## THE SCRANTON TRIBUNE-WEDNESDAY, DECEMBER 27, 1899.

# PERRY BROS. Knabe, Vose and Sons,

Briggs and Ludwig Pianos

Vocalian Church Organs, Carpenter Parlor and Pneumatic Symphony Organs, Angelus' Criterion Music Boxes. Finest line in the city of Violins, Mandolins, Guitars and Banjos.

Call and see the \$80. Martin Guitar and Mandolin at



BEST IN TOWN.

25° Per Quart.

LACKAWANNA DAIRY CO

Telephone Orders Promptly Delivered

32g-327 Adams Avenue. Scranton Transfer Co., Always Reliable. kinds of transfer work All

promptly and satisfactorily done. Office 109 Lackawanna Ave. Office Phone 525. Barn Phone 6982

HUNT NGTON'S BAKERY. CEERM, ICES AND FROZEN FRUITS 420 Spruce Street.

Masonie Temple.

C. S. SNYDER, The Only Dentist Man Claiming to Be such Is at Pitts-In the City Who Is a Gradua'e in

420-422 SPRUCE STREET.

### Dr. Edward Reyer DENTIST 514 SPRUCE ST. OPP. COURT HOUSE.

All Kinds of Dental Work Done at Ex-tremely Low Prices. 22k Gold Crowns ...... \$5.00.

Gold Fillings ..... \$1.00. Best Set of Teeth ..... \$5.00. Silver Filling ..... .50c. Crown and Brittle work a specialty. If you have any Dental work to be done call end have your teeth examined. Gas ad-ministered. All operations are made painless by the aid of electricity. Pain-vas extraction ers: Messrs, Dougherty, Lynn, Barthol-omew, Lathrope, Fitzgerald and Phillips, THAT OFT-RAISED ACCUSED OF NON-SUPPORT .- Yestestiay morning Elizabeth Harcher, of Priceburg, before Alderman Kasson swore out a warrant for the arrest of Au-drew Harcher, her husband. She accused him of desertion and non-support of both herself and their children. After Alderman Kasson had heard the case, he held the defendant in \$300 ball, in default of which he was committed to the county

TAKEN TO THE HOSPITAL-Lena Kabatischinck, the deaf mute girl, who Sunday afternoon attempted suicide, in Raymond court, was removed to the Lackawanna hospital late Monday night. The wound she inflicted upon her throat when she tried to cut it with a razor was but of a trivial nature, but she be-cume sick as an after effect. The doctors there say she is in no very serious dition and that her sickness is only the result of melancholy and despondency.

FOUR WERE COMMITTED.

#### Alleged Burglars Given a Hearing Before Alderman John T. Howe. Identification of Goods.

Frank Courtright, Joseph Fitzgerald, John Crow and "Mame" Crow, the gang of alleged burgiars rounded up on Christmas day, by Chief of Police Robling and the local police officers, were yesterday morning taken before Alderman John T. Howe for a hearing and by him committed to the county

Besides the defendants and the poofficers, were present members of the families of H. Bounn, of Carouse avenue, Mrs. F. S. Pauli, of Sanderson avenue, and Professor John T. Jones, of Main avenue, the homes of all of whom had been plundered by the defendants. They identified the various articles there found in the possession of Courtright, Fitzgerald and the Crows as their own property, and the justice then committed to the county jail all four of the burglars. They will there await trial on the charges of burglarizing these homes

All of the spoils captured have now een identified with the exception of veral silver knives, forks and spoons.

It is not known to wheen they belong, but it is supposed that they are the plunder gained from some out-of-town robbers Courtright is the only local man nixed up in this affair, but the others are well known to the Scranton police us suspicious and disreputable characters. Crow, it is said, recently served term for a burglary committed at

Pottsville. JOHN MORRIS, OF PROVIDENCE.

