## **DECISION IN AN** IMPORTANT CASE

Opinion of Justice Williams in the

Famous Hughes Squatter Case. AS TO UPPER AND LOWER ESTATES

Opinion Decides a New Question of Law That is of Vast Importance to This Region -- Squatter Title to the Surface Does Not Necessarily Carry With It Title to the Mineral Estate -- Rights of a Coal Company Discussed at Some Length.

The full text of the opinion of Justice Williams in the case of the Delaware and Hudson company against David Hughes and others, handed down during this week's session of the Supreme court in Pittsburg, is given

In it is decided a very important question, as regards this region. The Delaware and Hudson company purchased the surface and coal of a 200acre plot known as the Porter tract, way back in 1825. It began the operations of mining a few years later and their employes, Alexander McDonald, equatied on six acres of tract and holding it as required by law for over twenty-one years. wenty-one years, secured possession. His six acres fell into the hands of the defendants, David Hughes and others, and they proceeded to lay claim to the coal underlying it.

claimants, holding that they had nequired title to the mineral estate at the same time and in the same manner as they acquired the surface title. Justice Williams decides differently, saying that it was not necessary that the company should have actually conducted mining operations on or under the equatter's claim in order to give notice of their possession of it.

IT CONSTITUTED NOTICE.

and all other coal which could be reached from their workings on the

The company was represented by ex-Judge Jessup and James H. Torrey. The claimants were represented here by J. Alten Davis, Ward & Horn and T. P. Duffy and before the Supreme court by Strauss & Lanahan, of Wilkes-Barre, Appended is the opin-

This case presents a question of considerable importance to the owners of min-eral lands, which does not seem to have been decided by the courts or to have been discussed by text writers so far as we have been able to discover. It will be readily understood from a brief statement of the facts out of which it arises. The plaintiff company is engaged in mining and selling anthracite coal. As early as 1825 it was the owner of a considerable body of contiguous lands which had been purchased by it because of the coal un-derlying it. A tract known as the "Por-ter Tract," containing two hundred acres, was part of this body of conl. The coal upon it was opened by the company at some time between 1839 and 1835 and mining operations begun under it. From that time to the present the company has been in the possession of its mineral deposit under the surface of the Forter tract by actual mining and by the use of the openings and gangways for purposes con. He never did anything to challenge their nected with the removal of coal from ad- possession of the mineral estate. On the siming hands belonging to it.

DEFENDANTS TITLE.

The defendant derives his title from one Alexander McDorald who was an employe of the plaintiff and who entered upon the surface of the Porter tract in 1835 or 1837 and began a residence upon it, and the cultivation of a small portion of it. It that from 1850 and perhaps somewhat earlier, down for a period of more than twenty-one years the possession of Mc-Donald and his venders of the land in controversy has been open, notorious, hostile, and exclusive. As to the surface therefore the defendant has acquited a title under the statute of limitations. The question raised by this record is whether he has also, under the circumstances just stated, acquired a title to the underlying coal? The general principles regulating the titles to upper and lower estates in the earth's crust are pretty well settled by our own cases. The swhership of the surface carries with it, if there be no obstacle to the application of the general obstacle to the application of the general rule, title downwards to the center of the carth and upwards indefinitely. So long as mineral deposits remain in place they are part of the freehold and pass with it by deed, gift or other form of conveyance; but when the minerals are remained they become personal property and are sold like other personal chartels. If the owner grants to another the right or privilege of taking coal from his lands this grant, if not an exclusive one, is not knowledge he possessed and by the omplete knowledge he possessed and by the or this grant, if not an exclusive one, is not knowledge he possessed and by the opthe grant of an interest in land but of an portunity for inquiry which his relations easement or incorporeal right which to the owner afforded him, it would folleaves the title to the coal in place re-maining in the granter. But a grant of mu all the coal, or of the exclusive right to mine the coal, is a sale of the coal in place. The conveyance of the coal creates in the vendee an interest in land. The deed or other conveyance is subject to all the rules and regulations governing con-veyances of the surface.

MAY CONVEY AN ESTATE.

