the defendant in thus diverting any part of the usual and ordinary flow, I feel little hesitation in declaring this supposition at least to be incorrect. The right of an upper against a lower riparian ownership is so well settled by numerous authorities, and so thoroughly understood, that elaboration would be superfluous. * * *

If then the defendant was asserting a right to interfere with the ordinary flow of the stream, and could offer no better justification than riparian ownership, the injunctions prayed for would be granted; for I agree fully with the plaintiff's argument that where the dispute is between two riparian proprietors and turns simply upon the extent of their respective riparian rights in the ordinary volume of the stream, an injunction will issue to restrain the upper proprietor from making a non-riparian use of the water, even if the evidence does not show any appreciable injury to the owner of the lower tenement. * * * *

But if the defendant's claim is to take flood-water only, the argument would need consideration; for the question has not yet been decided by any Pennsylvania court. The analogies of this branch of the subject do not favor the defendant's position; for as a general rule riparian ownership has hitherto been held to justify riparian use only, and to give no right to "vert the water for use at a distant point; but how far, if at all, this rule should be modified so as to permit a riparian owner to make a non-riparian use of flood-water which no lower owner can possibly miss from the stream, is a subject upon which I express no opinion. I lay aside entirely the defendant's riparian ownership, because I believe the second question above stated to be controlling, and to furnish a sufficient reason for decision.

In this aspect, the defendant's claim depends wholly upon the right of eminent domain contained in its charter. This consideration removes the discussion into a different region, and makes inapplicable almost all the cases cited by both parties. The plaintiffs ask us so to construe the defendant's power "to take water from any stream," as to forbid the taking from any stream—unless it flows down some valley within the basin or water-shed which also contains the city of Scranton. They deny the power of the legislature to authorize a water company to carry water across a divide or ridge separating two water-sheds, because this would divert a part of the stream permanently from one valley to the other. Certainly such a diversion would go beyond the usual power of a riparian proprietor, acting simply upon his right of riparian ownership; but I do not see upon what principle a court may limit the legislative power over this subject. Undeniably the defendant belongs to the class of corporations which may be clothed with the power of eminent domain. * * *

If the state grants this right without restriction its grantee may do whatever the state could do; and nothing limits the power of the state, except perhaps some law of universal, or of Christian, morality. The plaintiffs urge that another limitation is to be found in the laws of nature, and that flowing water must continue to flow even where it is not needed, unless it can be taken where the need may be extreme without violating the law of gravitation. I think this argument overlooks the object of the power of eminent domain. This is always to supply some public use; and surely, as between a law of nature and the benefit of a community, there is no room to doubt which must go to the wall.

I cannot believe that the course of nature interposes an immovable barrier to the legislative will, and I do not know what else can prevent the state from enacting that some part of a stream which has hitherto flowed upon one side of a hill may now be transported to serve a public use upon the other. * * * I lay no stress, however, on the navigable character of the stream. Whether it is navigable or not, as a pure question of power, the state might appropriate the whole flow for public purposes, making due compensation therefor; although doubtless so extreme an exercise of sovereignty would only be supported if the language admitted of no other possible construction. * * * Reasons of policy may exist to restrain the legislature in a given case, but this restraint is self-imposed. Restriction from without must be found in the course of nature or in the constitution of the state; and I do not find in either the prohibition for which the plaintiffs contend. Speaking generally, the legislature is all-powerful, save as restrained by the constitution; it may certainly take private property for a public use, and this power extends to the water of a running stream. Upon what principle shall the state be forbidden to cross a small elevation, and pump the water from one side to meet a public use upon the other? The power can only be exercised upon making payment for property taken or injured; and the relevant question seems to be: Does the power exist? If it does, I think it can hardly be important to inquire how distant the stream may be from the place where the water is to be used, or how many ridges must be surmounted before the point of consumption is reached. If the doctrine contended for by the plaintiffs is sound, it would be often difficult, and might be impossible, for a large city situated in a small basin to supply its necessities. The case before the court furnishes an example of the difficulty; for the available sources of supply within the Scranton basin have been exhausted, and no more can be had without diverting some water course in part, and pumping it over an elevation between the city and the stream. Except from the Lehigh or the Susquehanna no water is attainable; and while it is true that the city lies upon the general water-shed of the Susquehanna, it is also true that a supply from this source must be pumped up a much higher hill than the elevation separating Roaring Brook from the Lehigh; and that the diversion of water from the Susquehanna would violate technical rights as distinctly as the diversion now complained of. * * *

