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FIGHTING AGAINST ALLEGED HOLD-UP

WM. CONNELL ENJOINS LEHIGH VALLEY RAILROAD CO.

Seeks the Intervention of Court to Restrain the Railroad Company from Taking Possession of Connell & Co.'s Breaker Properties with Its Tracks—Answer in the Suit of the Mt. Pleasant Coal Company Against the Lackawanna Railroad Company.

Court now has in hand the fight between the Connell coal company and the Lehigh Valley Railroad company for the control of the coal from the William A. and Lawrence colliers. In which there have been numerous preliminary skirmishes during the past week.

Some of the coal mined from these colliers is leased from the Lehigh Valley, but the bulk of it is leased from William Connell, president of the Connell coal company. Such coal as is shipped over the Lehigh Valley. There is no contract binding the delivery of the William Connell portion of the coal to any company.

Recently the Lehigh Valley, through its branch company, the Pennsylvania and New York Canal and Railroad company, proceeded to extend its tracks through the Connell coal company's property and alongside the coal chutes of the two breakers in question. This was attempted under the right of eminent domain and a bond in the sum of \$1,000 was tendered the Connell coal company to insure the damages that would accrue to it by reason of the seizure.

The coal company refused to accept the bond and yesterday the attorneys for the Lehigh Valley, William Warren and Knapp, petitioned court to approve the bond and direct it to be filed, that they might proceed with the seizure.

At the same time William Connell came into court, by his attorneys, Welles & Torrey, and secured a preliminary injunction restraining the Lehigh Valley from extending its tracks through the breaker properties.

In his petition Mr. Connell recites the fact that he owns individually over 2,000,000 tons of coal lying in the Connell coal company tracts and in the Lehigh Valley is allowed to build the branch road as contemplated it will compel him to ship the coal over the Lehigh Valley and this he avers would work to his injury to the extent of \$200,000, as he can obtain a much larger sum for the coal from other persons than from the Lehigh Valley company's feeder, the Pennsylvania and New York Canal and Railroad company, by which line the coal would have to be shipped should the new branch road be permitted to run its line under the breaker and alongside the coal chutes as contemplated.

An affidavit from J. S. McAnulty, secretary of the Connell coal company, setting forth materially the same facts as contained in the petition of Mr. Connell, was also submitted. Court took the papers and will later hear arguments on the rule to make the preliminary injunction permanent.

Lackawanna Made Answer. The Delaware Lackawanna and Western Railroad company, through President W. E. Truesdale, made answer yesterday by William Warren and Knapp, to the equity suit of the Mt. Pleasant coal company.

This suit was instituted two weeks ago by the Mt. Pleasant company to establish its right to remove the overhead bridge connecting its breaker with the dump across the Lackawanna tracks, and substitute for it a system of belt coal-conveyors. It being the intention of the Mt. Pleasant company to ship its coal by the Ontario and Western road after January 1, 1900, when its contract with the Delaware, Lackawanna and Western road expires.

The Mt. Pleasant company alleges in support of its authority to make the contemplated alterations, that the Lackawanna company gave it an overhead right-of-way in consideration, among other things, of the abandonment of a grade crossing, which had been maintained near the breaker for years both by the company and William Swetland, the previous owner of the tract.

In its answer, the Lackawanna company denies all knowledge of any such agreement and expresses the firm belief that no such agreement was ever made. The Lackawanna's version of the affair is that the permission to construct the overhead right-of-way was granted to the Mt. Pleasant company to facilitate the operation of the colliery during the period in which it was under contract to furnish coal to the Lackawanna road, and that when the contract ceased, the railroad company has the power to have the overhead bridge removed.

Notice has been given the coal company, the answer further relates, to remove the overhead bridge and certain portions of the breaker which are constructed on the railroad company's property, under the temporary permission, extending as related above, during the running of the shipping contract.

The railroad company also says that the new overhead structure is to be nearly four times the width of the present bridge, which was limited in width to twenty-five feet under the agreement in question, and that a structure of this character would interfere with the operation of the railroad. Another contention is that when the permission was granted it was agreed that nothing but culm was to be carried across the overhead bridge.

