

ORDER WAS MADE FORTY YEARS AGO JUDGE ARCHBALD SAYS IT IS NO LONGER IN FORCE.

Refuses to Direct the Laying Out of a Road in Madison Township in Accordance with the Terms of It. Cases That Were Heard in Equity Court Yesterday—The Grand Jury Found a True Bill Against Burglar John Shannon—Court News Notes.

Judge Archbald in an opinion handed down yesterday refused to allow the construction of a road in Madison township on an order forty years old.

"In 1859 by due proceedings in the court of quarter sessions of Luzerne county," the opinion goes on to say, "a road was laid out in the township of Madison from the Philadelphia and Great Bend turnpike, near the line between the lands of Isaac Deane and Simon Swartz, to another road leading from Moscow to Scranton, near the house of Edward Spencer. The course of this road for about twenty rods near the centre was on the land of Levi Edwards; then for forty-three rods on the line between him and John McAndrews; then for 132 rods wholly on the lands of McAndrews; and for the rest of the distance on Edward Spencer, Edwards and McAndrews signed a release of damages. On confirmation of the report of the viewers in August, 1859, an order to the supervisors was issued and under it the two ends of the road were opened for travel; but the middle of it for over half a mile on the lands of Edwards and McAndrews was left untouched and has practically remained so ever since.

AFTER THIRTY-EIGHT YEARS. "In November, 1897, thirty-eight years afterwards, by order of the court of quarter sessions of Luzerne, the record of the proceedings were removed under the Act of April 22, 1879, relating to new counties, to this state, and thereupon, February 2, 1898, on petition of Martin McAndrews, the owner of a part of the McAndrews farm, an alias order to open was awarded. The execution of this order is resisted by Levi Edwards on the ground that the road originally laid out has been abandoned, where not opened and that to open it now under the changed conditions would seriously prejudice and damage him, and the present rule has been taken to show cause why the order to open should not be vacated.

"At the same time he has presented a petition alleging that the supervisors have entered upon his land, are proceeding to open the road under the new order and has asked for the appointment of viewers to assess his damages. Both of these applications are in turn resisted by the supervisors of the township on the one hand and by Martin McAndrews on the other, who severally deny that the road was abandoned and set up against the claim for damages the release given by Edwards in 1859 and returned with the report of the viewers.

"It is useless in our judgment to attempt to galvanize into life the original proceedings to lay out and open this road. The claim order to open was unavailingly issued and the rule to revoke is made absolute."

In the matter of the rule for the appointment of viewers to assess damages the judge says:

"Exception is taken as to the costs of

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The milk of nursing mothers, enfeebled by chronic diseases, or long continued nursing, produces the same results.

Scott's Emulsion is cod-liver oil partly digested and with the hypophosphites, forms a fat food which acts on the infant through the mother's milk, giving rich blood, strong nerves and sound flesh and bones to both.

SCOTT & BOWNE, Chemists, New York.

the view, but we do not see that this concerns the exception. He did not ask for the view and cannot be cast for the expense of it. But does concern the county and the bill on its face is a large one. The viewers may be able to justify their charges, but we do not feel that we can approve them or order them paid until they do. The report of the viewers is set aside and the proceedings dismissed with the exception of the costs to be left open for further consideration."

Two Equity Suits.

Before Judge Archbald yesterday morning the hearing in the equity case of the Acme Coal company against Jacob W. Stroud and George P. Chamberlain was resumed. Jonathan Vipond, a coal expert, testified that the coal taken from the land leased by Stroud and Chamberlain to the Acme Coal company was not marketable. H. E. Gilmore, of the Acme company, testified that \$500 in royalties were paid to the defendants for coal not yet mined. Frederick Fuller, another member of the company, said they had unsuccessfully tried to sell the coal.

A number of witnesses were heard in behalf of the defendants. George A. Tappan testified to having made a map of the mine and Thomas Carey, who worked in the mine, said the coal was good and marketable. O. A. Wright, who is interested in the Barton Coal company, which works the same veins in an adjoining tract, says the coal is good and finds a ready sale. Charles Norris, James Thompson and J. G. Brandon also gave testimony concerning the good quality of the coal.

The closing arguments were made by Attorney S. B. Price for the plaintiff and Attorney John P. Kelly for the defendants.