It may convey an estate in fee simple in the coal of other mineral, or any lesser es-tate, in the same manner and by the same words of grant made use of in the con-veyances of the surface. When such a con-veyance has been made of the coul or other mineral it works a severance of the estate so conveyed from the surface and if the deed by recorded it is constructive notice to all the world of the fact of sed may cultivate, enclose and reside upor his estate for any length of time but his possession will not extend below it. It will not grasp or affect in the slightest will not grasp or affect in the slightest degree the estate below him which has been severed by the deed. In like manner the owner of the mineral estate may enter upon and operate it while the owner of the surface is leaving his estate unoccupted and wild, but the possession of the lower estate will not reach upward and attach to the surface. Each estate may be occupied, couveyed, encambered, sold by the sheriff, or alleted in partition, without any effect upon the other. If a treepasser enter either estate and maintains possession he can acquire title by tains possession he can acquire title by the statute of limitations after twentyone years, to so much as he has actually held for that length of time; but his title will not extend above or below the estate on which he enters. If he would acquire any part of the mineral he must make his entry upon, and maintain his position within the limits of the mineral es-tate for the requisite period of time in an open, notorious, exclusive and contin manner, (Caldwell vs. Copeland, 27 Pa. 94; Armstrong vs. Caldwell, 52 Pa. 94; Kingsley et al. vs. Hillside Coal and from

company, 14 Pa. 610.

A covert or clandestine entry will not Such an entry will confer no right on the wrong doer until his entry is, or by the exercise of due diligence might be

Coal company, 165 Pa. 535; Scranton Gas and Water company vs. Lackawanna Iron and Coal company, 167 Pa. 13). Possession to be adverse must be open as well as continuous. The intruder must keep his This limited his possession to the estate flag flying in a visible and hostile manner. (Plummer vs. Hillside Coal and Iron company, 160 Pa. 483).

WELL BEATEN PATH.

So far in our inquiry we have a well beaten path to travel, but from this point forward we are without any definite landmark to guide us. The real question is, may there be a severance of the mineral estate from the surface by the acts of the owners of the original freehold? And if so, may there be notice in fact of such severance to other persons that will afseverance to other persons that will are feet them in the same manner as the constructive notice arising from the recording of a deed? It is very clear, as we have seen, that if the deed to the plain tiff had been for the coal under the "Por ter tract" only, the entry of McDonald upon the surface and his enclosure of a part of it would have no effect upon the ower estate. The rule is well settled by the cases cited above. The reason of the rule is that the sale of the coal severed it from the surface and the recording of the deed gave constructive notice to McDonald of such severance whether he had knowledge of it or not. But the plaintiff's deed was for the whole of the land including the soil and the minerals. The company had the right, however, to de-velop and operate the mineral estate alone. If that was to its interest, and leave the surface untilled and uncleared, It elected to do so. It erected its breaker, opened its mines, extended its graz-ways, arranged its tracks and sidings, and began the production of coal for the possession of its mineral estate. For more than sixty years it has continued its possession without interruption in a manner that has been obvious to all persons in the neighborhood. No person could pass, or enter upon the land, withcoal underlying it.

Judge Gunster, on the trial of the able proofs of the possession and active case, here, decided in favor of the operations of the planning in this its subterranean estate. These proofs, includ-ing the structures, the culm pile, the prepared coal, the movements of men and cars about the pit's mouth, brought the knowledge of plaintiff's operations to even the most ensual observer in a much more the most casual observer in a much more effective and satisfactory manner than it could have been done by the mere exist-ence of a recorded deed. Why should it not have the same legal effect?

ANOTHER ELEMENT. In this case there is still another ele The fact that they were operating the tract and that the plot in question was accessible from their workings was notice that they were holding it ploy assisting in its mining operations He was one of the persons by whose la bor the plaintiff preserved its possessio and kept its flag flying. Surely notice cording of a deed is notice notwithstand-ing the party to be affected by it may never have known of its existence or of the severance wrought by it, because he might have known if he had exercise the vigitance the law requires of him and examined the record. So, it is well set-tled, possession is notice although the person affected did not know of it. It was his duty to take notice of the possession as well as of the record, and if he failed to do it, it was his folly. He is held to know, because he might have known, if he had made the examination which it was his duty to make. Here the possession of the owner was known. The estate in which it was at work was known; and the defendant was in its service, contribof the mineral estate and to the main tenance of his employer's possession. This was notice by, and because of, the clearest knowledge of all the facts. McDonald had this knowledge when he lirst entered upon the surface, and he was affected by it. He knew of the actual severance of the estates in the Porter tract. He knew the owners were in the exclusive possession of the lower one, and himself assisted as an employe in the work that pos-session was made visible and notorious ossession of the mineral estate. On the tion of a shelter on the surface, was as servant of the owner, under its direction and in the clearest recognition of, and

