

TO REMAIN IN THE SERVICE

SIGNIFICANT MESSAGE ABOUT THE THIRTEENTH.

Regiment Has Lost Another Man. He Was Fred A. Gay, of Company A, Who Died in the Hospital at Lancaster—Lieutenant H. B. Cox Has Been Laid Low by Typhoid Fever—Condition of the Sick of the Regiment—Many Men Have Taken French Leave—Camp Gossip.

Special to the Scranton Tribune. Camp Meade, Middletown, Pa., Sept. 12.—Notwithstanding all that has been said and written inside and outside of camp concerning the disposition to be made of the Thirteenth, nothing of an official nature has transpired till today to indicate what will be done with the regiment. Recently a requisition for some new instruments for the band was sent in. This has been returned in the following manner: "Colonel Howard, chief commissary of the corps; requisition approved as this regiment (meaning the Thirteenth) is to remain in service." The Fifth Massachusetts arrived in camp today.

LIEUTENANT COX IS ILL. There is no truth in the rumor of the death of Sergeant Frutcher and Private Sohn, of B, both of whom are in the Medico-Chirurgical hospital, Philadelphia. Word has been received in camp concerning them, and from all accounts they have passed the danger line. Lieutenant H. B. Cox, who was sick in quarters for a few days and made such an heroic struggle against the advancing fever, has had to succumb at last. He was removed from here by ambulance Friday night, and left in the City hospital, Harrisburg. Major Surgeon Keller expected that the patient might be able to go home to Scranton next morning, but he is still there. The illness of Lieutenant Cox causes sincere regret throughout the regiment. He has been working hard since we arrived here, and was always looking out for the boys. It is their only wish now that he may soon recover and return to his post stronger and sounder in health. His place as quartermaster is now filled by Lieutenant Johnson, of A.

SICK ARE DOING WELL. The members of the Thirteenth who are now in the different hospitals, here in camp, in Harrisburg, in Philadelphia, in Lancaster, in Fort Myer and at Dunn Loring are doing well. Charles Van Riper, of the hospital corps, was the last one to leave division hospital No. 1 at Dunn Loring, Va., and on his arrival here stated that the day he left there to report at the hospital here, there were only twenty-eight patients in division hospital No. 1, and of these only two belonged to the Thirteenth. Both were recovering rapidly, and if not home by this time, are removed to some hospital in the large cities, as Colonel Frank Sweetser, inspector general for the care of the sick soldiers of Pennsylvania, was there making arrangements for their removal. Forty-five members of that hospital corps had left for Fort Monroe, and those in charge were preparing to blot out of existence forever that monument of suffering.

MANY ARE ABSENT. Not even excepting those commands which are to be furloughed and mustered out in the near future, there is hardly a regiment here which has not lost several men during the past week. These are all cases of absence without leave, and it is unfortunate that, in this respect the Thirteenth has suffered the most heavy losses. At dress parade last night thirty-four men were reported as "absent without leave" from the First battalion, and Major Walter Wood, of the Second battalion, stated to your correspondent that about fifty men of his command have taken "French leave." It is supposed that most of those eighty-four absentees are gone home, though it is known that some few of them are in Harrisburg.

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date, have all resulted in this condition of affairs which is regretted as much by the men who remain as by the officers. As a result of the conduct of some of the men the soldiers have lost many privileges, not only on account of the bad example which might be imitated by others, but because, on account of the large details for guards and the general routine of camp work, all who are now here are needed. This unfortunate condition is regretted by the boys of the regiment who refuse to so far forget themselves as to leave camp under such circumstances. Chaplain Stahl, who is so deservedly popular with the boys, has recently been trying to get them to attend divine services in the Young Men's Christian association tent on Sunday mornings. Saturday night he issued a short note, in his own handwriting, to the members of each company. It was read at roll call and was as follows: My Dear Boys: "I desire to make a personal appeal to every member of your company to help me in my work among you by promptly falling into line on Sunday mornings upon the sounding of my 'roll call' and going to the Young Men's association tent near by for our short weekly services. Faithfully your chaplain, N. F. Stahl."

