

CASE DELVES IN ANCIENT HISTORY

SUIT FOR COAL ROYALTIES WITH INTERESTING FEATURES.

Title to the Property in Dispute is Traced Back to the Days of the Revolution. When Some of the Best Coal Lands in These Parts Sold for Three Shillings an Acre—It Is the Off-Tried Case of the Winton Coal Company Against the Pancoast Coal Company.

The much-tried coal case of the Winton Coal company against the Pancoast Coal company was again put on trial yesterday in common pleas court, before Judge George S. Purdy, of Honesdale, specially presiding. It is a suit for royalties amounting to \$10,000, but on its outcome fully double this figure depends.

It was instituted February 28, 1893, and referred to arbitrators who, in November of the same year, found for the plaintiff. This was appealed from and in December, 1894, it was tried before Judge Harold McClure, of Lewisburg. He directed a verdict for the defendant on the ground that an action of account rendered, instead of assumption, should have been brought.

The Supreme court reversed this finding and sent the case back for re-trial. It came before Judge Edwards in January, 1896, and again the defendants were victorious. A new trial was asked for on the ground of error on the part of the trial judge and it was allowed. The case again went on the trial list and now, after dragging along for three additional years, comes up for its fourth trial.

The history of the case dates back to revolutionary days. A man whose identity was not preserved but a log house in what is now known as Throop borough and staked out a farm. He remained only a short time, when he quit his cabin and farm and, as far as the present sketch is concerned, disappeared.

THE SECOND OWNER.

In 1812 William Knapp squatted on the tract and built for himself a cabin at Anderson's. The cabin was destroyed which are still visible. In 1828 he left the place, never to return, and two years later the place was purchased at sheriff's sale by Benjamin A. Bidlack, a Wilkes-Barre attorney.

Three years later Bidlack sold the surface, which is co-extensive with the present village of Throop, to Henry Heermann, conveying with it a half interest in the coal.

Heermann's sold his interest to James Anderson, receiving one half of the coal. Anderson sold his title to his son, Allen Anderson, and son-in-law, James Savary. The Savary share descended to the Pancoast Coal company. Allen Anderson sold his share to W. W. Winton and A. H. Winton and they disposed of their right and title in the coal to the Winton Coal company.

The Pancoast Coal company gathered up all the scattered interests in the plot excepting that held by the Winton Coal company and began mining the coal. One-eighth of the total royalties was offered to the Winton Coal company, but it demanded a quarter, alleging that it had been given a one-fourth interest by the W. W. Winton transfer.

DEFENDANT'S CLAIM.

The defendant claims that on account of the Bidlack reservation of one-half of the coal conveyed to him by Bidlack, Anderson could only convey a quarter, and this being so, his son could convey but an eighth and the Wintons consequently could convey no more to the Winton Coal company. The plaintiffs allege that the Bidlack reservation was overcome by a purchase by Anderson from the Fisher heirs, who held a grant from the commonwealth.

The royalties on the eighth interest up to January, 1893, amounted to nearly \$10,000. The property originally sold for three shillings an acre.

Attorneys S. B. Price, I. H. Burns and John B. Collins represent the Winton company. The Pancoast company is represented by ex-Judge Jessup and ex-Judge Knapp.

Judge Gunster is engaged in trying the suit of Patrick Brown against T. C. Robinson. It is based on a \$300 claim for extra work on a sub-contract for the excavating for the Klotz silk mill in Carbondale. Ex-Judge Willard and Hon. C. P. O'Malley represent the plaintiff. Hon. John P. Kelly and R. D. Stuart represent the defendant.

Bond Is Valid.

Judge Purdy filed an opinion yesterday declaring valid the bond given by J. S. Carter as administrator of the Lackawanna county estate of Jesse Stewart, deceased, of Belvidere, N. J. This means that the bondsmen of Thomas Stewart, of Belvidere, who died owing the Jesse Stewart estate \$10,779.45, will have to make good the indebtedness. Michael Miller, George Kinback, A. R. Raub and Warren & Wolfe, executors of the Throop estate, are the sureties.