The legislature has declared in unqualified language that the defendant may "take water from any stream;" and these simple words must be held to bear the usual and ordinary meaning. As a result, the power of the defendant extends by positive grant to the stream in dispute, but not to the whole of the flow. The precise extent of its power is not now involved, but there is certainly some limit which it cannot pass. Its grant is to take water "from" any stream, and this language implies that some water must be left; how much, need not now be determined. In this controversy, the court is only concerned with the question whether a certain quantity of flood-water may be taken and carried for consumption into an adjoining valley. I have already declared my inability to find a principle by which the right to take and consume may be limited to the valley of the selected stream; and it seems pertinent to add, that many instances in the history of the state show that the legislature has not regarded the natural course of a stream as restricting the power of eminent domain. For example, the Union canal mingled the waters of the Schuylkill and Susquehanna basins; and every canal in the state, even while it is following the stream, violates riparian rights by carrying a considerable volume of water past the owners of the banks; and violates these rights as completely and irrevocably as if the water in the canal had been carried over a hill and poured into a stream in the valley beyond. Moreover, it is a matter of common knowledge that many municipalities are supplied from neighboring basins in distinct violation of the laws of gravitation and of flowing water.

Without further discussion of the subject, my conclusion is that the state gave to the defendant a limited power as to quantity, but an unrestricted liberty of choice as to stream. In fact, however, there is a very real restriction, namely, that practical and effective limitation enforced by distance and cost and the conflicting rights of others, which will always operate to confine in actual exercise a grant which may be theoretically without bounds. * * The practical limitation above referred to is evidently regarded by the state as sufficient. It is the only check relied upon in every charter now granted to a water company. * * *

Assuming therefore that the defendant's charter empowers it to take water from the river Lehigh, the further question arises: Has it exercised this power in conflict with the rights of the plaintiffs? * * *

Concerning the bill filed by the Bethlehem South Water company, representing the riparian right for domestic use, only a word need be said. The defendant is bound to compensate lower riparian owners for any injury which may be done to their domestic rights by diverting any part of the stream at any stage of its flow. But in view of the facts, that no injury has been done to these rights even in the slightest degree, and that the defendant expressly disclaims of record any intention to invade them, it seems clear that no ground for an injunction has been shown to exist. In the face of the defendant's solemn disclaimer of record, nothing heretofore done can be regarded as a hostile act; and it is equally clear that the plaintiffs have not suffered the least perceptible injury. * * *

The right of the Navigation company, and the rights possessed by Samuel Wallace and his associates, need not be considered separately. For the purpose of this case I assume these bills to rest upon independent foundations; but whatever may be the source or extent or relation to each other of the rights enjoyed by the respective plaintiffs, if they have suffered no harm at the hands of the defendant, and will suffer none when the water now in the pool is pumped into Roaring Brook, the injunctions asked for should be refused. Upon this point the evidence does not leave us in doubt. * * * In this case also, the defendant disclaims any intention to impair or conflict with the plaintiff's right to make a manufacturing use of the stream, and therefore the acts complained of cannot form the beginning of a hostile use.

Whether or not the right of the Navigation company has been taken or injured, depends upon the extent of that right; and this requires some consideration of the acts of assembly. As against the defendant (if not against the riparian owners on the stream), the company's claim is that "under its charter the grant is not a mere grant of water power" but is "a grant of property in the corpus of the water as a chattel," (Brief p. 25), subject merely to the duty of maintaining the navigation; and although its present right for purposes of navigation and power extends no higher than Mauch Chunk and White Haven respectively, this claim extends from the source of the river to its mouth. Apparently also the claim extends to the water of every tributary, although the legislative grant speaks merely of "the river Lehigh," and can only be made to cover the tributary creeks by a liberality of construction which is not usually applied to grants of this character. But, even confined to the main stream, the privilege is unusual in scope and can only be sustained by unambiguous grant. It may be worth nothing that this extensive claim is made in the course of an argument which denies the legislative competency to grant the defendant a similar privilege. If the Navigation company does own the corpus of the water in fee simple, it has absolute dominion over it (subject only to the reserved navigation right); and may not only sell it for consumption in the valley of the stream, but may divert it to any point outside the valley; or may levy toll upon every gallon which quenches the thirst of man or beast along its banks. If the legislature could lawfully do this in 1818 and 1822, what has happened since to impair its power? * * * If it (the company) really owns the water in fee simple, it has the power to divert it at any time;—otherwise, "fee simple" must have some less extensive meaning;—and in point of fact it does divert permanently from some riparian owners, and has always diverted that part of the stream which flows in its canal.