The next equity suit taken up was J. S. Saunders against Dr. R. F. Taylor. Dr. Taylor had dental parlors at 1907 North Main avenue, North Scranton, in June, 1898, and sold them and his goodwill to Mr. Saunders for \$800, agreeing not to take any dental business in or near Scranton again while Mr. Saunders was in the business here. The latter took his son, Dr. H. S. Saunders, into partnership and gave him charge of the office.

Some time later Dr. Taylor opened an office in Green Ridge and in September, 1898, formed a partnership with Dr. Saunders, by the terms of which they were to conduct the two offices in partnership.

This agreement Dr. Saunders' father refused to recognize and alleges that his son had the right to enter into it. He wants Dr. Taylor restrained from practicing dentistry hereabouts in accordance with the terms of their agreement. He was the only witness examined yesterday. Vosburg & Dawson appear for Mr. Saunders and Attorney George M. Watson and Attorney Little for Dr. Taylor. The case will be resumed this morning.

Heard Before Arbitrators.

Before Arbitrators C. B. Gardner, John R. Edwards and Frank Lynch the trespass suit of T. E. Everett against Emory G. Thomas was heard yesterday. The plaintiff asks damages in the sum of \$1,900.

On June 2, 1898, Thomas hired a team of horses from Everett to drive to Forest Hill cemetery. He afterwards, it is alleged, drove to Elmhurst and the day being warm and the road soft, one of the horses dropped in its tracks on the return trip and had to be taken to the stable on a stone boat. Both horses were laid up for several months. Mr. Everett alleges and he wants damages for the injury he sustained. Dr. Helmer was on the stand for a considerable part of yesterday, and explained the condition of the horses after their trip.

There will be another hearing in the case Friday. Attorney T. P. Duffy appears for the plaintiff, and Attorney A. J. Colborn and H. C. Reynolds for the defendant.

Suits Against Bondsmen.

County Solicitor Knapp yesterday began suits against the following to recover on forfeited recognizances: Philip Swartz, bondsman for John Cash, assault and battery with intent to kill, \$1,500.

Wadley Nodelsky, bondsman for Justice Nodelsky, aggravated assault and battery, \$300.

Martin Kodesky, bondsman for Jacob Crump, assault and battery, \$200.

James J. O'Neill, bondsman for Claude Knight, assault and battery, \$100.

P. F. Nallin, bondsman for Vincenzo Sarlo, illegal practice of medicine, \$200.

F. P. Nallin, bondsman for Vincenzo Sarlo, surety, \$200.

P. F. Nallin, bondsman for Vincenzo Sarlo, fornication, \$200.

True Bill Against Shannon.

The grand jury yesterday considered the case of John Shannon, who was shot after entering the Delaware and Hudson station at Peckville some time ago and who is now at the Lockwood hospital. Although Shannon has not been formally arrested the grand jury yesterday found a true bill against him.

Assistant District Attorney Thomas

later in the day applied for a capias for Shannon to bring him into court to enter bail, but Judge Archbald decided that the capias cannot be issued until the report of the grand jury on Shannon's case is presented to court.

The Y. M. C. A. Fire Recalled.

Mrs. Julia Gogolin and her children, Herman, August and Mary, all minors, began an action yesterday against the city of Scranton and ex-street commissioner A. B. Dunning to recover \$25,000 damages.

Mr. Gogolin, while in the employ of

the street commissioner's department, was killed by the falling of a wall after the fire at the Young Men's Christian association building on Wyoming avenue. She alleges that his death was due to the negligence of the city and its agents. Attorneys Okell & Dunn represent Mrs. Gogolin.

Court House News Notes.

William Bowman, who was sent to the county jail by Justices of the Peace Conroy, of Dunmore, for threatening to kill his wife, was released on bail yesterday.

The first report of the grand jury will be presented to court Thursday morning. It is probable the jury will not sit during Thursday afternoon on account of the patriotic holiday.

In the matter of exceptions to the report of referee in the case of Emma C. Rule against the Diamond Colliery Accidental Fund, Judge Archbald handed down an opinion yesterday setting aside the report of the referee and awarding a new trial.

R. D. Stuart, trustee in bankruptcy of Evan Tucker and T. J. Maxey, yesterday began an action in ejectment against Henry Box, to recover possession of a lot of land on Church street, Carbondale, which is 60 feet wide and 150 feet deep. Attorney H. O. Watrous commenced the action.