When the administrator sued them on the Stewart bond, they tried to have letters of administration revoked by attacking his bond on the ground that it

MUNYON'S DYSPEPSIA CURE. I do not believe there is a case of dyspepsia, indigestion or any stomach trouble that cannot be relieved at once and permanently by my DYSPEPSIA CURE.

had but one surety, the Eastern Trust company, which was barred by the statute of limitations.

Judge Purdy dismisses the objection to the bond by quoting the forty-third section of the Act of March 15, 1832, which says: "No immaterial variation from the forms given and prescribed in this act shall vitiate or render void any proceedings in which said forms shall be used," and the judge adds that, while the condition of the plaintiff's bond is not in the language of the statute, the general requirements of the conditions cover all that is embraced in the statutory condition.

With reference to the question of the statute of limitations, Judge Purdy says the case of the Commonwealth vs. Patterson, 8 W. 515, shows that limitations to an action against sureties is not applicable to an original administration bond.

The Election Contest.

Forty witnesses were examined in the Langstaff-Kelly election contest yesterday. They were mostly from the farming districts above the mountain.

MARRIAGE LICENSES YESTERDAY.

Michael Dempsey.....Olyphant. Nellie McDonough.....Wyoming. Wassil Halenda.....Priceburg. Annie Slahuta.....Priceburg.

COURT HOUSE NEWS NOTES.

James McDade filed a bond with the clerk of the courts yesterday in the sum of \$4,000, as tax collector of Roaring Brook township. E. Simson and August Hahn are his sureties.

W. A. Price, collector of Spring Brook filed his 1898 duplicate yesterday.

ADVERTISED LETTERS.

List of letters remaining unclaimed for at the Scranton postoffice, Lackawanna county, Pa., June 14, 1899. Persons calling for these letters will please say advertised and give date of list.

Mrs. Allie Angle, Charles Artley, Charles Brown, Miss Beth Bower, Andrew Book, Harry T. Burton, William Brown, G. B. Buchanan, George Beachcroft, Mrs. Charles Brown, S. E. Bably, Miss Lizzie Brown.

R. L. Connell, Miss B. Cawley, Mrs. Mary Carey, Miss Mary E. Carey, John Cunningham, Company C, Thirteenth regiment; Mrs. Charles Crossley, E. M. Carey, J. M. Cosgrove, Catherine Cadden.

Louis Davis, Charles T. Davis, H. D. Doud, Miss Sarah Davis, Frank Evans, Mrs. Maggie Emmett, Mrs. Kattie Foot, Peter Forgoston, Miss Minnie Gratton, Michael Gibbons, Miss Nellie Hines, John O. Jones, Dr. Kolo's Beaufort.

ARRANGING FOR CONVENTION

Two Parties of Endeavorers Will Go from Scranton. The eighteenth international Christian Endeavor convention will be held in Detroit, July 5 to 11. The societies of Northeastern Pennsylvania will be

represented by a good sized delegation. Rev. G. W. Welsh, president of the Scranton union, will be the official representative of the union, but the majority of the societies of the city will also have delegates at the convention.

The Pennsylvania delegation will go over the Pennsylvania railroad, reaching Pittsburgh by 9 o'clock on Tuesday morning, July 4. The special train will go from Pittsburgh to Cleveland and the rest of the journey will be by steamer, giving a daylight ride on the lake. The trip will be a delightful one and the delegates from here have for the greater part signified their intention of joining the Pennsylvania general delegation at Pittsburgh in order to enjoy the lake ride and reach Detroit with the main delegation.

THIRD DISTRICT COMMITTEE.

List of Those Who Will Compose Saturday's Convention.

Below is the standing committee of the Third Legislative district, which is to assemble in the arbitration room of the court house Saturday to fix a date for the convention to elect delegates to the state convention.

Benton—F. S. Tiffany, Fleetville. Covington—F. L. Hodgson, Daleville. Dalton—Walter Siglin, Dalton. Clark's Summit—M. M. Hufford, Clark's Summit.

Clark's Green—E. A. White, Edella. Chinchilla—Al Hobbs, Clark's Green. Dalton—F. M. Francis, Dalton. Glenburn—E. J. Northup, Glenburn. Southeast district—Frank Toole, Taylor. La Plume—Miles F. Gardner, Factoryville.