But I think the company's right in the stream will be found upon examination to come short of a fee simple ownership in all the water not needed for navigation. * * *

In support of this construction it is important also to notice that neither the parties in interest nor the legislature supposed in 1822 that the grant was more extensive than the right to take tolls, and the right to the power of the stream. * * *

Strictly construed, I believe this to be the extent of the grant to the Navigation company; but there is one qualification which ought to be made. The grant of water power was for manufacturing uses, and this fact ought not to be lost sight of. When the act was passed, the principal manufacturing use of the water was to propel machinery; but now, and for many years past, other manufacturing uses which consume or contaminate the water in some degree have become much more important. To these uses a part of the stream is devoted under the contracts between the company and riparian manufacturers; and upon the analogy of Alden's appeal, 93 Pa. 182, I regard this as within the original grant. * * *

If this view of the company's right is sound, it remains to inquire whether the proposed diversion, now in part accomplished, has taken or injured, or will take or injure, in any degree the company's interest in the stream. This is a question of fact, and upon the evidence I answer it in the negative. In no respect or degree has the navigation or the power of the river or its value for manufacturing use been affected by what the defendant has done; nor will it be affected by future fillings of the pool when the stream is in flood. Unless therefore the defendant's acts were intended to assert a hostile right, no ground for equitable interference exists. But to this bill also the defendant answers that no claim whatever is made of a right to do any act which will injure the Navigation company's interest in the river; and as stated heretofore, this disclaimer of record is a complete protection to the company's interest.

It was also argued that the defendant's act is an unlawful interference with the franchise of the Navigation company; unlawful, because its charter gives it no power, either expressly or by necessary implication, to take franchises; or, if the power is there, because the necessity for its exercise has not been made to appear. In support of this position a well known line of cases is referred to, of which Pittsburg Junction Railroad company's appeal, 122 Pa. 512, and Groff's appeal, 128 Pa. 621, are examples. To this I reply, that the interest of the Navigation company in the water of the upper Lehigh is not easy to define precisely. * * * At present none of these questions arises, because the right of the Navigation company (whatever may be its nature, and over however much of the stream it may exist in one degree or another) has neither been taken nor injured, and the defendant disclaims the right or the intention to do it the slightest harm.

In each suit I think the conclusion must be that an injunction as prayed for, to restrain the defendant from maintaining its dam and from pumping the water therefrom into Roaring Brook, cannot be granted. But the bills are not to be dismissed. Decrees must be entered, so drawn as to confine the defendant's power over the stream within the limits fixed by the answers and indicated in this opinion. Only flood-water is to be taken; and a period in each year ought to be specified within which the pool may be filled from this source. Moreover, if the dam is not now so constructed that the ordinary inflow and outflow of the stream may be accurately measured and regulated, this must be done; and generally, every needful measure must be adopted to protect the rights of the plaintiffs against every reasonable possibility of harm. The bills, also, will be retained as pending proceedings, with leave to either party to apply for any change in the decrees which may be found advisable.

John B. McPherson,
Specially Presiding.

PRICEBURG.

Eagle Hose company, No. 1, will open the fair and festival this evening in Smith's hall, over postoffice. An excellent programme will be given in the line of entertainment. Admission ten cents.

Mr. John Zukuski, of Plymouth, visited relatives here yesterday.

Drs. Laubach, Van Sickle and Billivemer performed the operation for appendicitis upon Master Willie Hebroud yesterday afternoon. So far as is known it has been successful.

The wigwam of Washtella tribe, No. 169, Improved Order of Red men, Olyphant, was largely filled last evening with red men from Nos. 72, of Providence; 107, of Priceburg; 211, of Peckville, and 247, of Taylor. The programme of he evening was excellent. A pale face was adopted into the ....e, after which, for the good of the order, the following programme was rendered: Corn and venison, served by the committee of 169; songs by John Saunders, of No. 72, Providence, on Redmanship, composed by himself, which were most excellent; songs by James Cousins and Joseph Pratt, William Cousin and Ed Saunders, of No. 72, Providence; song, Thomas Petch, of No. 107, Priceburg; songs by Hy Fletcher and John Wright, No. 211, Peckville; Recorder William Kennedy, the kicking buffalo of No. 107, Priceburg; remarks by District Grand Sachem William Harshorn, of No. 72; Jast Sachems Thomas Saunders, Daniel H. Coleman, of No. 72; William Kennedy, Thomas Petch, of 107; M. B. Wedeman, C. P. Hartman, John Mitchell, of No. 211, which was very interesting and encouraging for the brothers to know how the order is increasing in these hunting grounds. The Red Men are such a lively set of fellows when they get out they must have a good time, and they enjoyed it up to a late hour, when they returned to their private wigwams.