# ton Hospital.

A middle-aged man, roughly dressed. giving the name of John Morris, and unction. stating that he was from Providence. was received at the Pittston hospital Christmas night with an arm frac-tured, his head cut and his body badly bruised. He said he had been assaulted and robbed and thrown from the bridge at Lackawanna station. According to the story he told at the hospital he and three friends who had been in Pittston, looking for work, were going to Scranton by way of the

trolley. They role to Duryea and then walked to Lackawanna to take the car on the Taylor extension.

do not feel justified after the preliminary hearing, in continuing the injunction. The question between the parties is an open one, involving a right vigorously asserted **OFT-RAZED FENCE** n one side and as vigorously denied on he other. The railroad company and

FOPLAR STREET BARRICADE TO COME DOWN AGAIN. Judge Edwards Dismisses the Pre-

liminary Injunction Preventing the City from Interfering with the Delaware & Hudson Company in Maintaining the Fence by Which the Company Seeks to Avoid Having a Crossing Over Its Tracks at

Poplar Street.

Down comes the Poplar street fence again. Judge Edwards yesterday refused to continue the Delaware and Hudson company's preliminary injunction against the city, under the protection of which the fence was rerected, and this morning the mayor will order the street commissioner to

e-raze the fence. Last June, when the Bolt and Nut ompany selected the site for its works, the Delaware and Hudson company raised a fence along its tracks, blockading what would be the extension of

Poplar street. The city tore down the tince and laid a plank crossing. Then the company tore up the crossing and reserected the fence. The city once more tore down the fence and then re-laid the crossing. the former crematory superintendent and assistant, D. O. Thomas and James laid the crossing.

By this time the company reached the courts and secured from Judge Edwards a preliminary injunction restraining the city from interfering with the maintainence of the fence. At once the company again put up the fence and took up the crossing. Yes-terday Judge Edwards decided that were not grounds enough to make the preliminary injunction permanent and dissolves it. This leaves the city free to exercise its superior force in gaining possession of the

once. The case is set down for a final hearing next Tuesday, when all the features of the case will be presented. MAY GO UP AGAIN.

and the crossing will be removed. will remain open to the public. Appended is the full text of Judge Edwards' opinion dissolving the pre-

The Northern Coal and Iron company nd the Deluware and Hudson Canal company, leases, vs. the city of Scranton and Roland D. Thomas, street commis-

The question involved in this case re-lates to the extension of Poplar street Raffaele Chiodo ......Carbondale The question involved in this case reover and across the railroad tracks of

to the easterly line of their right of way. The defendants deny this and contend that the street has been lawfully opened across the tracks to the Lackawanna

mo between the parties until their rights

ris discovered he had forgotten his the injunction is to be found in the seven umbrella and went back to Pittston, teenth paragraph of the bill, which state

**ERIE COMPANY FILES ITS FORMAL ANSWER** he city must settle their dispute at a fual hearing.

DEFENSE OF ITS POSITION IN BIG CORPORATION WAR. We Claims That the Erie and Wyoming

Valley Railroad Company Cannot Legally Take Possession of the Canal Bed at the Disputed Point, Because It Owns a Competing and Parallel Line Just Across the River and Because It Will Impair the Contract It Has Made.

Willard, Warren & Knapp, attorneys for the Eric Railroad company in the suit brought by the Erie and Wyo ming Valley Railroad company to pre vent the blocking of the canal at Lackawaxen, under the Eric company's bridge, have prepared and filed their answer in Judge Purdy's court. The claim of the plaintiff that it has a fee simple title to the whole of the disputed premises and that it and its predecessors in title have enjoyed practicable and undisputed possession of the same for more than forty years is denied. The Delaware

and Hudson company and the Erie the defendant alleges, held joint pos session of the premises prior to the year 1899. This joint possession was amicable, peaceable and continuous until the June 20, 1899, when, the Delaware and Hudson company having deserted the premises, the Erie took full possession, peaceably and lawfully of all the space beneath its bridge, giving bond to the Delaware and Hudson company to indemnify it against any possible damage that might accrue,

NO RIGHT OF POSSESSION.