In Argument Court. Judges Archbald, Gunster and Edwards opened a week's session of argument court yesterday in the superior court room. The following cases were reported settled: J. Stanley Smith and others against F. E. Loomis and others, rule to produce deeds, contracts, etc.; Silas Hartley against Charles Millard, exceptions to bill of costs; S. R. Huff against W. M. Finn, guardian, rule to open judgment; William Bridge Conway against John Hogan, certiorari; V. A. Besmer against P. J. Clark, certiorari; Michael Zeleske against Michael Lelkiewicz, certiorari; Margaret Hobbs against Thomas F. Davis, certiorari; Henry Martin against Daniel Barry, certiorari; Susan Allen against Fred W. Epling and others, certiorari; in the matter of the estate of Edith H. Adde, rule for discharge of guardian.

The following cases were continued: J. A. Barron against Robert Johnson, rule for a new trial; in the matter of habitual drunkenness of A. E. Barr, rule to reduce allowance; Enos Flynn against Martin Barrett, rule to amend sheriff's return; E. D. Fitchett against Charles L. Fitchett, rule for decree in divorce; Jennie Corwin against Frank R. Corwin, rule for decree in divorce; Stover, Harris & Company against William Herbert, rule to open judgment; S. Mills Ely & Company against T. A. Tallman and others, rule to open judgment; Nellie Allen against Benjamin Allen, rule for decree in divorce; Bridget Delaney vs. W. H. Evans, rule to open judgment; E. J. Ehrwood against M. Merithew, rule to open judgment; Philip Rudolph & Son against F. J. Fitzsimmons, certiorari; Jacob Saravitz against Rose Saravitz, rule for decree in divorce; in the matter of the state of Celia Loftus, deceased, exceptions to auditor's accounts; in the matter of the estate of Catherine Whittom, deceased, exceptions to auditor's report.

In the following cases the rule was made absolute: Martin McDonough against Patrick Coyne, rule to strike off judgment; Traders' National bank against J. E. Hughes, rule for a new trial; M. Timmons against the city of Carbondale, rule to file amended statement; W. H. Evans against the township of Carbondale, rule for mandamus execution.

In the cases of H. L. Boyer and others against W. Gibson Jones and M. L. Jones, rule for new trial; Thomas R. Jones against A. P. O'Donnell and others, exceptions and rule for judgment; John Jones and others against Mary Dunn, rule to open judgment, the rules were discharged.

In the case of Thomas Henry against J. J. Gallagher and Ann Gallagher, judgment as to Ann Gallagher was refused, and affirmed as to J. J. Gallagher.

Arguments were heard in the following cases: Patrick Burke against the Delaware and Hudson company, rule to strike cost from trial list; Margaret Kennedy against the New York, Ontario and Western Railroad company, rule to strike off non-suit; Fridget Gray and others against Mary McDonough and others, rule for new trial; Lizzie Carey against W. Gibson Jones and M. L. Jones, rule for new trial; Lloyd Vail and others against R. Hunt, rule to open judgment; assignment of A. M. Clark, exceptions to account of assignee; Luther Keller against Ann Sheahan, rule to open judgment; Scranton Gas and Water company against Northern Coal and Iron company, rule to hear testimony; C. M. Edwards and others against Dr. S. P. Longstreet, demurrer; motion of the rule on D. B. Replage to pay over money; John J. Curran against Lehigh Valley Railroad company, rule to set aside sheriff's return.

Carbondale Poor Board Case. J. J. O'Neil, H. C. Butler and O'Brien & Kelly, attorneys for the respondents in the Carbondale poor board case, made answer yesterday to the quo warranto proceedings brought by Alva Daley, Henry Carter and Milo Gardner against John Connell, Edward Moon and Anthony Cook, to test the Act of 1887, enlarging the poor board of the poor district of Carbondale from four to six members to provide for the two additional wards created since 1860, when the poor district was first incorporated.

The old board consisted of Messrs. Connell, Moon, Cook and P. Robbins, the latter representing the First ward. Under the new act, Messrs. Connell, Moon and Cook, who represent the Third, Second and Fourth wards, respectively, hold over and court is directed to appoint members for the First, Fifth and Sixth wards. Mr. Robbins, who represented these three wards, was re-appointed from the First ward, but declined to accept the appointment, denying that court had the power to appoint.