AVOCA.

Following is the programme which will be given by the Avoca Musical society on Monday evening: Address, chairman; chorus, Avoca Musical society; recitation, Miss Annie Dommermuth; violin solo, Mr S. Hamblett; instrumental duett, Messrs. Sheehan and Greenfield; solo, Mrs. Atwell; recitation, Mr. William Jennings; solo, Mr. David Stephens; duett, Messrs. Philip Thomas and Joseph Johns; piano solo, Mr. John E. O'Malley; solo, Mr. Philip Warren; duett, Misses B. Dempsey and L. Hines; solo, Mr. T. P. Watkins; selection, Moosic Cornet band; solo, Mr. Philip Thomas; duett, Messrs. D. Stephens and P. H. Warren; recitation, Miss Mary Davis; solo, Mr. Joseph Johns; chorus, Avoca Musical society.

BREAKFAST AT GRANT'S TABLE

A Hungry Newspaper Man Who Invited Himself to Gen. Grants Table.

After the officers at headquarters had obtained what sleep they could get, they arose about daylight, feeling that in all probability they would witness before night either a fight or a foot-race—a fight if the armies encountered each other, a foot-race to secure good positions if the armies remained apart.

General Meade had started south at dawn, moving along the Germanna road. General Grant intended to remain in his present camp till Burnside arrived, in order to give him some directions in person regarding his movements. The general sat down to the breakfast-table after nearly all the staff-officers had finished their morning meal. While he was slowly sipping his coffee, a young newspaper reporter, whose appetite, combined with his spirit of enterprise, had gained a substantial victory over his modesty, slipped up to the table, took a seat at the farther end, and remarked, "Then I wouldn't mind taking a cup of something warm myself, if there's no objection." Thereupon seizing a coffee-pot, he poured out a full ration of that soothing army beverage, and, after helping himself to some of the other dishes, proceeded to eat breakfast with an appetite which had evidently been stimulated by long hours of fasting.

The general paid no more attention to this occurrence than he would have paid to the flight of a bird across his path. He scarcely looked at the intruder, did not utter a word at the time, and made no mention of it afterward. It was a fair sample of the imperturbability of his nature as to trivial matters taking place about him.—"Campaigning with Grant," by General Horace Porter, in the December Century.

THE SOCIAL WAR.

What the Next Great Armed Conflict Will Be About.

The Civil War in the United States turned upon slavery incidentally, not vitally. The cause of that great fight lay much deeper. In the same way the Social War which is coming will turn incidentally upon religion, and be perhaps called a religious war hereafter; but it will not be declared for the sake of faith against unbelief, nor be fought at first by any church, or alliance of churches, against atheism. It will simply turn out that the men who fight on the one side will have either the conviction or the prejudices of Christianity, or both, and that their adversaries will have neither. But the struggle will be at its height when the original steady current of facts which led to inevitable strife has sunk into apparent insignificance under the raging storm of conflicting belief and unbelief.

The disadvantage of the unbelievers will lie in the fact that belief is positive and assertive, whereas unbelief is negative and argumentative. It is indeed easier to deny than to prove almost anything. But that is not the question. In life and war it is generally easier to keep than to take, and besides, those who believe "care," as we say, whereas those who deny generally "care" very little. It is probable, to say the least of it, that so long as the socialists of the near future believe assertively that they have discovered the means of saving humanity from misery and poverty, and fight for a pure conviction, they will have the better of it; but that when they find themselves in the position of attacking half of mankinds religious faith, having no idea, but only a proposition, to offer in its place, they will be beaten.

That seems far from the question of divorce, but it is not. Before the battle the opposing forces are encamped and intrenched at a little distance from each other, and each tries to undermine the others outworks. Socialism, collectively, has dug a mine under Social Orders strongest tower, which is called marriage, and the edifice is beginning to shake from its foundations, even before the slow-match is lighted. —From "A Rose of Yesterday, by Marion Crawford, in the December Century.

Reduced Rates to Washington on Account of the Inauguration via Pennsylvania Railroad.

For the benefit of those who desire to attend the ceremonies incident to the inauguration of President-elect McKinley, the Pennsylvania Railroad company will sell excursion tickets to Washington March 1, 2, 3, and 4, valid to return from March 4 to 8, at the following rates: From New York, $8.00; Philadelphia, $5.40; Baltimore, $1.60; Harrisburg, $5.06; Williamsport, $8.79; Buffalo, $11.20; Rochester, $10.48; Altoona and Pittsburg, $10.00; and from all other stations on the Pennsylvania system at reduced rates.