The Erie and Wyoming Valley company, it is averred, has no right of possession to the premises under any title or valid conveyance from the Delaware and Hudson company, or any other party, and has no standing by court to question the defendant's right against the Lackawanna Coal comto do or perform any of the acts alpany, Charles J. Keogh against the leged in the plaintiff's bill to have been Pittston and Scranton Railway comdone and performed by the defendant. It is admitted that the Delaware pany, City of Scranton against Charles DuPont Breck, trustee and executor, and Hudson company had tree pasand others; Commonwealth ex rel. sage for its boats under the bridge Thomas Ford against the Rush Brook Coal company; the Real Estate Title prior to the time of the alleged occupancy of the whole premises by the and Trust company against the Cardefendant, but the occupancy in quesbondale Traction company; the Northtion was without protest or objection ern Coal and Iron company and the on the part of the Delaware and Hug-Delaware and Hudson Canal company," son company. Court will convene on New Yeor's

The Erie's right to the premises, it is claimed, is founded on an express grant from Russell F. Ford and wife, dated March 3, 1848, and by express grant from the Delaware and Hudson company dated May 1, 1848, both recorded in Pike county; Further the defendant says:

That the premises and property de cribed in the first paragraph of the bill it the time of the alleged purchase and equisition thereof by the plaintiff, was the canal bed, works and appurtenances of a public canal company, known as the Delaware and Hudson company, and was public highway, and so declared by positive enactment of the legislature of this commonwealth. That said canal, its works and appurtenances so purchased by the plaintiff, were unlawfully purchased by said plaintiff, and said pur-hase was an utter violation of section 4 of article 17 of the constitution of Penr Mahon against the Scranton Railway sylvania, wherein it is prescribed that no railroad, canal or other corporation shall "lease or purchase the works and franchises of, or in any way control, ary other rallroad or canal corporation cwn- movements, warranted, for \$6.75. movements, warranted, for \$6.75. ing or having under its control a parallel ompeting line." Rexford Co.



lamps as well as accessories shade holders, Bobeches, etc., at remarkable low prices.

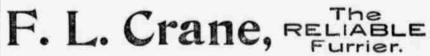


Millar & Peck, "Walk in and look around." 



Cold weather is sure to come and with it the need of Furs. What better gift than a nice piece of fur for the neck a new Muff, or perhaps an Electric Seal or Persian Lamb Coat? We quote a few of the prices:

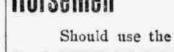
Brown Marten Scarfs, natural color	\$6.00	to	\$15.00
Brown Marten Scarfs, dyed			
Electric Seal Scarfs	2.00	to	5.00
Mink Boas, some as handsome as Sable	4.00	to	18.00
Sable Fox Scarfs, beauties			15.00
Handsome Collarettes, all prices	3.00	to	60.00
Real Russian Sable Boas	30.00	to	40.00
Electric Seal Coats	30.00	to	50.00
Alaskan Seal Coats1	150,00	to	250.00
Persian Lamb Coats	100.00	to	140.00



Raw Furs Bought. Furs Repaired.



Watches at wonderful prices-\$10. \$20 and \$25, every one bargains.



GIVES FROG PRESSURE DON'T EXCLUDE AI LESSENS CONCUSSIO

Ladies' solid silver watches hand

nishing Store.

Little Oil

Horsemen



Angel Antonia Scaocia ..... Old Forge Court House News Notes. The suit of Anna Walsh against the Scranton Button company was yesterlay settled by the payment to the plaintiff of \$250. She sued for \$5,000

damages for injuries to her hand, which was cut under a die and badlysqueezed. An appeal was yesterday taken by the defendant from the judgment of Alderman Ruddy in the case of Patrick company, in which the magistrate al-lowed the plaintiff's claim of \$250 for

lessees, against the City of Scranton.

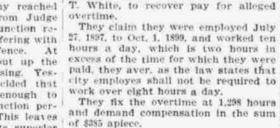
day to start the grand jury at work.

Marringe Licenses.

Harry A. Blesecker ...... Scranton

Lizzie Scheuer .....Scranton

Frederick G. Merkel.....Scranton



filed.

Trial List for Equity Court.

ressing and it proposes to do so at Six cases are set down for equity ourt, which convenes next Tuesday. are entitled Thomas Davis They

Should the permanent injunction be granted, the fence will go up again

Should the court, however, decide that the crossing is a part of Poplar street and not a portion of the company's right of way, the fence and crossing "ill stay down and the thoroughfare

iminary injunction:

doner. Rule to continue preliminary in-

the plaintiff company. The plaintin claims that Pepiar street is opened only The plaintiff

river. When the bill of complaint and injunction affldavits were presented to us, our intention, in allowing a preliminary inunction, was to preserve the status in

could be established at a final hearing. The allegation which induced us to grant Upon arriving at Lackawanna Mor-