subserviency to, its title. COULD NOT CLUTCH MINERALS. Under such circumstances it is plain that if he acquired a title to the surface of the six acres he claims, he could not clutch also the mineral estate, or any part of it, that lay below the surface. It would be inequitable and unjust to hold otherwise in this case. He had stolen in upon the surface while at work for the company that owned both it and the coal. He knew of the severance in fact of thes estates, and aided in the general work that made the severance evident to the world. If entering upon such circumstances he could acquire the surface, he is limited to it. Knowing all the facts he was bound if he desired to acquire time to his employer's mine or any part of it to enter upon the mineral estate at som point, take possession, hold it openly and adversely for twenty-one years, so that

low that actuar knowledge did not so much as put him upon inquiry.

It would be more reasonable to strike

down the constructive notice which the than thus to put it out of the power of an owner to protect himself by the clearest disclosure of his possession of his estate. and its purpose, to one of his own em-ployes. But it is said that the company was not engaged in mining immediately inder the six acres of surface by Donaid, and that there was considerable unmined coal in place directly below his enclosure. McDonaki entered upon the surface of the Porter tract knowing of the severance of the coal under it from the surface. The plaintiff's mineral estate was protected as fully by this actual knowledge as it would have been by cor structive notice; and no title by the statin the limits of that estate without an en-

CAN HAVE NO EFFECT. An entry upon another estate, that upon the strface, can have no ef-fect outside the estate entered. If there is no severance an entry upon the surface will extend downward and draw to it a title to the underlying minerals; so that he who possesses another and acquires title by the statute of limita tions, will succeed to the estate of him upon whose possession he has energed. But if a severance is made before his enrry, and be has notice of that severance, either by the record, or by the state of the possession acquired both by observa-tion and by years of service in the em-ployment of the owner, his entry upon either of the estates will not affect the ther. Possibly the question of the extent of the possession of a trespassing miner acquired by reason of his entry upon the mineral estate, may sometimes be present-ed. If so, it will be time to consider it when it comes before us. It is not in this

As applicable to the facts now before we hold that the Porter tract, or so much of it as was accessible from the oit's mouth in use so that the coal could be mined and removed by the ordinary methods of mining, was in the actual pos the wrong door until his entry is, or by the exercise of due diligence might be discovered by the owner. Until then the cowner cannot know that his possession that the surface of that tract by one who had been invaded. Until he has, or ought to have, such knowledge he is not called upon to act for he does not know that the unmined action in the premises is necessary, and the law does not require absurd or impossible things of any one. (Lewey vs. Frick the surface because he put his actual possession by Matthews Bros.—32.

sion of the owner. He did not acquire the coal because he had actual notice of its severance from the surface by the owner. This limited his possession to the estate on which he entered. These views require us to reverse the decree of the court be-low, to restore the preliminary injunction, and upon the facts that are undiputed to make the injunction perpetual. The costs of this appeal to be paid by the appolice,

MISCHIEVOUS PINE BROOK BOYS.

They Started to Play Pranks on

"The Hill" Last Night. A gang of thirty Pine Brook urchins visited "the hill" last night and two of the number were nabbed by Pa trolman Tom Jones, who was watching, in citizens' attire, about the neighborhood of Chief Robling's house or Gibson street, for clothes line thieves, The two captured are James Dough erty and Ambrose Finnegan, both under 13 years of age. They spent last night in the police station.

The gang, in ages, ranged about the 15-year mark; last night they started for the hill in a body. Upon reaching Jefferson avnue they went north and began business. A tree was uprooted, gates slammed and stones were thrown at several houses. At the corner of westerly corner, The glass Was

smashed In. Then lifting the iron gate from its hinges they carried it to a lamp post fort succeeded in "ringing" the post with the gate

About this time residents were in a state of great excitement. Patrolman Tom Jones came on the scene and as the boys were having their fun with the gate the police officer strolled up and grabbed Finnegan and Dougherty.

The rest escaped by scampering for lear life in all directions. No less than three glass doors were smashed in the 600 block on Gibson street. The boys arrested will be given a hearing this morning.

