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OPINION IN THE FANNING CASE

SUPREME COURT SETS ASIDE VERDICT OBTAINED.

In the Opinion It Is Set Forth That "As It Did Not Appear That the Legal Duty to Furnish Reasonably Safe Machinery and Appliances Had Been Violated, There Was No Ground on Which They Could Be Held Liable for the Plaintiff's Loss-Opinions in Other Cases.

Following is the opinion of Supreme Court Justice Fell in the case of Tessie Higgins against T. J. Panning & Co. of Carbondale, in which the appellate court overturns the verdict by which the plaintiff received \$3,200 for injuries received to her hand while working at an ironing machine in the defendants'

She claimed that the machine was defective, in that it jarred and jerked, and that by one of these unexpected jerks her hand, which was guiding a napkin into the rolls, was caught by and drawn into the rolls, squeezing it and drawn into the rolls, squeezing it flat and causing it to be permanently crippled. The defense was a denial of block, A. D. Russell, Edwin Rodney. any negligence.

Two grounds of negligence are alleged: (1) The failure of the detendants to instruct an inexperienced servant in the use of the machin-(2) Furnishing machinery which was un-because of being out of repair. Neither

allegation finds any substantial support in the testimony offered by the plaintiff.

The plaintiff was of full age. She had been employed for several weeks in the defendant's laundry, and had a general knowledge of the machinery in use. She had worked for three or four days at the mangle by which she was in-jured, and knew all the dangers to which she di Domenico, Vito Spiotto, Borello Guiseppe (2), was exposed. Her duty was to spread out the clothes to be ironed and piss them along the surface of a small platform until they were caught by the reliefs of the mangle. Hefore she did any work she was shown by one of the defendants how it should be done. He took

INSTRUCTION UNNECESSARY. No further instruction than this would seem to be necessary. In her testimony she did not claim that further instruction could have been given her, or that there was anything connected

with the work which she did not fully under stand from the start.

The work at which she was engaged was of the simplest character, and the only danger was in allowing her fingers to come into con-tact with the rollers, and this danger she fully knew. The only thing to be grarded against was lack of care and attention on her part, and

The only testimony directed to show that the machine was unsuitable or unsafe was that at times it jerked or jarred. What caused the jerking or jarring, and whether it was unusual

no amount of instruction would have made that

it may have been due to a defect in the ma-chine or have resulted from the clashing of the cogs when the rollers were subjected to a sever-pressure by passing between them thick pieces

of cloth. There was no evidence that the mangle had any relation to the plaintiff's injury. If she allowed her hand to be drawn in by the nepkin it was clearly her own fault, and the jerking or stopping of the machine was not a source of danger unless by its irregular mo-tion the axis of revolution was changed and they were brought nearer to her hand; but of this there is not the slightest evidence or even

absence of a guard on the machine was not a defect. There was no evidence tending to show that a grard would have added to its 10 p. m.—S. Carmody, safety, or that grards were in ordinary use in such machines at the time of the plaintiff's injury. As far as appears from the testimony the machine was of a kind in ordinary use, and t ordinary use was the test. A specific act of negligence must be shown,

In the absence of proof of defects which mided to the danger of the operation of the mangle, the promise by one of the defendants to fix it imposed no liability on them. As it did not appear that the legal duty to furnish reasonably safe machinery and appliances had been violated, there was no ground on which they could be held liable for the plaintiff's loss. The judgment is reversed.

MYERS VS. LITTS. In the case of A. S. Myers against William P. Litts, which was also decided by Justice Fell, the action of the 10 a.m.-Labar. local court was affirmed in refusing to allow the plaintiff and his wife to testify, on the ground that their lips were 7 p. m., south-Marphy sealed by the death of the other party to the alleged parol lease, Mrs. Sarah

Myers sued to recover \$5,000 for farm stock, produce and implements which were sold by Litts at auction under power of attorney from Mrs. Vosburg, on Mrs. Vosburg's farm, which Myers claimed he was the rightful possessor of under a lease, made with Mrs. Vos-

Before the trial of the case came up Mrs. Vosburg died, and at the trial Judge Archbald ruled that Myers could not testify to the alleged parol lease and the husband being incompetent, the wife also was incompetent.

Another assignment of error, the referring to other excluded testimony, was not considered by the Supreme court because, in violation of the rules, the plaintiff neglected to set out the testimony given under the offer to which the objection was made.

The King of Sweden never touches a gun The King of Belgium has shot only twice in his life, and the Sultan of Turkey cannot bear

UNCLAIMED LETTERS.