This can be done speedily. The dendants have filed their answer. now of no reason why the case cannot be heard next work. Since, under the present equity rules, it is possible to ring a case to a final hearing so prompt-, the judges of our court are very re-

arable injury."

etinit to grant a reliminary injunction the first histance. We may do so to revent immediate irreparable injury to eserve the status in quo between the As to the law applicable to the present ase there can be no question. It is

stated in the cases in various ways. "A preliminary injuction will not be granted unless the plaintiff show a clear right and immediate and urgent danger of irre-

ight is doubtful a preliminary injunc-ion will not be grar ted." "A preliminary

injunction will not be granted where there is a material dispute as to the

question of right" The case at har in its present condition is clearly governed

by these principles. For the reasons berein given the rule

to continue the preliminary injunction is discharged and the said injunction is dis-

further order as the answer is already

Suits by Dismissed Employes.

Formal declarations were yesterday

filed by Attorney P. F. Loughran in

the suits brought against the city by

solved. It is not necessary to make any

"Where the plaintiff's

ess extraction

### DR. H. B. WARE, SPECIALIST.

Eye, Ear, Nose and Throat Office Hours-9 a. m. to 12.30 p. m.; 2 to 4

Williams Building, Opp. Postoffice.



\*\*\*\*\*\*\*\*\*\*

**CITY NOTES** 

FOR TONIGHT'S CONCERT .- Ticketr for the Wesleyan Glee club entertainment at St. Luke's parish house tonight can had at Hand & Payne's, or at Phelps' pharmacy.

COMMUTTED FOR ASSAULT.-George White, of Old Forge, was last night comsuit mitted to the county juli by Alderman Ricketts. White was charged with assault and battery.

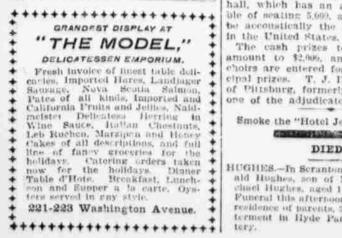
JUDICIARY COMMITTEE.-The judiciary committee of select council will meet tomorrow evening in the city clerk's office just before the regular meeting of he branch of councils.

COUNTRY DANCE. - The Scranton Liederkranz will hold their country dance Thursday evening at the hall on Lackawanna avenue, Bauer's full orchestra will furnish the music for the occasion.

NO INQUEST HELD.-Coroper Roberts viewed the remains of Michael Ru schak yesterday, the man who was killed on the Delaware and Hudson railroad near the Marvine shaft, and decided that an inquest was unnecessary.

NOT SERIOUSLY INJURED .- James Crawford, of "broop, who was struck by a trolley car Christmas tight and who It was found was aeriously injured, is reported by his physicial, Dr. Jacobs, to have sustained no backen bones or other severe hurts.

ROBLING FUNERAL .- The remains of the late Joseph Robling were yesterday interved in the Cathedral cometery. At 9.59 o'clock a high mass of manifers was edebrated at St. Peter's cathedral by Rev. J. J. Loughran. The body was born to the grave by the following pall-bear-



Returning to Scranton he took the that the street commissioner of the city same route and while going across the bridge at Lackawanna he was set upon by four masked men, who took his watch and what little money he had and then threw him from the bridge

to the rocks below, a distance of twenty-five feet. When he recovered coniousness he called loudly for help and succeeded in bringing assistance, A local physician set his broken arm

and dressed his wounds and then had him sent to the hospital. Inquiry made at Providence failed to discover that there was any John Morris missing. A telephone message to the Pittston hospital brought the information that the patient now claims his home is in Nanticoke.

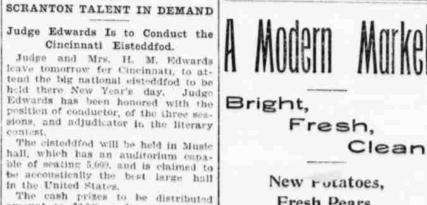
SHERIFF AT ELMWOOD HALL. Sale Was About to Be Had When a the parties. Claimant Intervened.

