THE SCRANTON TRIBUNE-SATURDAY MAY 7, 1898.

NORTON'S WAR BULLETIN. RULE FOR A NEW TRIAL DISCHARGED

IT GO TO THE HIGHER TRIBUNAL

AT ONCE-OTHER CASES THAT

The important case of Thomas O'Mal-

ley against the Scranton Railway com-

pany was argued yesterday before the

three judges. Major Everett Warren

spoke for the defendant and Attorney Joseph O'Brien for the plaintiff. When

Major Warren finished his argument

Judge Archbald announced that for his

part he would discharge the rule for a

believed the verdict should stand.

street car company for serious injury

CAUSE OF ACCIDENT.

han Electric Light plant.

tive work.

WERE HEARD.

Bunting and Muslin Flags. Large Wall Map of Cuba 40c Wall Map of Cuba and West Indies 25c. Wall Map of the world, in colors, 25c. Large Atlas of the World \$2.00 up-Our Naty, 50 Pictures, Paper Cover, 25c. Navy Edition Scientific American 25c (40 Pages, 100 illustrations, Map Cuba.)

War Edition World Almanac 25c. All the Illustrated Papers toc. Good Useful Fountain Pen 25c. Box Good Paper and Envelopes toc Pads of Good Writing Paper 5c up. 25-cent Paper Covered Books Ioc. Novelties in Fine Stationery.

All the Desirable New Books. Fine Wall Papers and Decorations. Window Shades and Curtain Poles. Wall or Room Mouldings. Childrens' Carriages and Wagons.

M. NORTON. gee Lackawanna Ava., Scranton.,

Anti-Saw Edge Collars and Cuffs, every body wants them. THE

ackawanna aundry "DOZ IT."

308 Penn Avenue.

A \$260

Self-playing organ will be sold for \$150 cash, or \$175 on easy pay= ments.

handsome piano case

call at

PERRYBROS 205 Wyoming Ave.

Tuning and Repairing.

COLUMBIAN DETECTIVE AGENCY LINE BANK BUILDING. SCRANTON, PA.

of the county from the liquor license fund this year. The total amount of ioney received from hotel, restaurant. wholesale, brewery and bottlers' licenswas \$189,859.90. The money was divided as follows: Local Judges Divided and Knew It

Would Go to Supreme Court Anyway. Fownships 6,210 0 THEY DECIDED THAT THERE WAS NO USE IN WORRYING OVER THE State for wholesale licenses 7.20 8 9,509-00 BOTHERSOME O'MALLEY CASE WHICH HAS TWICE BEEN TRIED censes 24,620,60 There wers \$73 licenses granted. Each HERE AND THEY DECIDED TO LET

district gets four-fifths of the amount of license money paid by its residents. This year the licenses were increased \$25 in townships, and \$50 in horoughs and cities. The increase goes to the state. ----

AN ACTION IN EQUITY.

Brought With a View to Having the Everhart Estate Divided Among the Heirs.

new trial and let the case go to the Supreme court, as it was bound to go there anyway. Judge Gunster was sat-James M. Everhart, late of this city, vell known and possessed of consider isfied to discharge the rule because he able property, mostly in real estate and coal lands, died on May 14, 1897, without having made a will. His heirs-It was one of the most important damage suits tried in these courts. Thomas J. O'Malley, who, by the way at-law are several and they cannot agree among themselves upon a paris the father of John Malla, the gunner tition of the estate. on the Nashville who fired the first Attorney John F. Scragg, representshot in the Spanish-American war, re covered a verdict of \$4,550 against the

ng Dr. I. F. Everhart, of Franklin avenue, a brother of the deceased, bean an equity suit yesterday against sustained a few years ago on North the other heirs to the purpose that a Washington avenue, near the Suburommission in partition may be issued by the court, to allot the lands and tenements into purparts wherein the same are properly divisible, and to give