\$

Scranton postoffice, Lackawanna county, Pa., May 16, 1990. Persona calling for these letters will please say advertised and give date of list. Exra

Mrs. Emma Allen.
William Bridgeman, C. M. Dep (3), A. J.
Brown, Charles Billings, George Bailey, Miss
Ethel Barnes, Mrs. Barlow, W. A. Bennett, S. E.
Ball, Fred Bauman, Bealiner Brothers.
Thomas Convey, Miss Harriet Coleman, Miss
Catherine Conklin, William Cetiles, Mrs. G. W. Clark, H. C. Connell (2), M. J. Coolahan, Pat Cannavan, care of R. Kimmacher, Ross Court-

right, D. Cohan. Miss Lydia Decker, Mr. Dollinger, Miss Norah Daly, Mrs. Elizabeth Drum. W. W. Edwards, Engineering Employment Bu-

M. Fuller, John H. Firman. Harry K. Grubb, Mrs. Cammie Gordon, Miss Mary Gallagner, Katle Gilbride, Mrs. James T. Gallagher, E. B. Gunster, A. W. Gale. A. J. Hughes, H. F. Howell, George F. Houser, James H. Harmon, J. H. Huff. Mrs. M. T. Jones, James Johnson (2), John T. Morgan, Miss Katie Jones, care W. T. Rossin, Mrs. A. Jones, Miss Alicia Kelly, Dr. Mary Beale

Miss Margaret Lewis, James Lanyon, Miss Lizle Mitchell, Miss M. S. Morgan, Ell Macafee, Burtley Mullen, Frank Moor, W. B. Miller, Miss Sarah McIntyre, Miss Della McQuaw, Oriste Mavinda, A. M. Meylert & Company, Mrs. A. Morri-

on. Miss Katle Nilling

Mrs. Ellen Owen, Harry Owen, Hanna E. Sylvester Phillips, Peerless Folding Table com pany, Anna Price, G. H. Preston, Charlie Polted, Helen Pierce, Miss N. S. Platt, Harry Pearson,

Mrs. J. G. Sweet, Mrs. R. Shapireo, A. M. Stewart, Augustin Sigrist, R. D. Simonds, Miss Lucila Storm, Rev. J. D. Simmis, Wittive Verena

Mrs. L. Von Storch John J. Walsh, Mrs. Morris Williams, Mrs. F. D. Webster, Emma Weisel, W. H. Whyte, Eli

White, Frederick Williams, P. J. Walsh, E. A. Warren, M. Walker.

ITALIAN. Vincenzo Pelkenott, Angelo Pavilico, POLISH.

Marie Dombreski, Alexsandra Witweskis, Juref Blasewicz, Joseph Grudzinski (f), Kazimier Bar she did any work she was shown by one of Blasewicz, Joseph Gruzzinski (2), Kazimier Barthe defendants how it should be done. He took between Wincentz Juson, Georg routhinsky, A. ber to the mangle, spread out a napkin and Godfewski, Antoni Kagunan, John Godfewski, passed it towards the rollers till it was eaught.

INSTRUCTION UNINCESSARY.

INSTRUCTION UNINCESSARY. kowski, Anton Krayzanski, Frank Josef.

BUNGARIAN. Mike Viruzki, Kuturyna Cuzarz, Pawet Bogus Katazyna Dobzanska, Stanislaw Witnez, Micharl Szczerbak, Jan Koruc, Piotr Hyabaszcz, Szczepan Lika, Janes Kavabin, Posko Nasza, Andrew Wor-mick, Mike Savuka, Mrs. Klara Kawalska, Frank Jonepia, Czan Mavtinkos, Mehorocsak Pali, John

INDUSTRIAL JOTTINGS.

Way That Trains Are Marked on the D., L. & W. Board for Today. Other Notes.

Following is the make-up of the Deltware, Lackawanna and Western board for today: Tuesday, May 15.

WILD CATS SOUTH. p. m.-G. M. Wallace, p. m.-M. J. Hennigan, p. m.-G. Hill. 10 p. m.-W. F. Mann. 11 p. m.-E. Duffy, with Brock's men. WILD CATS NORTH.

p. m.-T. Eitreatrick, p. m.-J. G'Hara,

WILD CATS SOUTH.

with J. E. Master's men.

SITMMITS.

PULLERS.

PASSENGER ENGINES. WILD CATS, NORTH,

WILD CA'IS, N S a. m.-J. Miller. 10 a. m.-E. M. Hallett. 11.30 a. m.-W. McAllister. 1 p. m.-W. A. Bartholomew. V p. m.-R. W. Pechina.

This and That. Thirty men were laid off at the Dickon Manufacturing company's shops ecently, owing to work being a little

dack at present. Nearly all the Delaware, Lackswanan and Western mines are working eight hours every day, with the excep-tion of the collieries that have been shut down for repairs.

Workmen were engaged yesterday in tearing down the cupalo on the Delaware, Lackawanna and Western machine shops and in making repairs and alterations on the roof of the building Superintendent J. M. Daiy returned from Buffalo yesterday and reports the condition of affairs unchanged there.

A MONUMENT FOR FRANCES SLOCUM

[Concluded from Page 6.]

