

TEN TREES CAUSE A COSTLY DISPUTE COURT FEES AMOUNT TO OVER A THOUSAND DOLLARS.

In A. lition to This, Three or Four Lawyers Have Been Collecting Fees from the Disputants for Seven Years—It Is the Old Story of Hard-headed Neighbors Willing to go to Any Extreme to Win a Law Suit—Luzerne, Day in the Superior Court.

It was Luzerne day in the superior court, yesterday, and a number of interesting cases, as usual, were presented. One of the most interesting of these was the timber-cutting case of Jasper N. Culver, appellant, against George Hazlett. The value of the trees alleged to have been illegally taken is \$10,750. The costs in the suit so far—and this does not mean lawyers' fees—amount to \$1,100. Judge Halsey, at the last trial of the case offered to pay the amount in dispute if the parties would settle the costs. His offer was refused.

Culver and Hazlett own adjoining farms. In 1883 Hazlett began to clear his land and in doing so went beyond his own line and cut ten trees from Culver's land. Culver brought suit and the case has been before the court ever since. The first trial of the case in 1885 was a error died after the case had been postponed. In 1888 it came up again and after another six days' trial, a verdict for the defendant was awarded. From this Culver appeals. Continuing lines made by surveyors fifty or sixty years ago cause the dispute. John McGahren and S. J. Strauss presented the case for the appellant, and P. A. O'Boyle and Edward A. Lynch argued for the appellee.

FOR PUBLIC NUISANCE.

J. B. Woodward and Assistant District Attorney Robert T. Bennett, representing the appellant, and Edward A. Lynch, the appellee, argued the case of the commonwealth, appellant, against George L. Llewellyn and William Drury, quarter sessions, Luzerne county. The defendants were arrested for maintaining a public nuisance. It was alleged that they erected buildings on a public alley in West Pittston, which P. J. Wisner had laid out through his lands. At the trial of the case, the judge directed a verdict for the commonwealth. The defendants said that the commonwealth had failed to show that the alley had been accepted by the borough.

One of the assignments of error was that the trial judge erred in preventing the district attorney from standing aside jurors. The defendants' attorneys said in their argument that this is not the whole truth. The district attorney, they say, stood aside a number of jurors, but when it appeared to the court that he was carrying the thing too far he was stopped. This, it was contended, was the proper procedure, as the law directs that court shall supervise the setting aside of jurors.

The appeal of Robert W. Sunles and others from the judgment of the Luzerne common pleas confirming the report of viewers in the matter of widening William street in Pittston, was argued by C. F. Bohan for the appellants, and James L. Morris, for the appellees. A triangular piece was cut off the Carrie Waddell lot where it projected on William street near the Fulton street intersection. Viewers assessed \$200 damages against the city and \$400 against the thirty-seven properties on William street nearest the point where the improvement was made. These property holders appeal on the ground that their properties do not directly abut on the improvement and consequently are not liable for a share of the cost.

The question of whether a dead obligor's estate is liable for a promissory note when the other obligor is solvent was presented in the appeal of George Hughes, executor, from the judgment of the orphans' court of Luzerne in the estate of James Hughes. The decedent became a joint obligor with his brother, Charles Hughes, on two notes of \$200 and \$800 respectively, given William H. Searfass. James

died before the note became due, and when its collection was undertaken the holder elected to follow his estate because the surviving brother lived in another county. The executor opposed the claim on the ground that the law stipulates that when the surviving obligor is solvent, the estate of the deceased obligor is freed. G. J. Clark and D. O. Coughlin represented the note and the estate respectively.

MECHANIC'S LIEN CASE.

A complicated mechanic's lien case was presented in the appeal of the Hazleton Plumbing and Steam Fitting company, against A. F. McAllister, assignee, and others, appellants, common pleas of Luzerne. George H. Troutman and George S. Ferris represented the appellants and appellee, respectively. The case of the commonwealth to the use of the school district of Ross township against Ross Grever and others, appellants, common pleas, Monroe county, was argued by F. B. Holmes for the appellee and Hon. W. W. Watson, for the appellants. Granville J. Clark, of Wilkes-Barre, was admitted to practice before the superior court.

ACCUSED OF ARSON.

Merrit L. Jackson, of Dalton, Charged With Setting Fire to His Own Dwelling House.

Merrit L. Jackson, of Dalton, was yesterday given a hearing by Alderman John T. Howe, on the charges of arson and attempt to defraud an insurance company, preferred by Constable Timothy Jones, and sworn to by W. A. Conner, also of Dalton. After hearing the testimony the alderman committed Jackson to the county jail, as the offense is not a bailable one. Several witnesses were brought forward by the commonwealth but Conner was the only one who gave any damaging evidence. Jackson, who is a Dalton blacksmith, is accused of having set fire to his own workshop and dwelling place, July 29, 1899, and collecting the insurance on them. Conner testified that Jackson had often spoken to him, saying that he had a scheme in his mind for making some money, and had in fact told him just how he intended to set fire to the building and then collect the insurance.

Conner further testified that Jackson had offered him five dollars to assist him in his project, and that he had refused. After the fire was over, Jackson told him that it was he who had set the place in flames. The other witnesses bore testimony to the fact of Jackson's recent reputation, and being considered an honest, hard-working man. Jackson himself, plead not guilty, flatly contradicting Conner's story.

CALIFORNIA.

Thirty-One Days' Tour via Pennsylvania Railroad.

The Pennsylvania Railroad Company has arranged for a special personally-conducted tour through California, to leave New York City on January 27, by special Pullman drawing-room sleeping car and connecting at El Paso with the "Mexico and California Special," composed exclusively of Pullman parlor-smoking, dining, drawing-room, sleeping, compartment, and observation cars, for a tour through California, returning by March 27. Round-trip tickets, covering all necessary expenses, \$75 from all points on Pennsylvania Railroad.

For further information apply to ticket agents at following points: Broadway, New York; 4 East Street, Brooklyn; 789 Broad Street, Newark; N. J.; B. Courlander, Jr., Passenger Agent Baltimore District, Baltimore, Md.; Colin Studds, Passenger Agent Southeastern District, Washington, D. C.; Thos. E. Watt, Passenger Agent Western District, Philadelphia, Pa.; or address Geo. W. Boyd, Assistant General Passenger Agent, Philadelphia.

Smoke the Pecos No. 5, cigar.

A CASE OF PEARLS—Dr. Von Staun's Pineapple Tablets would prove far greater solace to the disheartened dyspeptic if he would but test their potency. They're veritable gems in preventing the setting of stomach disorders, by aiding and stimulating digestion—is of these health "pearls" in a box—and they cost 10 cents—tested by the people—recommended by medical experts and druggists—and pure. Sold by Matthews Bros. and W. T. Clark—50.

HEARING EVIDENCE IN CONNOR CASE

NUMBER OF WITNESSES ON THE STAND YESTERDAY.

Master Mechanic Mullen Testified That the Flash Which Is Supposed to Have Alarmed O'Boyle Could Not Be Prevented—Would Not Do Any Injury—Second Trial of the Case of John S. Miller Against Inter-State Casualty Company—Verdicts Returned.

Before Judge R. W. Archbald and a jury in court room No. 2, yesterday, the case of Patrick Connor, guardian, against the Scranton Traction company, which was called Monday afternoon, was on trial all day yesterday. Mr. Connor, as guardian of two minor children of the late Patrick O'Boyle, of Pittston, is suing to recover \$20,000. O'Boyle died in the Lackawanna hospital in this city on June 21 from injuries received, it is alleged, by falling or being thrown from a car on Washington avenue, in this city, on June 19, 1899.