A POLITICAL POINTER-

If you indorse the free trade and freesilver Chicago platform as the Lackawanna Democracy does, "fully and without reserve," then work and vote for Schadt, Horn, et. al. If you believe in McKinley, protection and prosperity, turn these agents of Bryan

#### TWO CHURCH SUPPERS.

The committees of the Ladies' Aid ciety at Elm Park church are evidently engaged in a contest to outvie each other in the way of fortnightly Last night's affair was a suppers. wonderful success. An elaborate menue, including fried oysters, chicken salad, cake, ice cream and many other daintles were served. Mrs. C. B. Scott was chairman of the committee. Others who composed it were Mrs. H. M. Prendergast, Mrs. C. M. Giffin, Mrs. J. L. Crawford, Mrs. N. E. Rice, Mrs. L. C. Hessler, Mrs. G. E. Hill, Mrs F. L. Peck, Mrs. Laubach, Mrs. Charles Hill Mrs. S. P. Fenner, Mrs. Underwood Mrs. Musser, Mrs. Shupp, Mrs. Scragg, Mrs. Quick. Among the pleasing features of the occasion was the presence of the Lawrence orchestra, which, located behind screens in a corner of the dining room, gave forth sweet music during the supper.

A very large number of people were present, and it is probable that more than 300 were served.

The ladies of the Penn Avenue Bapchurch served a bountiful supper last night. The rooms were handsome ly decorated. The menu was elaborate and consisted of cold ham, fried oysters. Parker house rolls, bread, pickles, celery, cabbage salad, cake, coffee, fruit, ice cream. The committee of arrangements was composed of the following: Mrs. A. Bittenbender, chairman; Mrs. D. A. Capwell, Mrs. E. K. Crothamel, Mrs. H. A. Browning, Mrs. N. A. Baker. Those in charge of the tables were: Mrs. Alfred Atkinson, Mrs. D. Atkinson, Mrs. I. Cooper, Mrs. W. M. Browning, Mrs. J. Colvin, Mrs. J. K. Dixon, Mrs. H. Croasdale, Mrs. C. Bircher, Mrs. E. Evans, Mrs. E. Browning, Mrs. I. Carpenter, Mrs. M. Keller, The assistants were: Misses Ida Bittenbender, E. Durie, G. Durie, D. Courtright, A. Atkinson, F. Doud, C. Browning, M. Estelle, M. Clifford, M. Bates, M. Case, F. Adam, E. Bennett, E. Evans and D. Sexton.

## JOHN O. STANTON RESIGNS.

Foreman for Many Years of the South Steel Mill.

John O. Stanton last Monday resigned the position of general superiatendent of the South steel mill of the Lackawanna Iron and Steel company, which position he has held since the plant was first put in operation. Mr. Stanton is succeeded by Edward Lynde, who has been night superintendent at the mill,

Foreman Harvey Swartz was promoted to Mr. Lynde's position, and T. S. McGannon, one of the melters, was made foreman. Mr. Stanton is un-cir ain as to what L's future work will be. He will remain in this city,

## THROWN FROM HIS WAGON.

James Cush of Phelps Street Injured on Washington Avenue.

James Cush, the driver of a baggage wagon, was severely injured on Washington avenue yesterday afternoon. He was turning his wagon around as the Eric and Wyoming Valley freight depot, when the wagon tilted on one side and Cush was thrown out, his head striking against the curb stone and rendering him unconscious. He was taken to his home on Phelps street, where his wounds were dressed. His injuries are not serious.

## BOY WAS WAYLAID.

Anthony Mangan Found in a Semi-

Conscious State. A 14-year-old Bellevue boy, Anthony Mangan, was held up and brutally beaten Wednesday evening near the Jersey Central round house. Mangan is employed in Goldsmith's Bazaar, and was on his way to his home on Third street when the assault took place.

He was only partly conscious when picked up and assisted home. Walker and Kearney attended him. Warrants have been issued for the assaulters.

Pitt Fame.

## **GOOD RACES AT**

DRIVING PARK

WEATHER IDEAL AND TRACK FAST

Club Meeting.

Cheltenham Prince Won the 2.30 Class; Bonita and Jo-Jo Captured the Team Race, and Maggie Davis Won the Two Heats of the 2.28 Race -- I our Races on the Card Today .- Raven (2.10) Will Go Against Ella F's Track Record of 2.15.

Three well contested races were deelded yesterday at the Scranton Driving park, the first of a two-day meeting under the management of the owners and drivers whose horses are quartered at the track.