On Thursday next, May 17, the monument will be dedicated, Governor Jas. A. Mount, of Indiana, and many prominent men of the state will attend the ceremonies, which are as follows: A meeting of the Mounment committee at 10.30 a. m. at the residence of

Judsen C. Bundy, opposite the monu-The formal exercises will begin at 12

Prayer by Arthur Gaylord Slocum, A. M., LLD., president of Kalamazoo college, Kalamazoo, Mich. Address by Charles E. Slocum, M. D., Ph.D., of Deflance, O. Unveiling of the monument by Misses Victoria Bundy and Mable Ray Bundy, cousins, of Reserve, Ind., great-grand-daughters of Frances Slo-

Remarks by prominent persons, including ploneers who knew the captive. Benediction by Rev. William F. Slocum, A, M., B. D., of Montour Falls,

DESCRIPTION OF MONUMENT. The monument stands eight feet and six inches in height, and rests upon a stone base four feet square. On the four sides of the memorial are these

Frances Slocum, a child of English descent, was born in Warwick, R. L. March, 1773; was carried into captivity from her father's house at Wilkes-Barte, Pa., Nov. 2, 1778, by Delaware Indians soon after the Wyoming Massacre. Her brothers gave persistent scarch, but did not find her until Sept. 1, 1887.

When informed by a published letter describing an aged white woman in the Miami Indian village here, two brothers and a sister visited the place and identified her. She lived near here thirty-two years with the Indian named Macona-quals. She died on this ridge March 9, 1847.

Frances Slociam became a stranger to her mother tongue, she became a stranger to her brethren, and an alien to her mother's children through her captivity. See Psalms, 1xix:8.

This monument was creeted by Slociams and others who deemed it a pleasure to contribute, and was unveiled by them with public ceremonies May 17, 1900.

She-pe-con-ah, a Miami Indian chief, husband of Frances Sleeum, Ma-con-aquah, died here in 1823 (?), at an advanced age. Their adult children were: Ke-ke-nok-esh-wah, wife of Rev. Jean Baptiate Brouillette, died March 13, 1847, aged 47 years, leaving no children.

O-zah-hen-quah, or Jane, wife of Rev. Peter Bundy, died Jan. 25, 1877, aged 62 years, leaving a husband and nine children.

SUCH IS THE STORY.

Such is the story of Frances Slocum. who was born in 1773, stolen in 1778. died in 1847, and had a monument erected to her memory in 1900, And standing by the monument on

Thursday next, there will be no proud-er girl in Indiana than Mabel Ray Bundy, the great granddaughter of Frances Slocum. For Mabel Bundy has red, red hair-

and is the only descendant of her great-grandmother so characteristically and distinctively marked. And so some fine day Mabel Bundy's red hair may bring her a monumentjust as it did to her great-grandmother

"the White Rose of the Miamis"-Philadelphia Press. A number of relatives of the woman above referred to are now residents of

MEETING OF STATE TEACHERS.

It Will Be Held at Williamsport from July 3 to 6.

John A. M. Passmore, president of the Pennsylvania State Teachers' association, has issued the following: Te Teachers, Directors and Friends of Education

desire to call your special attention to the next meeting of the Pennsylvania State Teachers' association, which will be held this year in the city of Williamsport, Pa., July 3 to 6, inclusive, Every enrolled member of this association will receive a copy of the addresses and other pro-ceedings not only of the State Teachers' association, but of the City, Bereugh and Township Superintendents' association, and also of the state school directors' convention, thus getting very best thought along these different lines

I appeal to the friends of education in Penn-rivania to enroll in large numbers. There are or 25,000 teachers in the state in the public chools alone and the number of superintendents, eachers, directors and other friends of education proffed should not be less than 10,000,

The trip to Williamsport is a pleasant one, it is an ideal place to meet—fine hotels, its citizens noted for their hospitality; elegant drives, and the excursion to Eaglesmere will be a great attraction. The programme is excellent; turn out in large numbers and show your interest in the great educational association of your state. If you find it utterly impossible to attend the meeting send your enrollment fee of \$1 to Pro-fessor David S. Keck, treasurer, Kutztown, Pa., who will promptly send you a certificate of mem-

Let me not plead in vain for our dear old r. John A. M. Passmore

WARRANT FOR A DOG.

It Was Issued by Alderman Myron

Kasson. Alderman Myron Kasson yesterday ssued the oddest warrant of his career since he has been magistrate of the Seventeenth ward. It was for the arrest and apprehension of one white dog, belonging to a Polander, known in lieu of another name, as John Doe, and ordered that the animal, after be-

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Cure Impotency, Night Emissions, Loss of Memory, all wasting diseases, all effects of celf-abuse or excess and indiscretion. A nerve tonic and blood builder. Brings the pink glow to pale cheeks and restores the fire of youth. By mail 500 per box. 8 boxes for \$2.50, with our bankable gaurantee to cure or refund the money paid. Send for circular and copy of our bankable guarantee bond.

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CYELLOW LABEL)

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NERVITA MEDICAL CO. Clinton & Jackson Sts., CHICAGO, ILL. Sold by McGarrah & Thomas, Drug-gists, 209 Lackswanna ave., Scranton, Pa

ing taken into custody, be brought be-fore Chief of Police Frank Robling, and there disposed of. The dog is accused of having, on May 1, bit Mary McGuinness, the young daughter of William McGuinness, of 538 Elm

McGuinness claims that after his child was bit he tried to find the dog. but it had been spirited away and concealed by a number of Polanders living in the vicinity. