OPINION IN THE O'MALLEY CASE

IT WAS WRITTEN BY CHIEF JUSTICE STERRETT.

Received Yesterday by Prothonotary John Copeland-Trial Judge Did What Was Proper in Submitting to the Jury for Consideration the Question of Negligence on the Part of the Plaintiff-Bonds of Justices of the Peace of the County-General Court House News Notes.

The opinion of the supreme court in the case of Thomas O'Malley against the Scranton Traction company, which was decided last Monday at Philadelphia, was received by Prothonotary Copeland yesterday. was written by Chief Justice Sterrett and is as follows:

"This action was brought to recover damages for personal injuries caused by the negligence of defendant company in carelessly and recklessly running one of its cars into a gang of workmen (of which the plaintiff was one), then engaged in repairing a paying on Washington avenue, on which defendant's rallway was laid.

"The evidence tended so strongly to establish the fact, of negligence, on which the action was based, that, only in order to escare the consequence thereof, the defendant contended that plaintiff was guilty of negligence which contributed to his injuries, etc., and accordingly in its seventh and eighth points for charge, it requested the court to give these binding instructions to the jury:

Seventh-That under all the evidence in this case, the plaintiff is not entitled to recover.

Eighth-That the plaintiff was guilty of contributory negligence in this case and is, therefore, not entitled to recover.

The learned trial judge rightly refusing to affirm either of these propositions, as matters of law, fairly and mpartially submitted the question of plaintiff's contributory negligence to the jury as a question of fact to be determined by them from all the evidence. In view of the testimony that was then before the jury, it was imdone otherwise without usurping the functions of the jury and undertaking to determine questions of fact which were exclusively within their province, and wholly outside the scope of a presiding judge's duties, under any rational system of trial by jury.

"Without disregarding his own duty and usurping that of the jury, the learned trial judge could not have done otherwise than to refuse to affirm the defendant's seventh and eighth requests for instructions

We find no substantial error in either of the six remaining specifications; nor is there anything in the questions presented by them that requires discussion. Judgment affirmed." The verdict for O'Malley was in the

Referee's Report Filed.

sum of \$4,675.

Referee T. J. Duggan yesterday filed his report in the case of Rozella Whitlock against C. B. Gardner, administrator of the estate of Nathan Whitlock, deceased. The referee finds "that Lewis, Edward Tyson, William Y. Willthe note in question was signed and de- iams, J. L. Pettigrew. William Brown. livered by Nathan Whitlock to Rozella Liewellyn Lewis, William McIntosh, William W. Swales.

Whitlock, September 24, 1891; that at William W. Swales.

Blakely—David Shay, George Shay, note to Rozella Whitlock she was the vife of Nathan Whitlock; that Nathan Whitlock died intestate; that the amount due on the note, April 23, 1898, was \$1,395.16.

that judgment should be entered in

Bonds of Justices of the Peace.

The bonds of the following justices of the peace of the county were filed with Clerk of the Courts Daniels yes-John Butterman, Tenth ward, Scran-

ton; Bernard Thauer, surety. W. Seamans, Benton township;

Giles Roberts, surety, James Bell, Winton: John Morris and

F. M. Francis, Dalton; F. M. Francis, surety, John McGowan, Mayfield; James

Barrett and George M. Patterson, sure-Byron F. Akerly, South Abington

T. E. Reynolds, surety. Thomas F. Saltry, Third ward,

Scranton; John F. Saltry and John J.

Costello, sureties. Thomas Pickrell, Old Forge; Fred Naylor and Hopkin Pickrell, sureties

1. W. Mendelsson, Mayfield; D. Mendiesson, surety, B. W. Cooney, Dunmore: Brian Cooney and T. J. Kelley, sureties.

Ebert Smith, Benton; Ebert Smith Patrick H. Salmon; John Garvey and

James R. Jennings, sureties.

IT CAN'T BE DONE.

No One Can Remain Well, No Chronic Disease Can Be Cured Unless the Stomach Is First Made Strong and Vigorous.