After court opened yesterday morning, James Bradley, Con Miller and Charles Judge were put on the stand by the plaintiff. They testified that they were sitting on the curb at Washington avenue and Larch street on the night of the accident and saw a car pass them, going toward the city. About 200 feet from them they saw a flash in the car and then saw a man come out of the rear door and jump or fall off the rear platform. Bradley saw only one flash, but Miller and Judge testified to two, one in the front of the car and the other under it. The car was going fast, Miller thought its speed was about fifteen miles an hour. A. E. Duncan, an agent for the Northwest Life Insurance company, was put on the stand and testified to the number of years a man at O'Boyle's time of life, he was thirty-three years of age, could reasonably expect to live.

OPENING FOR DEFENSE.

That closed the evidence on the part of the plaintiff, and Attorney C. P. Malley opened the case on the part of the defense. He said they would show that the application for the car was in perfect order and that the jury would have to conclude that O'Boyle was largely responsible for the injury that he sustained and which resulted in his death.

The first witness called was John Gibbons, of Fort Union, Mich., a conductor on the Grand Trunk railroad. He was the motorman of the car on which O'Boyle was riding on the night of the accident. There was nothing the matter with the controller or other apparatus of the car, so far as he knew. Flashes, such as alarmed O'Boyle, were of frequent occurrence, he said. He was a motorman for nine days prior to the accident.

James Devine, who was foreman of the car barn on Linden street, at the time of the accident, said he examined the car on which O'Boyle was riding before it went out that day. The car was in first-class condition. Frank Knight, one of the leading witnesses for the defense, was recalled for cross-examination, and was followed by Thomas Mullen, the master mechanic of the company. He gave a detailed description of the nature of the controller that was used in the car on which O'Boyle was riding, and gave a list of the causes that will result in flashes coming from the controller.

No injury can result to a passenger from such a flash. It is not possible for a flash to come from the motors up through the car. It might flash from under the car on the sides, but could not come up through the car, because of the method of construction. In laying the floor, Mr. Mullen gave it as his opinion as an expert that the flash at the time could not be prevented. These flashes do not indicate any defect in the machinery. After Mr. Mullen's examination was completed, court adjourned for the day.

VERDICTS RENDERED.

The jury in the case of Michael Walsh against Mrs. Mary Ann Moran returned a verdict in favor of the plaintiff for \$62.50. William Digs against James Flynn the verdict was in favor of Digs for \$16.62. When the case of H. M. Boies against B. Levy, an action to recover on a check, was called yesterday morning, it was announced that the case had been settled.

Dr. William F. Brady was the plaintiff in an action against Mrs. Mina Robinson to recover damages for personal injuries. The doctor said that he was driving along Railroad avenue in this city on Feb. 28, 1896, when he was run into by one of the brewery wagons of the defendant. In the collision the wheel was torn from the carriage and the doctor was thrown out and sustained a sprained shoulder and ankle and a number of bruises on his left side.

The driver of the wagon, Charles Kullman, went on the stand and denied having run into Dr. Brady's carriage. It was upset, he said, while the doctor was endeavoring to cross the street car track. A verdict for \$250 was rendered in favor of the plaintiff. Welles & Torrey appeared for the defendant and Attorney Curry and Attorney C. L. Hawley for the plaintiff.

When court adjourned for the day, the case of John S. Miller against the Inter-State Casualty company was on trial before Judge H. M. Edwards in the main court room. Mr. Miller is represented by Attorney C. L. Hawley and the defendant company by Attorney M. J. Martin, of this city, and Howard W. Page, of Philadelphia, of the firm of Page, Allison & Penrose, of that city. United States Senator Boies Penrose is a member of the firm. S. M. LaMont, claim agent for the company, also sits at the defendant's table.

THE SECOND TRIAL.

This is the second trial of the case, John S. Miller, a constable of the Ninth ward of this city, held an accident policy issued by the company to him and on Feb. 8, 1896, while serving a civil writ on Lee W. Nichols, was badly injured by Nichols. His arm and jaw bone were broken, his head cut and he had other injuries which disabled him for a long period of time.