In the suit of Dr. J. J. Sullivan against P. C. Waldron, Referee R. J. Murray yesterday filed his report with Prothonotary John Copeland. He decides that the plaintiff is not entitled to recover. The suit is the outgrowth of the purchase of a team of horses from Waldron by Dr. Sullivan.

Attorneys John H. Edwards, Frank J. McAndrews and Joseph L. Brown, arbitrators, heard the case of Edward Mulligan & Sons, of Philadelphia, against Michael Gooch, of Jersey, yesterday. Attorney T. P. Duffy represented the plaintiff and Attorneys George B. Taylor and H. D. Carey the defendant. The suit was for \$320.00 for whiskey sold at wholesale. The defendant alleged that he never bought the goods from the Mulligans, and that if he sold it to a Michael Gooch it was to some other man by that name.

ADDITIONAL CONTRIBUTORS.

New Names That Have Been Added to the List.

The following are the additional contributors to the letter carriers' convention fund:

- Miss Annie Donnelly, Mrs. Martin Joyce, Mrs. George E. Fairchild, Mrs. John E. Bradley, Mrs. Isaac J. Evans, Mrs. J. S. Probst, Mrs. C. W. Van Buskirk, Mrs. F. E. Thomas, Mrs. James Fugate, Mrs. Frank E. Fick, Mrs. John W. Weaver, Mrs. W. H. Wolf, Mrs. F. G. Williams, Mrs. E. C. Alford, Miss Grace Williams, Miss Nellie Smith, Mrs. William Craig, Mrs. L. A. Case, Mr. Thomas E. Jones, Mrs. B. F. Moore, Mrs. C. L. DeWright, Mrs. Anna Weber, Miss Alice Harvey, Misses Marie and E. Grace Laurent, Mrs. Fred Mayo, Mrs. A. C. Holland, Mrs. L. Penman, Mrs. A. C. Houck, Mrs. M. R. O'Malley, Mrs. A. C. Kiefer, Mrs. Edward Phillips, Mrs. William H. Layton, Mrs. A. Glaze, Mrs. A. Schiller, Mrs. L. Glahn, Mrs. P. J. Snyder, Mrs. C. C. Carter, Mrs. S. Goldsmith, Mrs. W. P. Haney, Miss Adeline Schiel, Miss Katie Neher, Mrs. William Mann, Mrs. Philip Klein, Mrs. A. F. Kraf, Mrs. William Ziemer, Mrs. Katie Dupree, Mrs. Geo. Hicks, Mrs. Whelan, Mrs. C. Kellerman, Mrs. John Courtney, Miss Katie Barrett, Mrs. John Gallagher, Mrs. K. Young, Mrs. P. McAndrews, Miss Anna M. Richards, Miss Edith Richards, Mrs. J. P. DeWitt, Mrs. R. J. Williams, Mrs. M. W. Clark, Mrs. J. McDonough, Mrs. Mary Flynn, Miss Mary A. Walsh, Mrs. B. B. Megaroon, Mrs. C. J. Fowell, Mrs. S. T. Jones, Mrs. M. Grubbs, Mrs. G. A. Goodenough, Mrs. C. E. Rogers, Mrs. Gertrude Lynde, Mrs. W. S. Ward, Mrs. C. W. Corwin, Mrs. H. Williams, Mrs. C. D. Meade, Mrs. L. R. Elyon, Mrs. William H. Hall, Mrs. Shantz, Miss Nellie Maloney, Mrs. F. S. Benedict, Mrs. C. Lorenz, Mrs. H. D. Thomas, Mrs. Greenwald, Mrs. L. Lorne, Mrs. C. Zang, Mrs. L. Norton, Mrs. Louise Pearson, Mrs. M. S. Shing, Mrs. Kersky, Mrs. Henry N. Weber, Mrs. Patrick Whalen, Mrs. James M. Sheffield, Mrs. Jake Mullen, Mrs. Theodore Homberger, Mrs. June J. Eynon, Mrs. Bridget Grier.

Additional Contributors.