This is plain because every organ in the body depends on the stomach for its nourishment. Nerve, bone, sinew, blood are made from the food which the stomach converts to our use. How useless to treat disease with

this, that and the other remedy and neglect the most important of all, the The earliest symptoms of indigestion

are sour risings, bad taste in the mouth, gas in stomach and bowels, palpitation, all-gone feeling, faintness, headaches, constipation; later comes loss of flesh, consumption, liver and heart troubles, kidney diseases, nervous prostration, all of which are the indirect result of

poor nutrition. Any person suffering from indigestion should make it a practice to take after each meal one of Stuart's Dyspepsia Tablets, allowing it to dissolve in the mouth and thus mingle with the saliva and enter the stomach in the most natural way. These Tablets are highly recommended by Dr. Jennison because they are composed of the natural digestive acids and fruit essences which assist the stomach in digesting all wholesome food before it has time

to ferment and sour. Stuart's Dyspepsia Tablets are sold by druggists, full sized packages at 50 cents. They are also excellent for invalids and children. A book on stomach diseases and thousands of testimonials of genuine cures sent free by addressing F. A. Stuart Co., Marshall,

...

W. H. Swartz, Madison township; S. J. Hornbaker and A. E. Ives, sure-

William P. Griffiths, Taylor; Morgan M. Williams and Robert Llewellyn. sureties. Owen D. John, Fourth ward, Scran-

ton; Daniel Williams and W. O. Jenkins, sureties. Thomas J. Gildea, Archbald; Thomas Majone and John P. Michcale, sure-

M. W. Loftus, Moosic; John J. Brown, Martin Joyce, Twenty-first ward, Scranton: Thomas Carson, surety. W. B. Swick, Jermyn; W. B. Swick,

surety. The amount of the bond in each case was \$1,000.

Tucker and Maxey Again.

An action in assumpsit was begun vesterday against A. E. Tiffany by Attorney R. D. Stuart, trustee for Evan Tucker and T. J. Maxey, bankrupts, to recover \$400 which the plaintiffs paid to Tiffany last November. Tucker & Maxey were formerly in business in Carbondale and filed a petition in involuntary bankruptcy January, 1899. In November they owed Tiffany \$400, and gave him merchandise to secure him, thus giving him the preference over other creditors of the same class. He refused to return the

Vesterday's Marriage Licenses

resterday a matriage micenses.
Frederic J. TurnerMescow
Bessie L. PileMoscow
Woycisch AbrzntArchbald
Mary Ann KosleckaArchbald
Roav RecceardiScranton
Filomend de CembroScranton
Richard KimmocherGermany
May LangGermany

Court House News Notes.

Robert Roe, of Mayfield, collector of tate and county taxes for the year 1898, settled his duplicate with the county commissioners yesterday,

Patrick J. McDonald settled his duplicate with the county commissioners yesterday. He was collector of state and county taxes in Archbald borough for the year 1898,

A rule to remit the forfeiture of recognizance in the case of the commonwealth against Cassie Smith was granted yesterday. It is set forth in the petition of her bondsman, Joseph Gilbert, that while Cassie Smith was awaiting trial she was called to Germany by the serious illness of her

IN THE ELECTION CONTEST.

One Hundred and Eight Witnesses Were Examined Yesterday.

Witnesses heard in the Langstaff-Kelly election contest yesterday Scranton-D. H. Reese, Michael May John Gross, William Mills, Lackawanna township-Patrick Ha

Taylor borough-T. R. Davis, David Harris, John L. Edwards, David J. Edwards.

Olyphant borough-Alex. McVicker, 'hristian Ashman, George Daley, John E. Owens, A. C. Farrell, Edward Williams, David E. Lewis, David Parry, Sylvester Williams, Amber Tinsley, William S. Davis, S. J. Matthews, W. R. Edwards, George Spitz, D. Y. Davis, David Williams, William J. Evans, D. W. Harris, William Patten, Thomas L. Davis, Jacob Shultz, John M. Evans, Charles Williams, T. L. Williams, Atbert S. Serfass, Edwin Smith, David T.