Of the several conditions which al-

ways go toward making a successful

meeting, only one was lacking yesterday and that was a good attendance Gibson street and Jefferson avenue the Less than 400 persons saw the sport. boys hurled stones at the glass front of the door of the house on the south- er ideal for autumn speed and the time was good for the class of entries Cheltenham Prince won the two final heats in the 2.30 class and made a half second better than standard on the corner, and after a severe ef- | time which puts his dam, Pet Hand, among the standard mares. Bonita and Jo-Jo were first in three straight half-mile heats in the team race, and Maggie Davis captured the two heats

> W. Houser, of Taylor, and C. S. Sea-Each race was trot and pace. The conditions were one mile and three heats win or lose, excepting the team race which was at a half-mile. On account of darkness the third heat in the 2.28 class was declared off after Maggie Davis had won the first and

in the 2.28 class in fast time. James Kelly, of Dunmore, made an accep-

table starter. The judges were Dr. J.

second heats. FOUR WENT TO THE POST. For the 2.50 class Marie, b. m., was withdrawn by David Jomes and the following four were sent to the post: Silver Prince, g. g.; Duras, r. m.; Dick C., b. g., and Cheltenham Prince, The third quarter in the first heat was covered neck and neck. At the wire a blanket would have covered the first three, Dick C winning by a scant nose and Doras getting the place by only a half length.

Cheltenhum broke badly on the first turn of the second heat and lost 20 lengths. He caught the field on the last quarter and brushed it out to the wire with Silver Prince, the former winning by a length, Silver Prince the same distance before Doras. The finishing order was the same in the final heat. Cheltenham won easily. The first quarter was made in 37, the half in 1.15, the three-quarters in 1.53 and the distance in 2.2916.

Cheltenham's dam, Pet Hand, is owned by F. M. Spencer who purchased her of F. L. Crane. The latter made a standing offer sometime ago of a silk hat to the first driver to secure a standard mark for one of the Cheltenham stock. Summary:

2.30 class, trot or pace-Cheltenham Prince, b. g ...... R. E. Westlake. Dick C. b. g. M. Y. Motris. Doras, r. m. F. W. Cook.

Time, 2,40, 2,35%, 2,26%

THE TEAM RACE. Bonita and Jo Jo outclassed the field in the team race and had no difficulty to win after the first heat. In that heat one of Mr. Crawford's pair, Welter, broke on the first turn and ran to the wire. His mate, Dick Brown, paced In fine style, but the pair were justly placed last and first position given the Cook team. They did the trick in the second heat with ease. Whatever chance the Crawford and Schudt teams, the latter driven by Westlake, had in the final heat was ruined by the running of both teams. Summary:

Team race (half mile) trot and pace-Welter and Dick Brown . Kit Cloud and Nelly B ... L. A. Patterson, Time, 1.15, 1.14, 1.14.

For the 2.28 class Myrtle S., b. m., owned by W. A. St. John, and Westlake's Beauty, s. m., were scratched, but a good field of four remained. Maggie Davis was in splendid fettle and had no difficulty in winning the two heats. In the first heat Miss Malon beat Blew by a half length and a simihar finish was reversed by Blew In the second heat, Summary;

2.28 class, trot or pace-Maggie Davis, b. m. ....... J. E. Davis. Blew, s. g.

J. H. Ladwig.

Miss Malon, bl. m

B. T. Lacey. Cedella, br. m. F. W. Cook, Time, 2.29%, 2.30%. TODAY'S CARD.

An attractive card is announced for oday. There will be a 2.15 pacing race with five good ones entered, a 2.25 class, a team race, a gentlemen's road race and Raven (2.10), owned by Dr. J. L. Wentz, will try and reduce the track record of 2.15, made by Ella T in competition last summer. Rayen had previously held the record and made it in a match race with Hal Pointer, Today's entries are:

2 35 class: Marie, D. James Orange Leaf, J. D. Sales. Walter J. L. J. Smith. Beauty, R. E. Westlake. Boulty, R. E. Westing. Cheltenham Prince, Frank Crane, Doras, F. W. Cook, Dick C. M. V. Morris, Jim Doyle, L. A. Patterson. Ceam race: Schadt, Scranton. Crawford, Scranton. look, Scranton. Patterson, Carbondale, Simpson, Carbondale. Rayen (2.10) to beat the track record, 2.1s

ientlemen's road race: Fannie C. J. W. Houser. Tippo C. P. W. Godfrey, George, Scrantonian Nero, Amb. Pierson Corna, J. W. Crawford, Jim Mears, Dr. iii. Bonita, R. E. Westlake,

15 pace: Syra, C. W. Cool. Molly Barron, M. L. Perrin. Harry West, F. W. Cook, Mand L. R. E. Westlake. Kit Cloud, L. A. Patterson

WONDERS WILL NEVER CRASE.