Mr. O'Malley was in the employ of each heir his or her just share. the Barber Asphalt company and was The heirs, including Dr. Everhart, the day of the accident engaged at the plaintiff, are as follows: John F. A. B. WARMAN sprinkling sand over the newly-laid Everhart, of Nassau street, N. Y. asphult close to the street car tracks. Clara Lewellyn, of North Broad street, It was on that part of the pave that the street car company had agreed to Philadelphia; George W. Everhart, of keep in repair; namely, the space be-Tioga, near Philadelphia; Mary E. Holden, of Malden, Middlesex county, tween the raths and twelve inches on Mass., and Elizabeth M. Gill, of Radthe outside of each rail. While thus nor, Delaware county, Pa. (sons and daughters of John T. Everhart, a engaged a street car came along and ran him down. He was seriously hurt. brother of the deceased); Louise M. He was permanently disabled from ac-Everhart, of Franklin avenue, Scranton (daughter of Samuel A. Everhart, Suit was brought against the com-

brother of the deceased); Cora Henug, pany for damages, and upon the first trial of the case Judge Archbald grant-Blue Rock, Chester county, Fa.; Maud ed a non-suit on the ground of con-tributory negligence. Subsequently the E., Clara and Alice E. Everhart, of Summit Level, Berks county, Pa. (daughters of William Everhart, ancourt granted a new trial, and the second time it came up before Judge Gunother brother of the deceased), and ster. The judge was strongly of the Emma E. McCamant, New London, Large sized opinion that it was a case to go to the of Scranton, and Mary E. Cressman, of Reading, children of Eveline Everhart-Heckel, a sister of the deceased. Chester county, Pa.; James E. Heckel,

Major Warren argued that O'Malley The estate consists of a one-half interest in the property known as 137 Franklin avenue; a full interest in the was guilty of contributory negligence and also that he could not recover damages under the Act of 1868, which property of the "Brass Works," near makes any person engaged upon or about any railroad or railroad station, ming avenue, bought in 1887 from about any railroad or railroad station, Charles B. Lee: a lot on Emmett street, or siding, equal to an employe of the railroad with respect to the liability of Bellevue; a one-half interest in 449 acres of unimproved land in Jefferson

township; a one twenty-fourth interest in three tracts of coal land in Black Creek and Sugar Loaf townships of An employe of a railroad cannot recover damages if he be injured in the discharge of his duty, if the injury re-Luzerne county, containing 1.215 acres and 107 perches.

TWELFTH ANNUAL MEETING.

makes it difficult for an employe of a Coming Convention of Congregarailroad to recover because it imposes tional Sabbath School Union. upon him the necessity of exercising

Congregational

EVENING SESSION.

OFFICERS ARE HERE TO SECURE RECRUITS engines and boilers. The cost of the work will be about \$50,000 and the con-Will Take Newly Enlisted Men to Camp tract calls for the completion of the

Tuesday Morning.

P TO LAST NIGHT DR. FULTON HAD APPROVED DE APPLICANTS AND REJECTED IN PER CENT, NEARLY 50 PER CENT. REJECTED YESETRDAY - SEVEN MEN FOR EACH COMPANY ABOVE THE NEC-ESSARY IS WILL BE TAKEN TO GUARD AGAINST REJECTIONS.

and hereafter the concern will be known by the latter name. It is the largest establishment of its kind in the A commissioned officer from each of world, and prides itself on having the the eight companies of the Thirteenth most expert, up-to-date workmen, All regiment reached here yesterday afterof the old employes of the New York noon from the camp at Mt. Gretna and Dental Parlors will be retained and immediately began the task of picking out recruits for their respective commands. The officers are: Comapny A. Captain James O. Dimmick: Company B. Captain John W. Kamback: Company C. Second Lieutenant David Davis; Company D, Second Lieutenant Arthur R. Foote; Company E. Captain Smith; Company F. Captain E. D. Felows; Company G. Captain R. J. Mc-Causland; Company H. Captain S. Wells Corwin, Captains Smith and McCausland left at once for Honesdale tionts. and Montroso, respectively, the townst

where those companies were originally ocated Instructions were given the recruit-With Our Low Rates for Summer ing officers to leave with their recruits on Tuesday morning for camp. Each will secure enough men to number seven more than the prescribed regular army company quota of 75 exclu-

sive of officers. The excess number will allow for rejections. The exact until June 3. number to be taken will be determined today when reports will be received here of the number who passed the official physical examinations at Mt. Gretna yesterday.

