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THE DUTIES OF EXPRESS COMPANIES

SET FORTH IN AN OPINION OF JUDGE ARCHBALD.

It Was Handed Down in the Case of John W. Kilpatrick Against the National Express Company—Latter Is Liable for Goods Stolen from the Express Office—Rule for a New Trial Discharged in Case of David M. Jones and Others Against Thomas.

Judge H. W. Archbald yesterday handed down an opinion in the case of John W. Kilpatrick against the National Express company in which he dealt extensively with the duties of common carriers.

John W. Kilpatrick, of Carbondale, on June 19, 1894, gave a package of 200 cigars to the express company which were consigned to T. E. Heddington, at Peckville. The goods reached their destination the next day, but instead of delivering them to the consignee the company put them in its office and mailed a postal card to Heddington to the effect that they were there.

For some reason he did not call for them and one night burglars broke into the express office and stole the cigars. Kilpatrick brought suit to recover the value of the cigars and the case was referred to John M. Harris as referee, who found for defendant company, on the ground that the delivery to the carrier vested title in the consignee and that after the arrival of the goods at their destination and the attempted delivery of them, the company was only liable as warehouseman.

"These are undoubted principles of law," says Judge Archbald in his opinion, "but they have no application here. The company was bound to deliver the goods promptly to the party to whom they were sent or attempt to do so, and if he refused to take them, to at once notify the party who sent them. To simply send out a postal card and await results fell far short of what was required. In so doing the company virtually held the goods at its own risk and became liable for the loss by theft which followed."

"A notice to the consignee to come and get the consignment does not meet the duty of delivery, as we have already shown. This may be sufficient in case of freight carried by a railroad company where there is no obligation to make a delivery other than at the freight office or station. But must be remembered that the defendant is an express company and not a railroad and a very different kind of delivery is required of it in consequence."

"The report of the referee is set aside and it is recommended to him for a new report in conformity with the views expressed in the foregoing opinion."

In the case of David M. Jones and others against Mary Thomas a rule for a new trial was discharged by Judge Archbald.

Heard in Equity Court.

The concluding testimony was heard yesterday in the equity suit of J. D. Peck, assignee, against Spruks Brothers, of this city. In 1907 Henry and Fred Kutz were in the lumber and contracting business in Winton and became indebted to Spruks Brothers for about \$4,000. They gave judgment notes for the amount, but requested Spruks Brothers not to enter them up, promising to let them know if they confessed any other judgments, so that Spruks Brothers might protect themselves.

The firm was also indebted to L. E. Tennant, of Wilkes-Barre and some time after the Spruks transaction a note was given Tennant. According to agreement, the Spruks firm was notified and entered up its judgment note and had an execution issued upon it. After the sheriff's sale an arrangement was made by which the book accounts and some contracts of the firm were also transferred to Spruks.

J. D. Peck, who was appointed assignee for the benefit of creditors, began proceedings against the Spruks Brothers, alleging collusion and testimony was heard yesterday and Monday. Arguments with reference to the case will be heard after the testimony is transcribed.

Today the equity suit of Charles J. Church, executor of the estate of Joseph Church, deceased, against W. W. Winton and others will be heard.

Makes a Report Today.

The grand jury will make its first report to court today. Over sixty cases have already been passed upon by the jurors.

Yesterday the most important one heard was that against Harry Judkovich, of Throop, charging him with arson. On Thursday the cases against the burglars shot at Starucca will be heard.

Yesterday's Marriage Licenses.

John J. NallinCarbondale, Margie O'LearyCarbondale, Michael MurphyScranton, Katie E. ClarkScranton, Michael L. PopockPriceburg, Mary SlezakPriceburg.

UNCALLED FOR LETTERS.

Are Awaiting Owners at the Scranton Postoffice.