John Snook, Samuel Rodgers, John C. Wall, W. W. Watkins, George Gard, Frank Loomis, W. W. Jenkins, Charles Jenkins, Z. H. Tinklepaugh, E. H. Ritter, Willis Searles, Clarence Williams, That the claim is valid and legal; C. V. Kennedy, R. J. Taylor, Ira Bohner, Thomas Morgan, D. D. Barber, F. favor of the plaintiff in the sum of \$1,- G. Rice, F. L. Taylor, Haisey Lathron, H. Seip, C. D. Keller, G. L. Keller, Abe Reynolds, W. H. Walker, Charles Wallick, Fred, Goyne, George W Thomas, Richard Bartlett, William M. Frear, W. Foster, J. P. Hollister, D. B. Thomas, D. Wilcox, A. D. Richards, Wright Brown, Oscar Demming, J. G. Ball, Noah Williams, E. E. Williams, jr., David Williams, George Travis, Z P. Travis, Wells Warner, John Warner, Thomas Walker, Mark Walker, Henry Weisenberg, Fred, Snyder, George Deming. John Weisenberg, Frank Chivers, Joseph Hulse, William Warren, Frank Crago, J. J. Greaming, W. I. Shaffer, Fletcher Walker, E. E. Breish, William Johns, E. G. Jones, John Reese, sr., John Reese, jr.

ARE STILL ROLLING IN.

New Contributors to the Letter Carriers' Fund.

Additional contributions to the Leter Carriers' convention fund are given below. All desiring to make contributions to the above fund are kindly requested to do no by June 15:

Miss Sarah McLane, John T. ards, Mrs. C. W. Benjamin, Mrs. J. H. Jones, Mary A. Doyle, Mrs. Mary M. Lewis, Mrs. J. H. Mathias, Mrs. Mary Joseph, Miss Margaret Lewis, Mrs. Emily Grewer, Mrs. R. T. Black, Mrs. L. B. Wright, Mrs. E. F. Davis, Mrs. Mary O. Jones, Miss Anna Mul-

Mrs. M. F. Mulley, Mrs. J. B. Bogart, Mrs. J. Farber, Mrs. B. E. Watson, Mrs. D. Wyman, Mrs. John Gibbons, Spreckler, Mrs. Stanb, Mrs. J. nie Cawley, Mrs. A. Porter, Mrs. M. Teichman, Mrs. H. Canavan,

Joseph Lindsay, Mrs. Andrew Coulon, Mrs. R. C. Adams, Mrs. E. S. Dolph, Adolph Monday, a friend.

HIS RISE.

There was a man who started out To clear old heresies away And make the world a better place, He delved in ancient, musty tomes, He often burned the midnight oil, And labored, that this busy world Might be the better for his toil.

The lessons that he had to teach But no one bought his books nor would The people listen to him preach. For years he sought to make the world A better and a fairer place— To clear old ignorance away And elevate the human race.

At last, half starved and in despair, He puts his books and pen away, And lot that which he strove to do He does with simple ease today: He elevates the human race— Read on, and I will tell you how-His rusty pen is idle, but He runs an elevator now.

INDUSTRIAL WORLD

NEWS OF THE GREAT

ADDITION TO THE PLANT OF DAIRY COMPANY.

Present Building at Nicholson Used for Condensing Milk by the Lackawanna Dairy Company Is Not Large Enough and an Addition 30x80 and Three Stories High Is to Be Erected - Teamsters and Drivers of the City Are to Organize-Organizer James' Caution.

Operations for the erection of a large iddition to the "condensery" of the Lackawanna Dairy company at Nicholson will begin shortly. The plans were drawn up by Architect E. G. Worden and call for a 20x80 three story frame structure. This will increase the value of this plant to \$55,000 and easily

double the capacity. At the present factory twenty em ployes, twelve men and eight girls, are at work, but forty more hands will be employed. Though the factory is only condensing ten to twelve thousand quarts daily at present, 16,000 could condensed. Two new "pans" and three new boilers will be put in. The company also makes their own cans at

In connection with the additional capacity for condensing milk an entirely new feature will be introduced. Milk tablets (ounce size) will be manufactured for food purposes. The formula for the tablet is a German one and this will be the only company making them in this country. Though the Lackawanna Dairy company has been operating the "condenser" about six weeks, a sure proof of the stability of the work may be found in the fact that an addition is required in so short

STOOD MUCH IN NEED OF IT.