This inauguration will be a most interesting event, and will undoubtedly attract a large number of people from every section of the country.

The magnificent facilities of the Pennsylvania railroad make this line the favorite route to the national capital at all times, and its enormous equipment and splendid terminal advantages at Washington make it especially popular on such occasions. **

CASTORIA

For Infants and Children.

The fac-simile signature of Chas. H. Fletcher is on every wrapper.

MT. PLEASANT

COAL

AT RETAIL.

Coal of the best quality for domestic use and of all sizes, including Buckwheat and Birdseye, delivered in any part of the city at the lowest price.

Orders received at the Office, first floor, Commonwealth building, room No. 4; telephone No. 2282 or at the mine, telephone No. 278, will be promptly attended to. Dealers supplied at the mine.

WM. T. SMITH.

WOMAN TO WOMAN.

Women are being taught by bitter experience that many physicians cannot successfully handle their peculiar ailments known as female diseases.

Doctors are willing and anxious to help them, but they are the wrong sex to work understandingly.

When the woman of to-day experiences such symptoms as backache, nervousness, lassitude, whites, irregular or painful menstruation, pains in groins, bearing-down sensation, palpitation, "all gone" feeling and blues, she at once takes Lydia E. Pinkham's Vegetable Compound, feeling sure of obtaining immediate relief.

Should her symptoms be new to her, she writes to a woman, Mrs. Pinkham, Lynn, Mass., who promptly explains her case, and tells her free how to get well.

Indeed, so many women are now appealing to Mrs. Pinkham for advice, that a score of lady secretaries are kept constantly at work answering the great volume of correspondence which comes in every day. Each letter is answered carefully and accurately, as Mrs. Pinkham fully realizes that a life may depend upon her reply, and into many and many a home has she shed the rays of happiness.

THE LEADER

124 and 126 Wyoming Ave.

OPEN EVENINGS UNTIL CHRISTMAS

Have you done your Christmas shopping? Don't you know that on the last day before Christmas you can never find such a complete and elaborate assortment as you can if you call early? We still have an unbroken line of the choicest

Holiday Goods

comprising everything that is convenient, useful and desirable for Christmas Gifts, and we are convinced that the lowness of our prices will take you by surprise. In view of the nearness of the Holidays we have made some large reductions in all of the following departments:

EVENING AND STREET GLOVES,
GENTS' FURNISHING GOODS,
SILK AND WOOL MUFFLERS,
REAL LACE HANDKERCHIEFS,
LINEN AND SILK HANDKERCHIEFS,
HAND EMBROIDERED HANDKERCHIEFS,

FEATHER BOAS	SOFA CUSHIONS	PIN CUSHIONS
UMBRELLAS	ART GOODS	SLIPPER CASES
GLOVES	JEWELRY BOXES	TOILET CASES
MANICURE SETS	WORK BOXES	LEATHER GOODS
TOILET SETS	GLOVE BOXES	JEWELRY
ODOR SETS	Handkerchief Boxes	ALBUMS
SHAVING SETS	NECKTIE BOXES	BRIC-A-BRAC.

ALL SIZES DOLLS, ALL PRICES.

Our new mechanical window display, "The Dolls' Ball," is as popular as it ever was, and if you will bring the children it will certainly amuse them.

We also beg to announce that due to the advance of the season we have made a big reduction in all Silks, Dress Goods, Cloaks and Millinery. Those desirous of an early selection should purchase now.

LEBECK & CORIN.

MERCEREAU & CONNELL

ESTABLISHED THIRTY YEARS.

NOW IN OUR NEW STORE,

130 WYOMING AVENUE.

Coal Exchange, Opp. Hotel Jermyn.

We have the finest store and most complete stock in all this section, of

WATCHES, FINE JEWELRY, DIAMONDS,
STERLING SILVER WARE,
STERLING SILVER NOVELTIES,
RICH CUT GLASS, CLOCKS, ETC.

Our Prices are always bottom.

If you have not seen us in our new store it will pay you to call.

E. ROBINSON'S SONS'

Lager Beer Brewery

Manufacturers of the Celebrated

Pilsener Lager Beer

CAPACITY:

100,000 Barrels per Annum

THE MOOSIC POWDER CO.,

ROOMS 1 AND 2, COM'LTH B'L'D'G,
SCRANTON, PA.

MINING AND BLASTING

POWDER

MADE AT MOOSIC AND RUSSELDALE WORKS.

LAFLIN & RAND POWDER CO'S

ORANGE GUN POWDER

Electric Batteries, Electric Exploders, for exploding blasts, Safety Fuse, and

Repauno Chemical Co.'s HIGH EXPLOSIVES.