SERVICES WELL ATTENDED. In consequence of this invitation services were well attended this morning. The majority of the boys, taking advantage of this day of rest, were fresh, invigorating breezes, and the facility of obtaining passes which always obtains in camp on the Sabbath, went outside the lines. The teamsters here have "struck," and have left the government in a predicament. For some days the trouble had been brewing, and every moment it became more and more apparent that they could not be held in check very long. The teamsters claimed that they were receiving less pay here for the same amount of work than was paid to the teamsters who were employed at Camp Alger, Va., and threatened that if their request for an advance in wages was not acceded to they would quit. They did quit, and Saturday morning only twelve out of nearly one hundred and fifty men returned to duty. As a result, the wagons from each company had to take charge, and are trying to do their best with the help of the retreating soldiers in the history of the world—a double team of government mules bred in Kentucky. If the weather keeps on at its present pace, the people of Scranton and of the other cities of Pennsylvania will have to remember their boys in camp with blankets, woolen mittens and fur caps instead of with ice. No heavy underclothing or extra blankets have been ordered, though they are certainly needed. As stated in a former letter, all have been notified that they shall at once put in a requisition for three months' clothing, but they are not told what kind of clothing they should order—heavy or light. If the weather continues to grow colder at the rate at which the thermometer has been dropping during the past week, especially from 6 o'clock in the evening till seven in the morning, and the men are not furnished with heavier clothing, the regiments now here will be filling the hospitals in a very short time.

CLOTHING NOT WARM. The clothing which they now have would suffice for a warmer climate, but are already insufficient for what here. The men are already beginning to suffer; they go to bed and rise in the morning with teeth playing a spirited tattoo in consequence of the cold, and frequently have to get up long before dawn to warm themselves at the kitchen fires. They wish that they had been located here in June, July and August, and that they were now in Virginia, which would now be much more comfortable than when they were there. Heavy fogs which rise from the Susquehanna river and the Sweet Arrow creek, and overspread even these uplands, add to the sharp effect of the cold and keep the sun from brightening up the camp till seven and half-past seven o'clock in the morning. It must not be supposed from the fact that the boys do not appreciate the kindness, thoughtfulness and generosity of those at home who remember them with donations of ice. Quite the contrary. It shows how near and dear they actually are to those at home. Besides this consideration, the days are usually quiet warm, and every pound of ice received is put to good use, either for the members of the different companies, or in the hospital. If the people of Scranton could see with what evidences of thankfulness their goodness and bounty are received, they would feel that their efforts to help the boys are not without some recompense. The names of Colonel Rippe, Mr. George Hallstead, and of the people of Scranton in general are not mentioned here without respect and without praise—and they are mentioned often. I saw several members of the Eighteenth and of the Twelfth regiments yesterday afternoon, and they expressed not only sympathy for the Eighth and the Thirteenth, but their own great delight over the prospect of going home at last. After the departure of the Twelfth, the Third brigade will have to be reconstructed, and the First Maryland is selected as the regiment to go in its stead. The Marylanders, by no means object to this idea, and have already begun to express their pleasure at the thought of having the Eighth and the Thirteenth as neighbors, and are daily visitors to the camps of these two regiments. The Twelfth is the last of the Pennsylvania troops to arrive here; other regiments are expected soon. The Third battalion of the Sixteenth Pennsylvania, stationed here for some time, has received orders to break camp and to be in New York city on Wednesday, in order to sail for Porto Rico, where it will join the other two battalions, which under command of Colonel Willis J. Hulings, of Oil City, Pa., took part in the Porto Rican campaign under General Brooke. Lieutenant Colonel Rickart is in charge of the Third battalion. This regiment will do garrison duty in the new possessions of the United States. They will start tomorrow night or early Tuesday morning for Porto Rico. The Eighth Pennsylvania has at last been paid. There are several absentees. Edward J. Kelly, of the hospital corps, has received from some thoughtful friend at home a very pretty "housewife," and is now seen daily playing the needle. J. F. McDermott, proprietor of the