24 The armory was a lively place as 30, on account of annual meeting of oon as it was known yesterday that German Baptists. the officers were here. During the late Only \$8.20, Buffalo to Toledo, Ohio, afternoon and in the evening there was and return, on account of Young Peo-ple's Biennial convention, tickets sold in the building at all hours a crowd of from fifty to one hundred young mea June 15 and 16, good returning until who wished to enlist or had already June 20. been unofficially approved by Dr. W. G. Only \$35.55, Buffalo to Dallas, Tex. Fulton and return, tickets sold June 11 and 12,

MAKING SELECTIONS

good returning until June 28, on ac-count of Mystic Shrine. Officers and men were active in mak-Only \$14,50, Buffalo to Louisville, Ky. ng selections, the latter of the comand return, tickets sold June 19 and 20 pany they wished to join and the forgood returning until June 26. mer of desirable recruits, For all information, call on

Although no recruit who has failed nearest ticket agent, or address F. J. to qualify physically will be taken to Moore, general agent, Nickel Plate camp, it is probable that some of Road, Buffalo, N. Y. Low rates to those hurriedly approved here will not other points will be quoted from time be accepted in the regular examination to time. Elegant service. Superb dinat Mt. Gretna. This probably accounts ing cars. for the instructions to the recruiting cars. officers to take with them a surplus

of seven men for each company. Like The recruiting officers will be at the armory today after 9 o'clock this morn-When the president does a thing he

ing. Dr. Fulton will make examinadoes it thoroughly. That's right, Every tion from 4 to 6 o'clock this aftern-on man, woman and child in this country and 8 to 10 o'clock this evening. The physical examination is unofficial but otic protest. Proud of the states back the officers will insist upon it in order to lessen the chances of rejection at his countrymen, whose patriotism was camp. quickened by his great act, try to do things thoroughly. Witness their great

Each recruit selected is directed to ake with him extra socks, a change of underelothing, a pair of coarse and serviceable shoes and a lunch. If under 18 years of age the recruit must furnish the written consent of parent pair. Open late Saturday nights. ** or guardian according to the following



Special offer. Cut this ad, out, use it a coupen, it's worth 25c. We wish to as a coupon, it's worth 25c. We wish to introduce to the ladies of Scranton our celebrated AMERICAN LADY and MODEL FORM CORSETS. This ad will be received as 22c, cash on each purchas-of one of these popular consets on the following days only: May 2, 3, 4, 5, 6 and na avenues, Scranton, will be enlarged to accommodate any number of pa-We have every style, color or size. We

warrant every pair. There are no better corsets. Do not neglect this grand offer

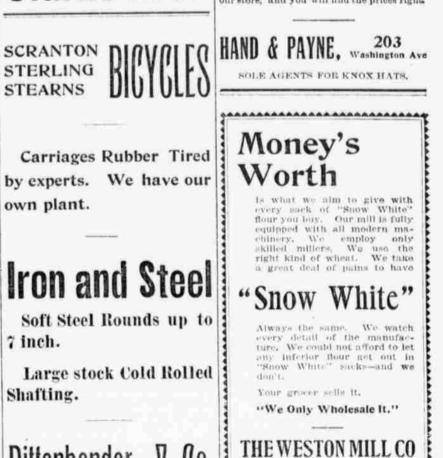


Dittonhondor 7 00



through our stock. All the new things in Men's Furnishing Goods flud their way into our store, and you will find the prices right

Scranton, Carbondale, Olyphant,





DRUGGISTS

ATLANTIC WHITE LEAD.