Elmwood Hall, at Elmhurst, which prevent the public from crossing the plaintiff's tracks is not by any means clear. At best it is not so clear as to was conducted during last summer as a sanitarium, was to have been sold at sheriff's sale yesterday, but a postponement was caused by the intervention of Dr. C. W. Roberts with a claim of ownership. The sale must now await the outcome of an interpleader

The execution creditors, William Ingham & Company and the Hunt & Connell company, represented by Welles & Torrey, experienced no little difficulty in having a levy made. The hall was kept locked against them and, as city road? the law does not countenance a forcibly entry the sheriff's man had to hau it the premises and await his opportu-

nity. It came after a long and weary vigil and he was not slow in embracing it. How he got in does not develop, but it is said he found an upper window unfastened and elambered 'oal company vs. the Baltimore Coal and Union Railroad company. How the institution became insolent is more than the company con-

trolling it can explain, and the manager, Dr. Bull, has as yet failed to help them out of their dilemma.



amount to \$2,005, and over twenty hoirs are entered for the three prin-Ipal prizes. T. J. Davles, Mus Eac. of Plitsburg, formerly of this city, is one of the adjudicators of music

Smoke the "Hotel Jermyn" cigar, 10c. COLUMN TWO IS NOT THE OWNER. DIED.

HUGHES .- In Scranton, Dec. 25, 1869, Ger ald Hughes, son of Mr. and Mrs. Michuel Hughes, aged 1 year ten months, Funeral this afternoon at 3 o'clock from residence of parents, 3 Grace street. interment in Hyde Park Catholic come-

in with the ald of a ladder.

oniest,

had been erected by the plaintiff along the said right of way and proceeded to lay a crossing along the railroad tracks. thus extending Poplar street beyond its westerly terminus by force. WOULD JUSTIFY INTERVENTION.

Such action would be unwarrantable nd would justify instant intervention by the strong arm of our equity power. At the hearing on the rule to continu

the preliminary injunction we contined the parties on both sides to testimony showing the condition of matters existing before the present controversy arose. At this hearing it appeared clearly that the fence referred to in plaintiff's bill was erected in June of this year. This was the fence which the city authoritier removed, claiming that it was an ob-

truction to the use of Poplar street. The uilding of this fence and its removal riginated the present contention between The right of the plaintiff to build and maintain the fence referred to and thus

carrant us in continuing the present in metion. The evidence already taken diectly and incidentally involves several uestions. We are content with mercly First-The use that has been made by the public of the alleged extension of Foplar street across the plaintiff's rail-

and tracks before the erection of the ence in June, 1899. Were the pedestrians who crossed these tracks daily before hat time merely trespassers or did they save the right to cross as travelers over

Second-Was Poplar street to the Lack wanna river dedicated to public use by he Lackawanna Iron and Steel companad did the plaintiff company acquire its right of way subject to this public se? On this question reference is made a the map of the town plot of the city f Scranton and to the exemplified record to the care of the Lackawanna fron and

WHERE RIGHTS ARE IN DOUBT. Where the relative rights of the parties n the present contention are in doubt we



Fresh Pears, Fresh Radishes, Pouitry, Etc.,

Christmas Trees

Thomas & Brandamore 424 SPRUCE STREET.

personal damages, when the defend-Scranton tore down the fence which ant falled to appear. Mahon sued for Internal injuries sustained by being "violently and disgracefully thrown from a trolley car" by a conductor.

FUNERAL OF D. O. FREDERICK.

Remains Were Taken to Lewistown, Where They Will Be Interred.

Funeral services were conducted yes erday morning at the late home of D Frederick, at 329 Madison avenue. sermon was preached by Rev. C. M. Giffin, D. D., of the Elm Park Methodist Episcopal church, and other corvices were held in Lewistown, where the body was removed yests, lay morning at 19.05 o'clock on the Delaware, Lackawanna and Western railcoad. A large number of the members of

Lackawanna lodge, Independent Order of Odd Fellows, of which the deceased was a prominent member, were present at yesterday's services and m harge of two of them the body left town

Vice-Grand Master B. F. Tiukham and Assistant Secretary F. C. Fesderici were the officers of the lodge was acnumber of Frederick's fellow employes at Keller's carriage works were also

At Lewistown the funeral will probably be taken charge of by the lodge at that town of Masons, to which organization he belonged.