Plans and specifications showing the -arrangement of the Lehigh Valley shops at Weatherly have been received by Division Superintendent Keith. According to these plans the machine shops work of the Hazleton and Mahanoy division will be concentrated shortly at Weatherly, as predicted some time ago. All the work now done at Hazleton and Delano and some of the work done at Wilkes-Barre will be transferred to Weatherly, which will soon become an Important railroad center.

The reason the company gives for the contemplated concentration of machine shop work at Weatherly is that the shops there are better fitted for the purpose than any on the coal branches and that they are too valuable to be allowed to remain idle.-Hazleton Plain Speaker.

THIS AND THAT.

Arrangements are about completed for the meeting of the taxpayers to be held Saturday night in Carpenters' hall on Wyoming avenue, under the auspices of the Building Trades coun-

Organizer Benjamin James, of the National Order of United Mine Workers, is sending word to the local unons organized in the Lackawanna and Wyoming valleys to avoid having anything to do with any agent or agents who might come among the miners of these valleys to secure workmen for the bituminous mines in West Virginia. He announces that he is apthe reason men are wanted down there is because there is or will be some difficulty over the matter of a

The teamsters and drivers of this city will hold a meeting at Ancient Order United Workmen hall, Lackawanna avenue, Friday evening, when an organization and branch of the National Teamsters' and Drivers' union will be instituted. All are invited to be present.

INDIAN RAILROADING.

Two-Foot Track Through the

Himalaya Mountains. From the Philadelphia Record. One of the most interesting railways f the world is the Darjeeling Himalayan railway. The track looks as if it had been laid for a toy railway, the gauge being but two feet. Notwith-standing this, the line is substantial enough, consisting as it does of steel rails, weighing forty-two pounds to the yard, and laid on sleepers of Himalayan timber. The locomotives weigh about twelve tons, and are capable of hauling a train weighing thirty-nine ions up inclines of one foot in twentyfive, and round the hundreds of sharp curves which the exigencies of the as ent of a mountain railway render unavoidable. The railway was constructed in 1878 by British engineers at a ost of about \$25,000,000. It starts at Calcutta, and takes the passenger up to a height of 7,160 feet above the level of the sea. The mail train from Calcutta for Darjeeling leaves the Eastern Bengal state railway terminus every day at 4 in the afternoon, reaching Damookdeah, on the banks of the Ganges, 116 miles from Calcutta, at 9 p. m. At this point the passengers and mails for Darjeeling are transferred to a large ferry steamer, which proceeds to Sara Chat, on the north bank of the Ganges. At Sara Ghat the train starts for Silliguri, at the foot of Lockery, Mrs. D. Jennings, Mrs. Min- | the Himulaya. This place is about 400 feet above sea level. Starting from Silliguri, the train has a comparative-Mrs. W. Wilkins, Mrs. A. A. Pater- ly level run for the first seven miles, on, Mrs. Mary Y. Edwards, Mrs. H. and travels at the rate of twelve miles L. Morgan, Mrs. R. D. Morgan, Mrs. an hour. The gentle sweeps of the line give the traveler many a pretty glimps Mrs. R. C. Adams, Mrs. E. S. Dolph, of the forest scenery of the "Teral."
Mrs. E. E. Wentz, Mrs. David Brenne- In the fastnesses of the "Teral" lurk man, Mrs. F. E. Boylan, Mrs. Mary wild elephants, rhinoceri, tigers, leop-Stanton, Mrs. John Carroll, Mrs. Jo-ards, wild buffaloes, wild cattle and ards, wild buffaloes, wild cattle and sepn L. Holtz, Mrs. M. Nolan, Mrs. | deer, as well as hogs, wolves, wild dogs, monkeys and many other small animals. On one occasion wild elephants compelled the driver to take his train back to Sookna station. At the twentieth mile the train reaches Teendaria, where the company has its workshops, The elevation here is 2,822 feet. Leaving Teendaria the train passes one of the most remarkable loops of the whole line. This curve is only sixty feet in radius. A few large trees still show what the original forest was, only a few years ago the haunt of the little barking deer, which are common in