Lehigh—Wandlust Sluter, Thornhurst. Madison—Eugene Noack, Moscow. Newton—Oscar Van Buskirk, Bald Mount. North Abington—W. B. Aylesworth, Craig.

Old Forge—First district, John Cook, Old Forge; Second district, Thomas Bell, Coyne; Fourth district, John A. Wood, Old Forge.

Ransom township—First district, C. F. Snover, Milwaukee; Second district, Charles Mayer, Scranton. Scott—Herbert S. Newton, Green Grove. Spring Brook—T. J. Matthews, Spring Brook.

Scranton—Sixth ward, Third district, B. C. Green, Bellevue Mine, Scranton. Taylor—First ward, Thomas Samuels, Taylor; Second ward, Joseph Davis, Taylor; Third ward, James Powell, Jr., Taylor; Fourth ward, James Price, Taylor; Fifth ward, George J. Powell, Taylor, Waverly—N. C. Mackey, Waverly. West Abington—George H. Colvin, Dalton.

Reduced Rates to Gettysburg via Pennsylvania Railroad.

On account of the dedication of the monument of General Reynolds at Gettysburg, July 1, the Pennsylvania Railroad company has arranged to sell excursion tickets from points on its line in Pennsylvania, Delaware, Maryland and the District of Columbia to Gettysburg at rate of single fare for the round trip.

Tickets will be sold on June 20 and July 1, good to return until July 5, inclusive.

Face Humors. Pimples, blackheads, simple rashes, red, rough hands, falling hair, and baby blemishes prevented by CUTICURA SOAP, a sure preventive of inflammation and clogging of the Pores.

The New York Store. Graceful, Easy Shoes for All the People. Best Goods for the Money You Wish to Invest.

Headlight Water White Oil. There'll be neither Wicks and brighter flames, less trouble with the lamp and more comfort from the light.

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Hood's Sarsaparilla. The best medicine that money can buy is Hood's Sarsaparilla. First, Because, it combines economy and strength. There is more concentrated merit and medicinal power in a bottle of Hood's Sarsaparilla than in half a dozen bottles of others.

Best Money Can Buy. Hood's Sarsaparilla. Does, that tells the story of its merit. Its thousands of testimonials are as reliable and worthy your confidence as if they came from your most trusted neighbor.

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Connolly and Wallace. SCRANTON'S SHOPPING CENTER. Comfort and Coolness Underwear.

Parasols. The last of them reduced. The command to forward, march, out of the store was given to the parasol stock today. They will go at double-quick when the reduced prices become known, or we miss our guess.

A Timely Towel Sale. Hundreds of dozens. The most wanted goods. The nick of timeliness, and the lowest prices ever marked on equal grades and quantities.

Very Special. 15 pieces 73-inch, full Bleached Table Damask, per yard 45c.

CONNOLLY & WALLACE, 127 and 129 WASHINGTON AVENUE.

All Around Flour. It is a great advantage to have a flour that is equally good for all purposes. Flour that you can use with equal certainty of success for bread, cake or pastry.

"Snow White". Is that kind of flour. It not only makes light, wholesome bread, but it makes fine grained cake and delicious pastry as well. It is the kind you ought to use.

A Chair Bargain. Hand Polished, Mahogany Finish. Richly carved with dainty spindle back and arms, value \$4.00. Special price, \$2.95.

WILLIAMS & M'ANULTY. See Our Line of BRASS AND METALLIC BEDS. Bought before the recent advance. Prices to surprise you.

In a Bicycle. The essential qualities are efficiency, ease of running, durability. These are found in the highest degree in the Columbia Bevel Gear Chainless.

E. Robinson's Sons Lager Beer Brewery. Manufacturers of OLD STOCK PILSNER.

MOOSIC POWDER CO. Rooms 1 and 2, Com'th B'ld'g. SCRANTON, PA.

THIRD NATIONAL BANK OF SCRANTON. Special Attention Given to Business and Personal Accounts.

THE SPALDING. Chainless Bicycle. Have you noticed that there are more SPALDING CHAINLESS wheels being ridden today than all other chainless wheels combined?

THE REASON. It is that there has not been one dissatisfied purchaser of this model. Its mechanical superiority over other makes is plainly evident after a short trial.

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