- Mrs. E. J. Mears, Mrs. E. K. Rodney, Mrs. Patrick Wright, Mrs. Joseph Han-nick, Mrs. J. J. Higgins, Mrs. George McKnight, Mrs. A. J. Von Storch, Mrs. Edward Goddard, Mrs. J. J. Ferguson, Mrs. Henry Diller, Jr., Mrs. Sam L. Lewis, Mrs. Bertha Bohrer, Mrs. William Williams, Mrs. Elizabeth Evans.

SESSION AT CARBONDALE.

Many Witnesses in Election Contest Examined There.

There was a meeting of the election contest examiners at Carbondale yesterday and another will be held today. Those examined yesterday were:

- Fell township—Burnett Palamontian, William J. Thomas, Carl Nelson, Matthew Simpson, John T. Nelson, David Hagmen, Philip Palamontian, Joseph Granville, Daniel Gallagher, William Curnow, Harry Curnow, Frank E. Lot, Beverly Sherwood, Richard Jones, J. G. Evans, Thomas John, Sr., W. T. Jones, Benjamin Simpson, John Merrick, J. A. Simpson, Silas Jenkins, Matthew Wagner, Thomas Jenkins, Matthew Wagner, Jr., William Edwards, Thomas Perry, Sr., George A. Ross, William Hayliff, John Anderson, Joseph Ragsdale, John Lesse, George Lesse, Thomas Bowden, Robert Rurt, Evan Williams, Richard Beers.

Carbondale City—James Vannan, C. P. Kimble, Oscar Hudson, J. W. Lewis, W. P. Lewis, James Stott, Samuel Moon.

MORE HANDLEY HEIRS.

New York Attorney Wants Information About the Estate.

The following letter was received yesterday by Clerk of the Courts Daniels from Attorney John T. Fenton, who has offices at 261 Broadway, New York:

"New York, March 20, 1899. "To clerk of Orphans' or Probate court, Scranton, Pa.

"Dear Sir—I understand one John Handley, who they say was a judge in your city, died some time ago, leaving a large estate, but with no known heirs. I represent some people of that name, his next of kin. They say that he left a will, making bequests to cousins, and they would be included.

"Would you kindly give me some particulars that will put me in some communication with some one who represents the estate, and send me a copy of the will, for which I will send you a fee, if there should be any attached to it. Yours truly, "John T. Fenton."

MOTHERS

Read What CUTICURA REMEDIES Have Done for Skin-Tortured Babies. My little sister had cow-pox. She suffered terribly. Tried everything, no good. Scabs came off with her clothes, she was raw all over. CUTICURA SORE cured her in three weeks. Mrs. ELIZA ROY, 1214 1/2 St., Wash., D. C. Our little boy had Eczema in the most horrible state. His face was full of scabs, and parts of the flesh were raw. We used CUTICURA SOAP and CUTICURA (ointment), and in a week he was as good as ever. Mrs. J. C. FRESSE, 303 So. 1st St., Brooklyn. I noticed a very red roughness on my boy's face. Doctors did no good. After using one box and a half of CUTICURA (ointment) and CUTICURA SOAP, he is entirely cured. Mrs. W. G. LOVE, 1212 Wilder St., Phila., Pa.

MOTHERS! To know that your baby with CUTICURA SOAP and a single ointment will be cured, you need not go to a doctor. It is so easy to use and so safe and so sure that you can depend on it. We guarantee every stick of it. We know that if people get

BUY NATIONS' PRIDE CONDENSED MILK

Manufactured by SCRANTON DAIRY CO. Ask your grocer for it. E. Robinson's Sons Lager Beer Brewery Manufacturers of OLD STOCK PILSNER

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YOU TAKE NO CHANCES WITH THE DEFENDER FIRE EXTINGUISHERS THEY DO THE BUSINESS INSTANTLY.

Can be re-charged by purchaser in two minutes. Throw a stream 50 feet. Cheapest, Simplest, Most Reliable.

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Connolly and Wallace 127 and 129 WASHINGTON AVENUE.

Red, White and Blue Bunting



For decorative purposes in connection with the event of the week, the

Thirteenth Regiment Jubilee will be found here in great quantities and at our usual well-known low prices.

Connolly & Wallace 127 and 129 Washington Avenue.

Satisfaction Spring 1899. Carpets and Draperies Spring 1899. Our new lines are now on exhibition and embrace many exclusive novelties not to be found elsewhere. Carpets Wilton Axminster Velvet Body and Tapestry Brussels Ingrain Lace Curtains Renaissance Irish Point Brussels Dresden Nottingham WINDOW SHADES WALL PAPER THE WESTON MILL CO. Scranton, Carbondale, Olyphant.