Tonight

Just before retiring, if your liver is sluggish, out of tune and you feel dull, billous, constipated, take a dose of

these hills. At the elevation of 6.500

feet the train passes another loop, at

the Gyabari station. At the forty-

second mile, the train reaches the ba-

Hood's Pills And you'll be all right in the morning.

zaar and station of Sonada (6,662 feet), whence it pulls up at Ghoom station, which is situated at the highest point reached by the railway (7,407 feet above nain sea level). Thence it descends toward Dajeeling for a distance of some four miles, the line falling about 400 feet in this distance. This is the terminus of the line.

SOME CURIOUS AUTOMATA.

Duck That Could Not Be Distinguished from the Real.

From Lectures pour Tous. Of all the inventors of mechanical curiosities, Jacques Vaucanson was certainly the king. In the ingenuity of his mind be equaled, if he did not surpass, the most skillful of men. In the first book of the Odes of Fior-

nothing as compared with the auto-matic fly manufactured by John Muler, and which flew around the table during a dinner, and alighted upon the hand of its owner and manufacturer. to the great astonishment of his guests. Philippe Camus describes an extraordinary automatic group, which was specially constructed for the amusement of Louis XIV. It was a minute coach to which were harnessed several horses, and which rolled over the table. Upon starting, the coachman cracked his whip, and the horses began to prance and then became quiet and started off on a trot. The coach stopped in front of the king, and the lackey jumped from his seat, and, opening the door, handed out a handsomely dressed lady, who walked toward his majesty, saluted him ceremoniously, presented a petition to him. and then re-entered the coach. lackey closed the door and jumped upon his box, the whip snapped and the horses galloped off.

Vaucanson did better still. His automatic duck was, to connoisseurs, an object of aumiration. The bird waddied off in search of food, and picked up and swallowed the seeds that it met with. These seeds, says an article in the Biographie Universelle, passed into the stomach through a scries of triturations that facilitated the introduction of them into the intestines and caused them to accomplish all the phases of digestion.

It was impossible to distinguish this duck from a living one. It splashed about in the water and quacked at

Vaucanson's mechanical flute player also was a marvel. It was a life-size figure clothed in the fashion of the period, and standing alongside of a broken column, upon which it slightly leaned. It was capable of playing a dozen different airs with remarkable ease. To effect this result, there was a system of weights that actuated a pellows placed in the interior of the automaton, and, through an invisible tube, forced air to the flute, where it acted in the usual way upon the stopple of the opening. In order to obtain the modulations, and, consequently, a complete air, the fingers of the automaton were movable and closed the holes of the flute hermetically when at rest, and also rose and replaced one another through the traction exerted by wires and cords that were taunted and relaxed by the play of a

toothed cylinder. About sixty years ago a feweler of Boulogne constructed a wonderful automatic prestidigator. This figure, correctly dressed in black, performed various sleight-of-hand tricks with remarkable dexterity, and, when it was applauded, gracefully saluted the specators to the right and left tricks was the following: It struck a table several times and made an egg come out of it. It then blew upon the latter, when out of it came a bird that flapped its wings and sang, and afterward entered the egg again. This trick finished the exhibition.

by warm shampoos with CUTICURA SOAP, followed by light dressings with CUTICURA, purest of emollients and greatest of skin cures. This treatment will clear the scalp and hair of crusts, scales, and dandruff, soothe irritated, itching surfaces, stimulate the hair follicles, supply the roots with energy and nourishment, and produce luxuriant lustrous hair with clean, wholesome scalp. Boild everywhere. POTTER D. AND C. CORP., Sole Props., Beston. 85 " How to Freduce Luxuriant Hair." from

"TAKE TIME BY THE FORELOCK."