## FUNERAL OF MRS. HARVEY.

#### Held from the Home of Her Son, Alfred Harvey.

The functal of the late Mrs. Dolly Harvey took place yesterday afternoou from the home of her son. Alfred Harvey, 1538 North Washington avenue, The services in the house-were conducted by Rev. D. M. McKee, of the Christian Science church, and music was furnished by a quartette composed of Mr. and Mrs. Alfred Lerry and Mr. nd Mrs. Arthur Geer. After the services in the house the

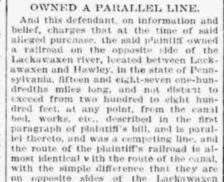
mains were taken to the Forest Hill emetery, where interment was made. The pallbearers were as follows: Au-Albert, John Bailey, John Carell Alfred Herry, Arthur Geer and Roland Frantz.

Scranton Business College Notes. Day and evening sessions will repen on Monday evening next, Jan. 2d. New students are already enrolling. Many ladies and gentlemen from city and country will come during January. "The Scranton Business college leads

all similar schools in Philadelphia." So said each of two Philadelphians who called un different days recently. Remember that those who qualify themselves at the S. B. C. for doing good book-keeping and stenographic work are certain of securing pleasant and remunerative situations.

Smoke the "Hotel Jermyn" cigar, 10c.

Mrs. Winslow's Soothing Syrup.



Our information and belief as to the wnership of the said railroad by the daintiff is founded on the declaration of he plaintiff as to its ownership of sai ratiroad, contained in an agreement be tween the plaintiff and the defendant bearing date the 23d day of June, 1895. And for further answer the defendant says: "That if the said declaration of

825'81 the plaintiff, as to its ownership of said ompanied their late member. A large railroad, is untrue, then we say that we are informed, and believe, the said railroad belongs to the Pennsylvania Cost company, and that the said last named company is the owner of a very large mafority of the capital stock of the Eric and Wyoming Valley Railroad company and, virtually, controls the same. An the said the Erie and Wyoming Valle Ratiroad company, being so owned and controlled, has no right to purchase or in any way control the parallel and comsetting canal line of the Delaware and liudson company.

HAS NOT CLEAN HANDS.

And this defendant, showing to the ort that the plaintiff is not here with lean hands, further answering, says That the alleged branch line, surveyed and located by the plaintiff, as aileged is not projected for the purpose of increas-ing its business and accommodating the trade and travel of the public, but for the purpose of impairing the rights of the defendant in a certain contract be-tween the plaintiff and the defendant,

dated the 21d day of June, 1886, by the terms of which the plaintiff leased to the defendant its railroad, from Hawley to Luckawaxen, hereinbefore described, for the term of twenty-five years, at an annual rental of fifty thousand dollars; which said contract this defendant prays

nay be taken as a part of this answer. And we further say: That if the said branch line is constructed, it will greatly impair the rights of the defendant under the contract between the plaintiff and the defendant, above mentioned, by diverting from the read leased by the plaintiff to the defendant a large amount of transportation of persons and prop-erty, contrary to the true intent and meaning of the contract so entered into aforesaid between the plaintiff and the derendant.

The hearing in the case is set down for next Tuesday before Judge Purdy, at Milford, Pike county.

Finest wines and cigars at Lane's, \$20 Spruce street.

Try a "Hotel Jermyn" cigar, 10c. \*\*

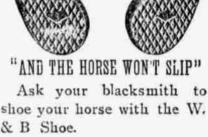
W. P. SHOOP 146 Washington Ave. Mears Building.

LOCOMOTIVES, STATIONARY ENGINES Smoking Sets, both in Silver and Burni Ivary. A special line of Briar and Mesr-schaum Pipes. The finest line of Key West Clears, in boxes of 25 for Xmas trade. All prices.

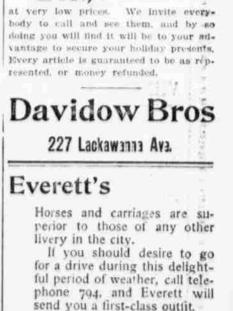
Bollers, Hoisting and Pumping Machinery. General Office, Scranton, Pa.

The Dickson Manufacturing Co.

Ecranton and Wilke+Barre, Pa, Manufac.urers of







EVERETT'S LIVERY, 236 DIX COURT. REAR CITY HALLS

and Holly Wreaths