The company refused to pay the amount called for in the policy on the ground that the injury to Miller was intentionally inflicted and that a provision in the policy barred recovery when such was the case. At the former trial an effort was made to show that George Weaver, the local agent of the company, had agreed to have this provision of the policy waived and that it was accepted by Miller, but the court

JONAS LONG'S SONS.

THE TWENTIETH CENTURY STORE.

JONAS LONG'S SONS.

Rapid buying and selling is going on here. Mammoth stocks are melting away like snow on a sunny day. If we could lay the goods and prices before you, instead of this store talk, what a jam there would be; as it is, we are very, very busy.

Today From 8 Until 10 O'clock. 5000 Yards of Lancaster Gingham

In bright and pretty patterns, worth 8 cents a yard—to go at 3 3/4 yd. (Not more than 12 yards to a customer.)

White Aprons About 100 of them, good size, nicely made. To go today at... 9c Toilet Paper 500 good big rolls, round, nice quality. To go today at... 32c

Flower Stands Made of oak and nicely finished. A big bargain today at 27c Ingrain Carpets One hundred short lengths, in good quality and patterns. To go today at... 22c

Cloth Brushes 125 of them—good heavy bristle and well made. Take them today at... 6c Vase-line The genuine, put up in good-sized bottles, 1000 of them to go today at... 32c

Jonas Long's Sons.

refused to allow this testimony, and a verdict was returned for the defendant company. A new trial was granted and yesterday this testimony on the part of Miller, excluded at the former trial, was admitted. Nearly all of the testimony on the part of the defense was in when court adjourned yesterday.

Marriage Licenses.

Allo Senars, of Fell township, Anne Kopechok, of Fell township, Joseph Markwart, of Carbondale, Christine Skarupa, of Carbondale, Joseph Duckowski, of Pricburg, Anna Czezkowski, of Pricburg, Charles W. Van Aken, of Loomis, N. Y., Jessie V. Dunlap, of Clark's Summit

Court House News Notes.

Edward Gorman was examined in the Eighth ward election contest yesterday. He testified that he has been voting for three years without ever having paid any taxes. Eliza Alvord yesterday made application for divorce from her alleged cruel husband, James P. Alvord. They were married Dec. 26, 1885, and separated last March. W. W. Baylor is the libellant's attorney.

Among the ignored bills returned by the grand jury was that in which Holtkeper T. J. Foley, of Pricburg, was charged with causing the death of Peter Zaluzski by pushing him from the hotel porch, November 9 last. The following prisoners were yesterday ordered discharged from the county jail, the cases against them having been ignored by the grand jury: George Williams, Mike Vashalico, William Service, Christopher Mannion, George Cahill, Nettie Williams, George Smith, Michael McHale, Rufus Harmon, Archer H. Adams.

ARCHBALD.

The south-bound Delaware and Hudson passenger train, due here at 2:52 p. m., had a narrow escape from wreck yesterday. A new cross-over on the northern end of the borough was used for the first time, and as a freight train passed from one track to another on its way north the passenger train came along. Before the freight train had entirely crossed the passenger train struck it with considerable force. Three freight cars were thrown off and a large turbine on its way to Montreal was broken. The passenger engine was also badly damaged. The pilot and the piston rod were damaged; the side of the engine, the tender and the front of the express car were crushed in. Fortunately no one was hurt. Traffic was delayed two hours. The wreck occurred near the foot of Plane B at a rather dangerous part of the road. If the engineer had less control of the train it is likely the collision would have been much more serious, because there is a very steep bank along the track at this point.

State of Ohio, City of Toledo, Lucas County, ss: Frank J. Cheney makes oath that he is senior partner of the firm of F. J. Cheney & Co., doing business in the City of Toledo, County and State aforesaid, and that said firm will pay the sum of ONE HUNDRED DOLLARS for each and every case of Catarrh that cannot be cured by the use of Hall's Catarrh Cure. FRANK J. CHENEY.