Car load just arrived. All styles, and prices the lowest. Workmanship

THE CHEAPER GRADES. Keep us in mind and you won't regret giving us your patronage-you will get goods as represented-giving you our easy terms of payment or very lowest prices for cash. Immense stock of Household Goods-Stoves, Carpets, Iron Beds, etc. Five large floors full to the ceiling-at

Thos Kelly's Stores, Franklin Avenue

At Retail.

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

Orders received at the office, Connell building, Room 806; telephone No. 1762, or at the mine, telephone No. 272, will be at the mine, telephone No. 272, will be the mine, telephone No. 272, will be mptly attended to. Dealers supplied

Scranton's In the first book of the Odes of Flor ace we read that Archystas manufactured a wooden pigeon, which, actuated by a mechanical movement, flew from place to place. This, however, was

MANY "FINDS" IN DRESS COTTONS. Look over this list with a kindly consideration for the difficulties of space-limitations and style descriptions) and see if it does not contain a hint that will appeal to you, personally. It treats of lessened prices in Cotton Dress Goods, a few of the "finds" you can make by a little looking through our stocks.

At 10 Cents a Yard==

Regularly 121/2c-Printed Jaconet Lawns, in the favorite stripes, dots and near small designs. Popular black and white, blue and white, pink and white, and lavender and white stripes.

At 10 Cents a Yard--

Regularly 15c-Printed Corded Muslins, in dainty floral and conventional fig. ured designs. Also in stripes, printed on a fine sheer cloth with rounded cords forming stripes covering the surface of the cotton.

At 121/2 Cents a Yard--

Regularly 15c-Fine American Printed Dimities. Quality and finish compare favorably with Belfast goods. More and better patterns.

Beautiful Printed Piques,

At 18 Cents Yard, 25 Cents Yard, About Half Priced.

See the new novelties in

Ingrains,

Brussels,

Axminster,

Savonierrre,

Wilton, Rugs.

Velvets,

WINDOW SHADES

Columbia

....

HUNT FOR

LEVEL ROADS

BUY

NATIONS'

PRIDE

CONDENSED

MILK

Manutactured by

CARPETS

CONNOLLY & WALLACE, WASHINGTON AVENUE

CURTAINS

Renaissance,

Tambour,

Dresden,

Chainless Bicycles

Irish Point,

Nottingham.

Brussels, Cluny,

WALL PAPER

guarantee that they are the

Columbia Chain Bicycles,

all chain wheels \$50

Hartfords, better than ever

Pierce Racers......\$50

\$35, \$26, and \$23

best wheels manufactured. Price.... \$75

superior to any and

Pierce and Stormers at

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at popular prices,

March ushers in the spring season, the busiest time

in all the year. New stocks are here in all their beauty.

The early buyer has the cream of the stock to select from.

Williams & McAnulty

35,000

KELLUM & CONRAD, 243 Wyoming Ave

Spring

1899.

Hearty Eaters

Realize the necessity of cating something substantial. appetite and hunger will be satisfied if they eat bread made

"Snow White"

is tender, nutritious and "fillng." Just the thing for hun-

All grocers sell it. "We only wholesale it."

THE

WESTON MILL CO., Scranton,

Carbondale, Olyphant.

THIRD NATIONAL BANK

OF SCRANTON. Special Attention Given to Busi-

ness and Personal Accounts. Liberal Accommodations Exended According to Balances and

Responsibility. 3 Per Cent. Interest Allowed on

Interest Deposits. \$200,000 Capital, 425,000 Surplus, WM. CONNELL, President.

HENRY BELIN, Jr., Vice-Pres. WILLIAM H. PECK, Cashler The vault of this bank is pro-tected by Holmes' Electric Pro-

THE

tective System.

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LAFLIN & RAND POWDER CO,'S ORANGE GUN POWDER El etric Batteries, Electric Exploders, for exploding blasts, Safety Fuse and

Rapauno Chamical Co's explosives Ask Your Grocer For It.

Chainless Bicycle.

Have you noticed that there are fore SPALDING CHAINLESS wheels

The Reason Is that there has not been one dis-satisfied purchaser of this model. Its

> Spalding Racer...\$60 Spalding Roadster 50 Spalding Chainless 75

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mechanical superiority over other makes is plainly evident after a short

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