FRENCH ZINC.

Ready flixed Tinted Paints,

Convenient, Economical, Durable

Varnish Stains,

Producing Perfect Initiation of Expensive Woods.

Raynolds' Wood Finish,

Especially Designed for Inside Work.

Marble Floor Finish,

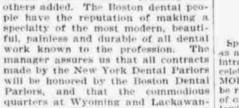
Durable and Dries Quickly.

Paint Varnish and Kal-

somine, Brushes.

PURE LINSEED OIL AND TURPENTINE.

fo suit your fancy the best place to look is



work by June 15, by which time it is expected that cars will be run to the

lake by electricity. The power house will be located at Luzerne,

NEW YORK DENTAL PARLORS.

Purchased by the Boston Dental

Parlors.

tal Parlors, of Scranton, were pur-

chased by the Boston Dental Parlors.

HERE WE ARE AGAIN.

Travel via Nickel Plate Road.

27 and 28, good returning until June

Vestibuled buffet sleeping

President Are the Five

Brothers.

are proud of him. Proud of his patri-

of him. Five of the very humblest of

bargains in shoes. All American made

shoes for men, women, boys and girls

in all the new spring styles, either

black or russet, from 50c. to 4.00

Will Remove to Scranton.

dealer in furniture, who has conducted

Henry R. Wescott, auctioneer and

the

During the week the New York Den-

Matters Folicited Where Others Failed. Moderate Charges.

CROWN CATARRH POWDER SOLUBLE.

Prepared according to the prescription of a prominent specialist. It instantly re-leves and permanently curves Catarrh, Asthma, Hay Fever, Cold in the Head Sore Throat and Quinge. Harmiess, pleasant, effectual, Read this testimon-ial

(a) "Crown Catarrh Powder relieved and cured my case of Catarrh, which was a very aggravated one of long standing." John T. Coughlin (Department of State), 814 B St., N. E., Washington, D. C. Price 50 cents, Sold in all first class form the state of the state state of the state state. drug stores. Liberal sample, with powder thinks O Malley was working, not near blower complete, malled on receipt of 15 the rails or between the rails, but upon

cents Crown Catarrh Powder Co., as Clinton Place. New York City.

MCMULLEN & CO. CHAS Have opened a General Insurance Office t The Traders' National Bank Bidg Best Stock Companies represented. Large shes especially solicited. Telephone 1863.

THREE DIVORCES GRANTED

Decrees Were Hauded Down Yesterday by Judge Gunster.

Three divorces were granted yesterday by Judge Gunster.

Alonzo Terwilliger was freed from Clara Terwilliger. They were married four or five years ago, and got along anything but happily. They resided in Clark's Summit. Both of them had their names in print more than a half dozen times in consequence of actions in the criminal court.

The charges against the husband ran all the way along the scale of domestic unhappiness from simple assault and battery to bigamy. At length Mrs. Terwilliger descried him and he brought action for divorce on that plea and secured it. Attorney Frank Okell represented the libellant.

Mary May Creeter secured a decree of divorce from William Creeter. They were married on April 1, 1887, by Rev. Mr. Zizelman, of Zion church, and lived on Penn avenue for eighteen months. They could not get along well together at all. Creeter is a German and she an American born. The question of nationality arose for heated debate soon after the honeymoon began to wane.

One night he went out after supper and has not come back since. He told W. Kirkpatrick, preserves and pickles; her as he was going to take a good look at him, as it would be the last for a long time, and, perhaps, forever. Attorney George D. Taylor represented her.

The third case was the action of Bertha Stevens against W. W. Stevens. They were married four years ago, and moved to Carbondale to live. but his treatment was so abusive and neglectful that she had to come back to her parents. He came with her and the parents had to support him as well as her. The parents worried along with him, thinking he might reform. He continued to abuse her until she no longer tolerated him, and sought her attorneys, Vosburg & Dawson, to bring aciton of divorce.

care and caution, else he is guilty of contributory negligence Judge Archbald thought O'Malley was guilty of contributory negligence

striet.