well known Mac's book store, spent a few days in camp visiting his son, Ernest McDermott, of C, the Thirteenth's expert bugler. Mr. McDermott slept in camp for a night and considers it a very valuable experience. He left for home Saturday evening. Private Joseph Ross, of C, son of Peter Ross, the Ninth street hotelkeeper, has been called home on account of the serious illness of his brother, Frank. Joseph Grasin, of Great Bend, accompanied by Mr. Coddington, of the same place, is here visiting his two sons, who are members of the band. The Thirteenth's guard house is so filled with prisoners that the sentries have to take the heavens as their only canopy at night. Lieutenant Dodge, of E, now being treated at the City hospital, Harrisburg, is rapidly improving. His fever is decreasing. Lieutenant Colonel C. C. Mattes left camp Saturday night on a leave of absence. He will visit Scranton. Bugler McDermott, of the Thirteenth, was signally honored the day of the corps review. He was requested to act as division bugler, and was mounted. He performed his part cleverly. Privates Morris Thomas and Miles Triscoll, formerly orderlies to General Putley of the First Division, have arrived from Dunn Loring. They are now orderlies for Acting Division General Gobin, and will retain their positions. Private Edward Richards, of C, is suffering from an attack of camp fever. He is being treated by Major Surgeon Keller. James T. Drake, of Prescott avenue, has returned home after a short visit to his son, Corporal Harry Drake. Mr. Christian Seward, of the North End, is here visiting his son, Sergeant Clarence Seward, of D. He made the trip from Scranton on his wheel. Richard J. Bourke.

GUARD AROUND THIRTEENTH. Detail to Be Sent Here to Look for Absentees. Camp Meade, Middletown, Pa., Sept. 12.—Private William J. Mull, Company D, Two Hundred and First New York regiment, died suddenly today of heart disease. Mull came to camp last night, with his comrades when he expired. His body will be shipped to his home in New York city for interment. A strong detail will be placed about the camp of the First battalion of the Thirteenth Pennsylvania regiment, which is doing fatigue duty at the commissary depot. Fifty men out of the battalion are absent without leave, and the detail will be sent from the regiment to search for them in and about Scranton. The men are anxious to get home and it is thought it will be the next regiment from Pennsylvania to receive orders for mustering out. Colonel Corvill expects to have the muster out rolls and other papers in shape to leave camp Saturday. The Fifteenth Pennsylvania regiment has been assigned to the First brigade of the Second division with the Second West Virginia and the Two Hundred and Third New York. Circular Surgeon Girard has issued a circular advising the surgeons of the corps to avoid, whenever possible, the practice of sending sick soldiers to the hospital at hours of the day and night. His scheme is to keep the invalids in the regimental hospitals over night and send them to the general hospitals in the morning. He has also directed that hereafter the address of the family or nearest relative of invalid soldiers be recorded when they are admitted to the hospital, so that they may be notified in case of serious illness. The Second West Virginia will march to Gettysburg to attend the unveiling of the monument of the Seventh West Virginia infantry. The ceremonies will be attended by Governor Atkinson and staff and will take place Sept. 25. New wall tents and winter equipment was issued to the Second Tennessee, Lieutenant Reynolds, First Delaware, has made application to be transferred to the regular army service. The muster out at camp is almost completed and General Graham expects to have his corps soon organized for service in Cuba. The general went to New York today on private business in company with his aide, Lieutenant Summerhilt. A board of inquiry has been appointed to fix the responsibility for the loss of a lot of potatoes by the First Maryland at Fort Monroe. General Graham has ordered all mess tents to be pitched between the head of the company streets and the line of the tents of the officers. The regiments which have not received their winter equipment complain of the cold nights. Captain John W. Kambeck, Thirteenth Pennsylvania, whose home is at Scranton, has been removed to the Harrisburg hospital with a mild case of typhoid fever. The Third New York broke camp today and started for Elmira at 8 o'clock this evening. They took all their sick along, as none of the cases are serious.

Pottsville Republicans. Pottsville, Pa., Sept. 12.—The Republican county convention today nominated the following ticket: For judge, Hon. R. H. Koch, Pottsville; congress, Hon. Charles N. Brumm, Mineville; district attorney, S. Burr Edwards, Pottsville, all by acclamation; for controller, Charles A. Snyder, of Pottsville; coroner, Dr. W. N. Stein, Shenandoah; director of the poor, Stephen R. Middleton, Gilberton; non-militant surveyor, Mark Bowman, Mahanoy city.