A New Collection to be Exposed to Public Gaze Next Sunday. Henry Savage Lander, the artist-explorer, who was terribly tortured as a

"Throne of the Gods" in mysterious Thibet, has written a remarkable account of his adventures, which will be published exclusively, with graphic illustrations in next Sunday's Phila-First Day of the Gentlemen's Driving delphia Press (Oct. 31). Prof. Thomas R. Fraser, F. R. S., has discovered an antidote for snake bites, and gives the secret in next Sunday's Press. Another famous writer will explain exactly how to cook with electricity. And there will e wonders on every other page, including more general news; more sporting news (the foot ball reports are especially fine); more news for women;

> in any other Sunday paper. The Philadelphia Sunday Press is the greatest home Sunday paper. You had better order it today.

nore society news; more G. A. R. news

more of everything, than can be found

ON TO VICTORY.

Every indication points to a rousing Republican victory for the entire ticket next Tuesday. The party's fighting blood is up at last and that portends a Waterloo for the enemy. But no individual Republican should relax his efforts. This is the chance of a life time to rivet and clinch Republican supremacy in once Democratic Lackawanna,

### NOTES OF THE TURF.

Light Showers Destroy the Fun at Light Showers Destroy the Fun at like every other man with a drop of sporting blood in his veins, admired Sullivan. He knew him very well, as the great actor mance of the "Guideless Pacer." and the great puglist both came from Boston.

Races Elsewhere. Louisville, Ky., Oct. 28.-It had been roposed to give a double bill at the Driving and Fair association today and so conclude the meeting on the day scheduled. Light showers, however, kept the people away and caused a postponement until tomorrow, when two days' races will be given and the meet ended. Only two heats were given today.

Nicol B won the first heat of the 2.10 pace, while Emily won the first heat of the 2.15 trot from Caid. Lemonee, the only other starter, was distanced. Summary:

First race, 2.10 class, pacing; purse, \$1,00 Nicol B, b, b, by Alcaius (McLaughlin, Nicol B, b, b, by Alcaius (McLaughlin, W H G, b, g, (McCarthy)
Lady Nottingham, b, m, (Miller)
Captain Croach, b, h, (Ewing)
Colonel Thornton, b, h, (C, Vanmeter) Gazette, b. s. (Scrichency) Miss Margaret, blk, f. (Walker) ...... Nydie Wilkes, b. m. (Lapham) ...... Miss Williams, b, m. (Bush) ..... 

Time, 2.134. Second race, 2.15 class, trotting; stake 1,000 (first heat)imily, ch. m., by Prince Regent (Geers) Caid, br. c. (Wylie) .... Lemonee, b. m. (Thomas) .....dl

Philadelphia, Oct. 28.—Marian Mills, "the guideless pacer," was the feature at Belmont track today in connection with the meeting of the North Penn Trotting association. The wonderful little bay mare made an effort to break her record for one mile of 2.04¼, but could do not better than 2.07½. She made the first quarter in 30½ seconds and the second in 25½, or the half in Philadelphia, Oct. 28.-Marian Mills, made the first quarter in 30% seconds and the second in 29%, or the half in 1.00. To the three-quarters she had to mount a slight hill and the time was 1.35. A short distance from the wire she slowed up and finished just three and one-quarter seconds behind her record. She will make another trial on ..... 3 2 2 Saturday, after which she will be taken to Chicago.

York, Oct. 28.-The weather was fine at Morris park today, the attendance excellent and the races good Summary:

Donitor second, Albert S third; time, 1.294, Second race, 6 furlongs—Oxnard won, Saratoga second, Ortoland third; time, Third race, hurricane, 5 furlongs-Hand el won, Decanter second, Miss Tenn third; time, .59, Fourth race, Fairview, one mile and

one-sixteenth-Estaca won, Bannock sec-end, Manassas third; time, Lis. Fifth race, one mile-Don De Oro won, Thomas Cat second, Dr. Catlett third; time, 1.41%.
Sixth race, mile and three-sixteents-Sir Walter won, Hastings second, Ee Halladay, third; time, 2.01%.