Mr. Gardner was thereupon substituted by the court for Mr. Robbins, and the three appointed members waited upon the four old members and demanded recognition. The old board refused to receive them and hence the suit.

In their answer they allege the Act of 1889 is null and void for various

technical constitutional reasons and that it attempts to regulate the practice and jurisdiction of the courts of Lackawanna county.

Line Fence Decision. Judge Gunster, yesterday, handed down an opinion in the line-fence case of Ellen C. Kelly, of Madison avenue, against her neighbor, James P. Donnelly, in which he decided that the defendant has placed the fence posts on the plaintiff's land an inch and three quarters farther than the law permits. He directs that they be removed.

The judge states the law to be that when a property holder erects a line fence he can set it squarely on the dividing line but no part of the fence shall occupy more of his neighbor's land than his own. If the posts used are four inches thick, not more than two inches of each post can be set on the neighbor's land.

Called Mrs. Sczewa Names. Ward and Horn yesterday instituted a suit in slander against Helen Letkewicz to recover \$5,000 damages for Mrs. Mary Sczewa, of Dickson city.

The plaintiff alleges the defendant called her opprobrious names and accused her of a serious crime on October 8, while Annie Sczewa, daughter of the plaintiff, was listening.

Election Contest. The following witnesses were examined yesterday in the Lanestaff contested election case: Thomas W. Thomas, William M. Williams, Isaac Price, John Parks, Charles Baine, Geo. Adams, William M. Davis, Richard Egan, William Lunney, Reese Jones, Reese Thomas, P. E. Finley, Patrick Sloan, Thomas R. Edwards, William B. Thomas, George Turner, Henry Nichols, L. H. Jones. They are from Ransom, Greenfield, Blakely and Scranton.

Yesterday's Marriage Licenses. John SchaferScranton
Nellie LanganScranton
John LehmanScranton
Katherine Gramp,Scranton
617 Green Ridge street
Charles Graff, Jr.Scranton
Lena GanzScranton
558 Elm street
Margaret FitzpatrickScranton
Margaret FinneganScranton
Thomas MorrisScranton
Mary A. HodsonScranton
Charles E. LymanScranton
Pansy E. WashburneScranton
John M. CroverScranton
Mary J. MelvinScranton
William RobinsonScranton
Susanna HughesScranton
William O'BrienScranton
Marjory C. DinkinScranton
John T. BrinkScranton
Catherine G. HeneghanScranton
Edward J. McGoffScranton
Mary A. GardnerScranton

COURT HOUSE NEWS NOTES. C. H. Williams was yesterday substituted as plaintiff in the case of H. J. Spruks against Fred and Henrietta Weyandt.

Martha J. Simpson and William Stoekewicz were yesterday discharged from the county jail under the insolvency laws.

In the case of Allen W. Williams and others against James F. Green the injunction was yesterday continued till further order of court.

Rules for new trials were granted in the cases of Tessie Higgins against T. E. Fanning & Company and David T. Williams against Agnes J. Carey and others.

Court yesterday appointed Charles S. Alexander inspector of election in the First district of the Fifth ward of Carbondale to succeed William H. Hollenback, who has moved from the district.

A charter was yesterday granted the Pyne Shaft Accidental fund on motion of Attorney James E. Watkins. The board of trustees is composed of James Marsh, president; Frank Dunston, secretary; John Coombe, treasurer; William J. Howells, James Stone.

ALL WITHIN FIVE DAYS. A Wedding, Bride's Burial on Land and Husband's Burial at Sea. From the Baltimore Sun.

A sad story was brought yesterday to Baltimore by the officers of the North German Lloyd steamer Willehad, which arrived from Bremen with passengers. It was the story of a wedding, the death of the bride, her husband, the death of the groom and his burial, all within five days.

The story begins on Sunday, Aug. 13, when Adolph Pahlmann, an electrician on the Willehad, was married to Marie Bremer by the Rev. H. Eibenberger, pastor of the German Evangelical Lutheran church, W. Water street. After the ceremony Mr. and Mrs. Pahlmann gave an entertainment to friends at the restaurant of Herman E. Ehrlich, 31 West German street, where the bride had boarded awaiting the arrival of her affianced, to whom she had become engaged one year before, when she was a passenger on the Willehad.