Archbald

the company for damages.

CANNOT RECOVER.

sults from the negligence of the com-

pany unless there was no negligence on the part of the injured. The law

because it was broad daylight and his Tuesday evening and Wednesday, May duties were not at all arduous, that by exercising mere ordinary precau-Inwe: tion he would not have been hurt. Judge Archbald did not believe that the act of V68 cited by Major Warren Devotional Exercises

Address of Weled Response, Vice President D. B. Davis, Edwardsdate English Address, "The Good Influence of the Faithful Teacher Upon His or Her Class, and Vice-Versa," jury alone and not the court to determine whether O'Malley was guilty of any negligence. The jury found he Rev. R. D. Jones, D. D., Providence wasn't and that made the company hable for dumages. Judge Gunster

WEDNESDAY MORNING SESSION. thinks O Malley was working, not near Devotional Exercise

Wyoming

Mr. Robert R. Williams, Providence Wetsh Address, "Hanesyddiaeth dea public highway of the city of Scranton. The paving was not a part of chreuad y Beibl. the running of cars, even though the Hey, J. P. Thomas, Nanticoke Business-Reading Minutes and Roll Call street car company had agreed to pave in pursuance of the right to occupy the Business-Appointing Committees.

ess-Report of Sunday Schools, RULE DISCHARGED. Benediction. As Mr. O'Brien was about to begin AFTERNOON SESSION. 2 O CLOCK.

his argument Judge Archbald said the Devotional Exercises court here is hopelessly divided on the Rev. W. Tyrduvial, Jermyn case, and he for his part would dis-Business-Reports of Committees. charge the rule for a new trial. Judge

Business-Financial Reports, English Address-"The Influence of Gunster explained his view as already the International Lessons on the Weish Sunday School,"

Rev. Peter Roberts, Olyphant go to the supreme court." said Judge lackbourd Les Miss Hannah Williams, Providence The case of the commonwealth enediction against George Clark was continued

EVENING SESSION, 7 O'CLOCK. until next term. This is where the foreman of the steam fitting departevotional Exercises.

Rev. Theo. Davis, Plains nent of Hunt & Connel, is indicted for Inglish Address-"Best Inducements for Sunday School Attendants," Mr. J. H. Williams, Plymouth discharging men for belonging to the Steam Fitters' union. Mr. Scragg was ready to argue the unconstitutionality Weish

elsh Address-"Y puysigrwydd a gaet Band of Hope Mewn Cysyliof the act, but District Attorney Jones asked for a continuance as he had taid ar vsgol sul, ar modd gorow su cynal"....Rev. W. Jones, Plymouth

Only one case on the quarter sessions liction. list was reached. It was in the mat-Subject for Examination-"The Interand Lessons for the First Quarter, ter of a road in Fell township. Attorney George D. Taylor represented the This said examination will take lace in the Sunday school room on Mon-ay evening, May 9. It will commence etitioners, and Attorney W. J. Hand the exceptants. The matter of a road 1.7 o'clock and close at 9 o clock.

Fell has bobbed up in court #r sey ral terms. It is alleged that somebody **EXODUS FROM LEHIGH REGION.** wants to open up a large tract of land

Hungarians, Slavs and Poles Are

and Poles from the anthracite region,

By order of A. B. Stevens, commander.

E.

Attest; J. R. Thomas, adjutant.

Go to Weichel's, the Jeweler,

DONATIONS FOR APRIL. Leaving in Large Numbers. "The exodus of Hungarians, Slavs

Acknowledged by the Directors of

stated and modded his head in assent

to discharging the rule. "New let i

been so busy in criminal court.

at the expense of the county.