Cincinnati, O., Oct. 28.-Darkness set in while the horses were at the post for the last event on the card at Latonia today and the judges ordered the race postponed until tomorrow, Weather threatening, track fast.

First race, 6 furlongs-Midlight won, C. lone second, Mattie Lee third; time, 1.16. Second race, 5 furlongs—Flop won, Ben-eville second; Tosculum third; time, Third race, handicap, mfle-J H C, won

he Elector second, Belle Bramble third Fourth race, handlean, 6 furiougs-Caddie C won, Frank Thompson second, As-pasia third; time, 1.15.
Fifth race, mile—Myth won, Lula Pry second, Reckwall third; time, 1.434.

LOCAL FOOT BALL NOTES.

The Juveniles will play the Comets or he Stillwater grounds if they wish to let. 31, and will give them a return game whenever they want it. Answer if sat-isfactory, James Lavelle, manager. The Comet, jrs., and the Dunmore eleven will play a game of foot ball Oct. 31 on No. 5 grounds. All members of the Com-els are requested to respond for practice.

J. Holmes, captain,

SHERLOCK HOLMES, JR. By Wonderful Reasoning He Effects

the Capture of a Bicycle Thief. 'rom the Cleveland Leader.
"Hah!" exclaimed Sherlock Holmes jr., the great bicycle thief-catcher,

'yonder goes our man. You say the wheel that was stolen from you was seventy-two gear, with ram's horn hundle-bars?" "Yes," replied the man who had been robbed. "Good," said Holmes, "That is the

kind yonder fellow rides. I can see at

a glace, too, that he uses a stolen wheel. "Wonderful!" his companion ejaculated. "How is it possible for you to tell all this by merely glancing at

"Easy enough, my dear sir, if you know how," the great detective answered. "Look at his hands. You see they are sunburned only upon bony surface just above the thumbs. If he used the old style handle-bars his hands would be sunburned all over the

heard of," said the citizen, "Now," continued Sherlock Holmes jr., "notice his walk. You see it is just an ordinary gait. If he rode a lowgeared machine he would move with quick, nervous steps. On the other hand, if his wheel was high-geared, his steps would be slow and firm. But he walks along in just a common way, hence the bicycle that he rides is a

"Most extraordinary deduction I ever

"This is simply astonishing," de-

. . .

result of his attempt to mount the clared the man at the detective's side. 'Now, tell me how you know that the fellow rides a stolen wheel." The great thisf-catcher drew a long puff from his cigarette, permitted the smoke to circulate freely through his

lungs for about a minute and a haif, and then replied: "Look at his nose." "His nose!" exclaimed the other. Surely you can't tell whether a man is a thief or not by simply looking at

his nose!" 'Not in all cases," Holmes responded, but in such ones as this it is the simplest thing in the world. You see the the sun. It has just begun to peel off, Well, what does that signify? Merely this, my dear sir; the fellow has not dared to buy a cap, for fear of arousing suspicion, so he has been getting along with a common hat, with the result that I have pointed out.

The wonderful man then walked up to the thief, clapped a pair of handcuffs upon him, and when the evidence as set forth here, was in court, there was nothing left for the culprit but to confess and receive his sentence of imprisonment at hard labor for life.

#### GOODWIN'S JOKE WITH SULLI-VAN.

From the Chicago Record. When Sullivan was in his prime and was supposed to be the invincible champion of the universe, he came to Chicago to play an engagement. Nat Goodwin was playing here at the same time. Goodwin

Sullivan was standing near a fancy bar at one of the hotels when Goodwin en-tered. The usual circle of admirers were at a safe distance from the mighty, war-rior, admiring him in awe-stricken silence. He strolled over to the bar and asked in a loud voice: "Who is that big duffer?"
"Sh-h-h! That's John L. Sullivan," said

the bartender.
"Well, what do I care?" demanded the actor, and with fines he walked over and brushed against the fighter. Sullivan glared down at Goodwin and coared: "Say, who are you pushin"?" "Oh, keep still, you big bluft," replied ronred:

Goodwin, Two or three of the spectators fainted. and others pushed forward to save the actor's life. Before they could interfere Goodwin was driving right and left at the "big fellow," who was backing away, ap-parently frightened out of his wits. Most of the people who had been looking on ran for their lives, and never came back to find out that it was all a joke. It is said that Goodwin made it a prac-tice to assault Sullivan whenever he saw lein, and the big fighter thought it was the funniest thing the comedian ever did.

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