On Tuesday morning following the wedding, Mr. Pahlmann left his bride in their apartments at an early hour, as he had to report for duty on board the Willehad. His wife bade him an affectional farewell and returned to her bed. Her dead body was found there about 10 o'clock that morning, with the room full of gas and proof that death was from asphyxiation. While on board the ship the day previous the husband had arranged for a passage in the Willehad for himself and wife, who was to make her home in the city of Hanover, where the groom's relatives reside. It was supposed that Mrs. Pahlmann turned the gas out after the departure of her husband, but by some accident had not turned the flow wholly off.

The funeral of the young bride took place the following morning, and instead of having her accompany him back to Germany, the young husband joined his ship and went about his duties with a sad heart. As fate decreed, they were not to be separated long. On the afternoon of the funeral the Willehad steamed out of the harbor with many light hearts on board and perhaps, some with sorrow, but none more so than Adolph Pahlmann.

On Thursday, the next day, in the afternoon an immense sea struck the Willehad on the starboard side. As it came on board it caught Pahlmann and threw him against the side of the ship with great force. With him was another of the crew, who, when picked up, was found to have a leg broken in

two places. Pahlmann was picked up insensible. The surgeon of the ship hurried to him. Within twenty minutes he was dead.

It was 5 o'clock the next evening when the engines of the Willehad were stopped, the colors were placed at half mast and after ceasing the funeral service at sea, Adolph Pahlmann's body was committed to the deep, almost five days to the hour that he and Marie Bremer, of Vienna, Austria, had been man and wife, and just three days after he had been watching over her corpse.

SKIN IRRITATIONS

Instantly Relieved by CUTICURA

For irritation, itching, and inflammation of the skin, for scaly eruptions of the scalp, dry, itching, and falling hair, for red, rough hands and facial blemishes, nothing so pure, so speedily effective as warm baths with CUTICURA SOAP, followed by gentle anointings with CUTICURA, purest of emollients and greatest of skin cures.

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"Snow White"

Flour is made. It is wonderful machinery; too. Takes every particle of dirt off the wheat and makes it as clean as if each kernel were scoured by hand. Get "Snow White" if you want CLEAN flour.

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HENRY BULLIN, Jr., Vice-Pres.
WILLIAM M. PRICK, Cashier

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AMERICAN PLAN, \$3.50 Per Day and Upwards.
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Made from the first grade of real kid skins, finished in the finest possible manner—made to fit properly, and fitted with three pearl clasps. Every color known in the making of Kid Gloves is represented in the lot, and includes black, white, modes, tans, greys, browns, reds, greens, blues, light blue, pink, lilac, violet and various other fancy shades. These goods have never been sold by the finest city trade for less than \$2.00 a pair. We offer them to our trade during this special sale at \$1.50 a pair—and we regard it as the best Glove bargain Scranton has seen for many a day.

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We offer better inducements to the carpet buyer this season than ever before. Paying less for your carpets than we ask is getting threadbare spots and dissatisfaction that you do not bargain for. Everything in Wilton, Axminster, Velvet, Brussels, Savonnerie, Ingrain.

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Fine Diamond Rings at \$5.00, worth \$10.00.
Solid Gold Band Rings at \$1.25, worth \$2.50.
Solid Gold Buff Rings at \$1.00, worth \$2.00.
Gold Filled Cuff Buttons, 50c., worth \$1.00.
Cuff Buttons, previous prices \$1.00, now 50c.
Gent's Solid Silver Watch, Eight movement, \$25.00.
Ladies' Sterling Silver Watches, worth \$5.00, now \$3.75.
Gent's Nickel Watches, S. W., price \$2.50, now \$1.75.
Rogers Bros' Spoons, warranted, 50c.
Rogers Bros' Butter Knives, Sugar Spoons, Pickle Forks, Etc., previous prices 75c.
Ladies' Solid Gold Watch, Eight movement, \$15.00.
Ladies' Gold Filled Watches at \$2.50, worth \$5.00.

We also have about three hundred Ladies' Solid Silver Rings, worth 25c. and 50c., will close them at 10c. each. Special sale now going on at Davidow Bros. Attend as we are offering goods at one-fourth their original value. Extra Heavy Solid Silver Thimbles at 15c.

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