Hahnemann Hospital. which began about two months ago, The directors of Hahnemann hospita) still continues," says the Hazleton Standard, "and those of the Englishgratefully acknowledge the following speaking residents who can secure h nations for the month of April: Mrs. H. M. Botes, cut rozes and helioemployment elsewhere are now following them. thorpe; Mrs. Cummings, jar cherries; Mrs. Gilmore, medical Journal: Mrs. "Some are going to other parts of the Holgate, jar cherries; Mrs. M. W. coal fields, but the majority are settling in the larger cities." Finn, old muslin: Will and Carl Lindsuy, books for children's ward; Mrs. C

Headquarters Lieutenant Ezra S. Grif-Mrs. Henry Belin, 1 gallon ice cream. fin post, No. 139, G. A. R. 1 shad oysters, old muslin; Mrs. Rip-Seranton, Pa., May 6, 1898. ple, old muslin; Miss Eva Miller, flow-Special order No. 6 .-- Another of our ers for children's ward; Mr. and Mrs. G. R. Clark, flowers; Mrs. Atticus Comrade Samuel G. Hinckley died at 3 Robertson, Easter lilies; Mrs. T. H. m, today and will be buried on Sun-Watsins, 1 dozen oranges; Miss Raub, day at 3.15 p. m. in Dunmore cemetery. arbutus; Mr J. A. Scranton, printing; The post will meet at headquarters in full uniform at 2.30 p. m. on Sundesserts were furnished by Mrs. S. H. Stevens, Mrs. Derman, Miss Stevens day, 8th instant, to attend the funeral. and Miss Derman.

DIVISION OF LIQUOR LICENSE FUND

Manner in Which It Has Been Divided by County Trensurer. for Edison Phonographs and Colum-

The county treasurer has calculated bia Graphaphones, \$10, \$12, \$20 and \$30; amounts due the state and county records, 50c.; \$5 per dozen. 205 Lackaand the cities, boroughs and townships | wanna avenue,

.

form: Sabbath School union will be held in the Welsh FERMIT FOR MINOR'S ENLISTMENT. do hereby certify that I am . Congregational church, Pittston, on 1.....

.... 10 17 and 18. The programme is as fol- said . o la c age; and I do hereby freely give my con-sent to his enlisting as a soldier in the Pennsylvania volunteers for the period two years. Rev. Roderick Davis, Parsons Witness:

*Pather, only surviving parent, guardian, as the case may be Rev. D. M. George, Pittsion When Dr. Fulton finished his work

> last night 37 had been examined and only 29 approved, showing that nearly 50 per cent, had been rejected. Most of the rejections were on height and weight not up to the standard. A total

of 164 have been approved out of 228 examined, showing 38 per cent. rejected. Through Major C. R. Parke, surgeon

of the Thirteenth, Dr. Fulton yesterday received a copy of the instructions issued to the camp surgeons by Major J. D. Hall, surgeon of the regular United States army. The height of a recruit must not be less than 64 inches; the weight at least double the height: the chest measurement at least half the height, except those over 71 inches, when the weight may be slightly less. Particular attention is given to vision,

hearing, lungs, heart and varicocele. RECRUITING WILL CONTINUE. Colonel Coursen last night said the

recruiting would not cease until nearly 300 men had been approved. Neither he nor the other of the officers here expect the Pennsylvania division t leave camp before the latter part of next week.

They have no detailed information on which to base this opinion, but they cling to it from impressions received before leaving Mt. Gretna yesterday.

Contracts Made for Electrical Equip-

ment of Wilkes-Barre Railway. President John Graham, of the Wilkes-Barre and Northern Railroad ompany which is operating between Wilkes-Barre and Harvey's Lake, has executed contracts for the electrical equipment of the road between Luzerne borough and the lake. It will be equipped with the high voltage system. The General Electric company has the





9 West Market Street, Wilkes-Barca



Having added 1200 feet to our stors room, we are now prepared to show a

FURNITURE

than ever. You are cordially invited to all and inspect our goods and compare rices. CASH OR CREDIT.

425 LACKAWANNA AVE