Death of Two Soldiers. Lancaster, Pa., Sept. 12.—Two soldiers died here today at St. Joseph's hospital, Peter L. Stewart, company D, First Rhode Island volunteers, whose home is in Ashton, R. I., and Dalawar Richards, Company I, First Delaware, of Bridgeville, Del. Stewart was a married man, and leaves a wife and two children. Richards was not married. The former died of obstruction of the bowels, and the latter from gastritis.

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COURT BEGINS ITS FALL SESSIONS

[Concluded from Page 5.]

strike off judgment was made absolute by assent.

Hearings on appeals from the city assessment were fixed to come up when the equity list has been disposed of.

The grand jury was sent out at 10 o'clock with particular instructions to make but one bill of each case no matter how many defendants may appear in it.

Nothing of a startling nature developed from the constable's returns. The Scott road, in Blackly, Church street and Eighth avenue in Carbondale, the Wild Cat road in Archbald and various roads in Covington were reported to be in bad condition. The constables of these several bailiwicks were directed to consult with the district attorney as to the advisability of indicting the municipal authorities for neglect.

Constable Woelker, of the Eleventh ward, knew to his own satisfaction that there was illicit liquor selling in his own ward, but he could not get any evidence on which to base a prosecution. Constable Burschell, of the Fifteenth ward, reported having had two alleged sneak-ways kept for court. Constable Chicago, of the Nineteenth, was on the scent of two holes-in-the-wall in his precinct, but before he could bag them they closed up shop and quit his territory. Constable Barron complained that he had one John Koussak indicted for selling without a license, but that he had never been brought in. Judge Archbald told Sheriff Pryor to send after him. Constable Moran, of the Twelfth, reported Mary Hayes, George Frable, Mrs. Patrick Finn, W. J. Nealon and Peter J. Merrick for selling without license.

EQUITY CASES. Appended is the list of cases set down for hearing in equity court. They will very likely occupy the entire week.

West Ultras Coal company against C. S. Von Storch. Elisha A. Coray against John S. Jenkins. Thomas Jennings and Mary Jennings against James P. McAndrew and Mary McAndrew. John Carney against Michael Carney. George Coal company against Jacob W. Stroud. Aime W. Finn against P. P. Carter and others. Johanna Ferdinando against the city of Scranton against Johanna Ferdinando.

Fred Weyandt against William Weyandt and others. Immediately after the noon adjournment Judge Archbald took the hearing of the first case on the equity list, that of the West Ridge Coal company against C. S. Von Storch. In 1885 the company leased from Von Storch a strip of land in the Second ward, 400 yards wide and three miles long, agreeing to mine a minimum of 30,000 tons of coal a year. They failed to reach the prescribed output, and alleging that a fault had been encountered in the coal refused to pay for any more than the actual amount of coal mined, about two-fifths of the minimum.

Von Storch took advantage of a clause of the lease to compel payment of the minimum by having the colliery improvements and lease forfeited for non-compliance with the contract. To protect themselves against forfeiture the company brought this suit. IS NOT POSSIBLE. They allege that a fault in the coal makes it a physical impossibility to mine 30,000 tons a year; that they worked the mine to its fullest capacity; that they tendered every month royalties for the actual amount of coal mined, and that they stand ready to pay the money into court or to the defendant at any time. The defendant contends that the company has not worked the mine with the diligence and energy that it might, and that it is unfairly taking advantage of the clause releasing it from mining the coal. It claims that the fault of a fault being found in the coal or strike of employees. Hand & Hand, Welles & Torrey and C. E. Burr represent the company. Jessup & Jessup and T. C. Umstead, of Wilkes-Barre, are the defendant's attorneys.

The claim under the minimum clause amounts to \$13,000. The company has tendered royalties amounting to \$6,000. Judge Archbald handed down a lengthy opinion in the matter of the estate of P. C. Callahan, deceased, setting aside the distribution made by the auditor appointed to pass upon the accounts of the executor, John J. Fahy, and decreeing that the estate must be held jointly for the widow and children.

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