Swore to before me and subscribed in my presence, this 4th day of December, A. D. 1898. A. W. GLEASON, Notary Public. Hall's Catarrh Cure is taken internally, and acts directly on the blood and mucous surfaces of the system. Send for testimonials, free. F. J. CHENEY & CO., Toledo, O. Sold by druggists, 75c. Hall's Family Pills are the best. Finest wines and cigars at Lane's, 320 Spruce street. Smoke the "Hotel Jermyn" cigar, 10c.

Sale of Hurt Books Today

Can scarcely call them damaged, as some have only a finger mark or a slight scratch. The worst of them are not hurt more than they'd be after a one-time reading. Yet they cannot be called strictly new, so they go into the "hurt pile," and you get them today at much less than their actual worth. A few copies of the newest books are 85c because they happened to have turned leaves, as if you'd marked a page for reference. Some padded morocco volumes are 60c and some limp leather editions, 40c. (Both less than half price)—some covers are slightly scratched. Religious classics are 15c instead of 35c. They were unfortunately bound in white, and have a finger-mark or two—nothing serious. In the main—

Prices Are Half Actual Worth,

With some few exceptions, of course, as in the case of books in which we would have to point out the defects to you. There are elegant editions of poets, books for boys and girls, besides a good many volumes of standard literature. Not more than one title of a kind to a buyer—and none to dealers; we want our book trade to share this good fortune.

Hosiery and Underwear. The direct result of a great purchase made by us in New York last Saturday. Never have we known such absurd little prices for good qualities. A chance that may not come again in this nineteenth century. Women's Extra Heavy Vests and Pants. Vests are silk finished with pearl buttons. Usual price 25c. Clearing sale 19c Superior quality Women's Fleece Vests and Pants, very closely woven of maco yarn. Always 35c. Clearing sale 25c Boys' Heavy Fleece Shirts and Drawers, in sizes from 24 to 34. Worth 30 cents. Clearing sale 21c Women's Fleece Hosiery. Positively worth 15 cents the pair. Clearing sale price 10c Children's Woolen Ribbed Hosiery. Very special at 12 1/2c Misses' Ribbed Hosiery, of good weight, full regular make. Basily worth 20c. Very special at 12 1/2c Dr. Denton's Sleeping Garments for Children, very specially priced from 30 to 55c, according to size, during the Clearing Sale

Quire Paper 500 quires of fine linen paper, all sizes, worth 25c quire. To go at... 5c \$1.50 Corsets A broken assortment of odd sizes in the best makes. While they last at... 79c Child's Hats 500 prettily trimmed hats, for school wear. Reduced from 1.50 to... 13c Sheet Music Newest hits in fifty cent music, slightly soiled in handling. Today at 12c

In Woman's Realm

MISS BERTHA GALLAND, the talented niece of Mrs. L. A. Watres, is making a splendid success in Philadelphia in "The Pride of Jennico," the play written by Abby Sage Richardson and Grace Furness from the recent novel by Agnes and Egerton Castle. The play was first staged in Baltimore, where it had a great vogue during the two weeks' run of its stay. It is booked for a fortnight in Philadelphia, where it opened at the Chestnut Street Theatre. The sensation made by Miss Galland was only what those who have seen her in the monologue work of her first modest venture, were prepared to predict. Her ambition is for Shakespeare, but that she has exceptional versatility is evident from the voice of the critics, some of whom seem to accord her with marked ability for romantic comedy. Miss Galland is a Scranton girl. At least she was born here, and much of her young girlhood was spent in this city. The handsome home on Clay avenue now owned and occupied by P. M. Spencer, was built by her father, Berthold Galland, and much of the interior decoration in oriental designs was done by Mrs. Galland, who is a sister of Mrs. L. A. Watres, and has a plentiful share of the talents of that gifted family. Several years ago Mr. Galland removed to New York, and the beautiful daughter has well improved her lot. She has been the pupil of Mr. Edgar, who recently died, and her actual stage experience is very limited. Thus it is the more remarkable that at one step she occupies a place coveted by thousands of rivals in the dramatic world.