List of letters remaining uncalled for at the Scranton postoffice, Lackawanna county, Pa., May 24, 1899. Persons calling for these letters will please say advertised and give date of list. Ezra H. Ripple, P. M.:

Mrs. E. C. Austin, Minnie Aik. package. D. G. Bevan, Little Barnie, Alfred Baker, John Branstetter, Mrs. Beane, Edward A. Bulger, Eva Brunswick, Miss Bertha Born, Mrs. Acha Poworth, Miss Lucy Rosworth, George Babanek, A. J. Chichester, Dennis Connor, Philip Clifford, Miss Lena Cressler, Tom Conley, Co-operative Dry Goods Co., W. F. Davidson, J. H. Erol, Frank Evans, Samuel Newton, Robert Evans, Henry Fernberger, John T. Ford, Miss Alice Beardsley Fitzgerald, A. Frew, Michael Fedorko, Miss Zoyleta Green, John Hughes, A. J. Hobbs, Mrs. Mary Hughes, Miss Mary Henly, Miss Hess, Miss Marie Hill, Miss Mary Healy, John H. Heddington, International Pharmacy, Oscar Ives, Miss Lizzie Joyce, William Jenkins, John H. Jordan, Mrs. J. C. Kelly, Joseph Kennedy, Mrs. Martin Kilmer, Frank H. Lester, Mrs. William Lloyd, Frank Memminger, W. A. Manning, Miss Maggie Meyers, M. A. Martin, Lorenz Manizer, Mrs. May Meekel, E. H. Monagel, Mrs. D. McNeill, John McDonald, Daniel McLaughran, Samuel Newton, Albert Newton, Mrs. Jennie M. Nichols, Miss Jennie Purvis, Russell V. Preston, Miss May Reilly, John Realear, Mrs. J. L. Ransom, Thomas Robson, James Rogan, Mrs. George Smith, J. M. Slotton, John Swooper, F. H. Stanlow, Mrs. Lulu B. Stone, Mrs. Mary Stoum, Miss Mame Stair, Howard M. Smith, J. Tredwell, Mrs. Mary Thomas, H. Uhlman, F. Vanderveken, M. E. Witmer, E. Waterman, Mrs. Mary Williams, L. M. Wells, Mrs. Francis Woodbury, Mrs. T. Q. Wagner, "Special," Zander H. Young, 2; Miss Isabella Young, John E. Zimmerman.

THE THIRTEENTH REGIMENT.

Colonel Coursen Says Reorganization Can Yet Be Affected.

Within the next few weeks a determination will be made to re-organize the Thirteenth regiment.

Colonel H. A. Coursen said to a Tribune man yesterday that the Thirteenth has until the re-organization of the whole guard to perfect its organization.

The order for the re-organization of the state guard calls for 180 companies to be divided into fifteen regiments, making each regiment a three battalion command.

Captain R. J. McCausland, former commander of Company G of Montrose, has his company in shape for enlistment since May 9, but through an error that fact was not known to Colonel Coursen until recently. Following the regular army rule, Captain McCausland addressed his communication of notification of his company being in readiness, to "Adjutant Thirteenth regiment." The letter was placed in Major Millar's mail, and was not opened until the major returned from his tour of inspection a few days ago.

SCRANTON BROKE A RECORD.

Buffalo Bill's Show Had the Largest Attendance in Its History.

Over 28,000 persons saw the two performances of the Wild West show, Monday. According to the management this is the largest crowd that ever witnessed the performance under canvas. The seating arrangements are only expected to accommodate 10,000 yet at each performance there were 4,000 more than this number present and in each instance hundreds were turned away.

Colonel Coursen sent his congratulations to Mayor Moir on the excellent manner in which the police handled the crowds. Not a single accident or case of picking pockets or the like was reported.

Day After the Bail. Johnnie (whose mamma has a headache)—Am I really so bad mamma? Mamma—Yes, Johnnie, you are a very bad boy. Johnnie (reflectively)—Well, anyhow, you ought to be glad I'm not twin.—Harlem Life.

GRADE CROSSINGS TO BE TORN UP

STREET COMMISSIONER DIRECTED TO REMOVE TRACKS.

Common Councilman Reese, of the First Ward, Brings Official Notice of the Ontario and Western Company's Alleged Encroachments in the First Ward, and the Mayor Thereupon Directs That the Tracks Be Torn Up Where They Cross the City Streets.

Street Commissioner O'Boyle will, this morning, proceed to the upper end of the First ward to tear up tracks of the Keyser Valley branch of the Ontario and Western railroad where they cross city streets.

This action was directed by Mayor Moir, yesterday, after Common Councilman D. H. Reese had lodged written complaint of the company's alleged transgression. The streets on which the tracks have been laid are Wilbur, Charles, Mary, Hallou and Reese. They are located on the tract stretching towards Dickson City on the north side of Leggett's creek, opposite Keyser avenue, according to the city map, but are not in reality very clearly defined.

There is no very strong objection to the company crossing these streets, but Mr. Reese in common with many others, is opposed to having West Market street crossed at grade as is proposed and takes the present step in order that the operations may be halted before West Market street is reached.