Third National Bank of Scranton. Special Attention Given to Business and Personal Accounts. Liberal Accommodations Extended According to Balances and Responsibility. 5 Per Cent. Interest Allowed on Interest Deposits. Capital, \$200,000 Surplus, 400,000 WM. CONNELL, President. HENRY BELIN, Jr., Vice Pres. WILLIAM H. PECK, Cashier. The vault of this bank is protected by Holmes' Electric Protective System. THE MOOSIC POWDER CO. Rooms 1 and 2, Com'lth Bld'g. SCRANTON, PA. Mining and Blasting POWDER Made at Moosic and Rushdale Works. LAFLIN & RAND POWDER CO'S ORANGE GUN POWDER Electric Batteries, Electric Exploders, for exploding blasts safely. Pure and Reliable. Repauno Chemical Co's EXPLOSIVES

Third National Bank of Scranton. Special Attention Given to Business and Personal Accounts. Liberal Accommodations Extended According to Balances and Responsibility. 5 Per Cent. Interest Allowed on Interest Deposits. Capital, \$200,000 Surplus, 400,000 WM. CONNELL, President. HENRY BELIN, Jr., Vice Pres. WILLIAM H. PECK, Cashier. The vault of this bank is protected by Holmes' Electric Protective System.

Bicycle Perfection Has at last been reached in the production of the 1899 MODEL CHAINLESS SPALDING We would be pleased to have you call and examine it. FLOREY & BROOKS, 211 Washington Ave. Opp. Court House.

The Last Call This is your last chance to pick up shoe bargains at the closing out sale of the STANDARD SHOE STORE Footwear goes at the smallest kind of prices this month. Your Last Chance is limited to a Few Days Only. We shall positively sell no shoes after Tuesday, March 28. Now is bargain time; don't put it off. Standard Shoe Store, 217 Lacka Ave. HANDIEST STORE IN THE CITY

EVERY WOMAN Sometimes needs a reliable, monthly, regulating medicine. Only harmless and the purest drug she should use. Dr. Peal's Pennyroyal Pills They are prompt, safe and certain in result. The medicine (Dr. Peal's) never disappoints. Sent anywhere, \$1.00. Address: Peal's Manufacturing Co., Cleveland, O. For Sale by JOHN H. PHELPS, Pharmacist, cor. Wyoming avenue and Service street.

Isaac Long 73 and 75 Public Square, WILKES-BARRE. IMPORTERS AND RETAILERS OF COSTUMES AND SELECT DRY GOODS.

A Pre View For Easter

Delightful bits of Paris are these spring suits with their sweeping skirts, smothered in over draperies on which deft hands have wrought artistic finishes. And the jackets—shorter than last season, and most jaunty, in their spring time freshness. Good, just to look upon, and for that reason you'll want to peep among the new things which Paris and our own New York have prepared for your appreciation. And there's a word about the tailoring, which our suits have bestowed upon them, that deserves your attention. Whether it be on the \$11.98 sorts, or those at \$69.50 there's an evidence of expert knowledge even to the lesser details—those details which the makers of most costumes scimp for the sake of economy. But there's no scimping here; neither in the materials, in the making, or the finishing. But be an eye witness to these facts—come and see. Just a hint at how the prices range.

- At \$14.98—A plain covert, highly tailored, fly front jacket, silk lined, skirt flare flared.
- At \$25.00—A Mode Colored Venetian Cloth suit, light blue and white checked, flaring skirt, finished with lapped seams and lined throughout with Parma Violet taffeta.
- At \$45.50—A light gray broadcloth with full circular skirt over drop skirt of purple taffeta with fluted ruffle. Has cotton jacket with Royal Purple Velvet faced collar and revers with cut steel passementerie trimmings. Purple taffeta silk lined and further embellished with white taffeta shawl front, fastened with cut steel buttons.

And Little Suits

Those for the girls, with just as much style and elegance as is gathered into the garments of older people. Yet there's a becoming youthfulness in the jauntness of the jacket and in the hang of the skirt, which adds, not years, but grace and beauty to the youthful wearer. Sizes for girls from 12 to 16 years

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