MISS GALLAND is now about twenty-three years old. She is possessed of beauty of the rarest type, having in it a tint of Oriental coloring which gives roundness of a Grecian picture. She is accomplished in many directions, and a brilliant force is foreshadowed. In 1887 she made a brief tour in which she gave charming impersonations of Ophelia, Juliet "Loah," Lady Teazel and other great roles. She was seen lately in the city of New England, where her work was received with every demonstration of praise. It will be remembered that on the occasion of her visit to this city her appearance was the signal for a great ovation. At the close of the fortnight's engagement of "The Pride of Jennico," in Philadelphia, the play is to be rewritten owing to the criticisms of the last act in particular, where the "action" is rather too wearing with its five or more impending murder scenes. When the play has been revised it will be presented in Scranton and Wilkes-Barre before going to New York, where a long engagement will probably be filled. Colonel Watres and son Lawrence witnessed the first night in Philadelphia. For them it was literally a first night, as not one of the family had ever seen their fair relative except in the intimate relations of home life. Last night Mr. Harold Watres, and a flock of Princeton men went over to see "The Pride of Jennico," and it is probable that Mr. Watres will go down this week.

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PECKVILLE. The following officers were elected, Jan. 7, under the rules and regulations contained in the Methodist Discipline to serve the Methodist Sunday school for the year 1900. Rev. S. C. Simpkins acting chairman; Superintendent, H. J. McCormick; assistant superintendent, J. M. Coleman; secretary, Miss Jessie Hocker; assistant, B. C. Lintner; treasurer, James Cowans; organist, Miss Maud Treverton; assistant, Miss Bessie Budd; chorister, John Wear; assistant, H. A. Frear; librarians, Thomas Warne, Gay Keller. Mr. Edward Jones, one of the borough electrical engineers, is confined to his home by illness. Norma, the three year old daughter of Mr. and Mrs. Frank Peters, died Monday night. The funeral will be held this afternoon at the house; interment at Archbald.

OIL HEATERS

Handy to have one in the house during cold or damp weather. Have you seen the B. & B' Heater? Price \$4.50. With Bail \$5.00. Foote & Shear Co. 119 N. Washington Ave.

One Idea

Governs us in the manufacture of flour and that is THOROUGHNESS. There is not the slightest neglect of any detail allowed in the manufacture of Snow White Flour. The wheat must be of the best. It must be cleaned thoroughly. It must be ground properly. The sacks must be packed full weight. Everything done thoroughly and right. We believe the public appreciates our efforts. We "SHOW" they like "SNOW WHITE." "Weekly wholesale."

THE WESTON MILL CO. Scranton, Carbondale, Olyphant.

The Newark Shoe For Good Shoes and Rubbers. W. N. BROOKS. The Dickson Manufacturing Co. Scranton and Wilkes-Barre, Pa. Manufacturers of LOCOMOTIVES, STATIONARY ENGINES, Boilers, and Pumping Machinery. General Office, Scranton, Pa.

Pre-Inventory Sale OF Silks and Dress Goods.

In order to reduce stock before our annual inventory, we offer our entire stock of SILKS and DRESS Goods at a great reduction.

Spring Silks, very pretty, bright fancy checks, 75c value, 59c. Taffeta Silks, over 150 styles, fancy \$1.00 goods, 75c. Black Peau de Sole, pure silk, 90c goods for 79c. Black Peau de Sole, pure silk, \$1.25 goods for 95c.

Dress Goods.

Dress Flannel, good wide, all wool, complete line of colors, 35c goods for 25c. German Henrietta, new spring shades, 45 inch, fine all wool, 75c goods for 58c. Serge, all colors, 40 inch, fine all wool, 50c goods for 39c. Black Crepons, mohair top, \$1.00 goods for 79c. Black Crepons, best grade, in many styles, \$2.00 goods for \$1.50. Suiting, mixed and fancy plaids, large assortment of 35c and 50c goods for 25c. Novelty Suitings, 45 styles of 75c and \$1.00 goods for 50c.