An ordinance was introduced in select council April 6, permitting the company to cross these and the other streets intersected by their new route from Dickson City to the Capouse colliery in Keyser Valley, but it never got any further than the streets and bridges committee box.

The company was working down from Dickson City at the time the ordinance was introduced and possibly presuming that their ordinance would not meet with objections continued on across the city line and through the First ward as far as the creek.

On March 23, a resolution was passed directing the mayor, street commissioner and chief of police "to prevent the laying of any railroad crossings at grade over city streets until such time as authority for the same was granted by council."

The crossings have been going down right along, but no official knowledge of this came to the city officers until Mr. Reese's complaint was received yesterday.

Immediately upon its receipt, Mayor Moir looked up the legislation pertaining to the case and satisfying himself that the company was proceeding without authority, called in the street commissioner and ordered him to tear up the tracks on the streets named in Mr. Reese's complaint. The mayor also directed Chief Robling to subject himself and the police force to Commissioner O'Boyle's call.

Mr. O'Boyle said he would go to the scene this morning with a force of men to carry out the mayor's directions.

Must Explain. A man must not only have a fractured skull, but a clear and coherent explanation as to how he came to get it, before he is admitted to a New York hospital.—Puck.

America's Greatest Medicine is Hood's Sarsaparilla, because it was originated and prepared by experienced and educated pharmacists from the best known alterative, diuretic, anti-bilious remedies and stomachic tonics, by a combination, proper process and union.

It is still prepared by competent, experienced and educated pharmacists from the best known alterative, diuretic, anti-bilious remedies and stomachic tonics, by a combination, proper process and union.

It gives relief to other ailments, such as rheumatism, neuralgia, sciatica, etc., and is a most valuable remedy for all ailments of the blood.

It has effected cures of Hood's Sarsaparilla. It has effected cures of Hood's Sarsaparilla.

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WOMEN Especially Mothers

Are most competent to appreciate the purity, sweetness, and delicacy of CUTICURA SOAP, and to discover new uses for it daily.

Its remarkable emollient, cleansing, and purifying properties derived from CUTICURA, the great skin cure, warrant its use in preserving, purifying, and beautifying the complexion, hands, and hair, and in the form of washes and solutions for ulcerative weaknesses, annoying irritations and chafings, as well as for many sanative purposes which readily suggest themselves.

In many of the above conditions, gentle washings with CUTICURA, the great skin cure and purifier of emollients, in addition, will prove of astonishing benefit.

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is the subject of this announcement. The term stands for everything that is reliable and fashionable in Furniture, in both the simple and ornate lines, whether wanted for town or country homes. Two other important features are the moderate prices at which the goods are marked, and their unequalled assortments.

Dining-Room Furniture in all finishes of Antique, Belgian, Flemish and English, with Tables, Dining Chairs, China Closets and Side Tables to match.

Bedroom Furniture in all the various woods and finishes, including special lines for country homes. Brass Bedsteads in over 70 patterns from \$15.00 upward. Enamelled Iron Bedsteads from \$4.50 up.

Latest designs in Parlor Furniture, Library Furniture, Hall Furniture, Venetian Carved Furniture.

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Connolly and Wallace 127 and 129 WASHINGTON AVENUE.

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Notable Reductions In Prices of Women's Suits

Time is up on these, so far as our stocks are concerned. Of course that has nothing to do with the wearing time. That won't be up till late next fall. These two facts unite to make some very attractive prices in suits. Of their quality it is necessary to say nothing more than they are our own suits that have been selling at from \$9.00 to \$35.00. High-class suits all the way through. What do you think of them at from \$7.50 to \$20.00?

For Instance

- At \$7.50--Choice of all Suits that were from \$9.00 to \$12.50. At \$10.00--Choice of all Suits that were from \$12.00 to \$16.00. At \$12.50--Choice of all Suits that were from \$16.00 to \$18.00. At \$15.00--Choice of all Suits that were from \$18.00 to \$20.00. At \$18.00--Choice of all Suits that were from \$20.00 to \$25.00. At \$20.00--Choice of all Suits that were from \$25.00 to \$35.00.

Every Suit in this lot silk lined throughout.

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

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Flour. It has a delicious flavor, is tender, nutritious and "filling." Just the thing for hungry people. All grocers sell it. "We only wholesale it."

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WINDOW SHADES WALL PAPER

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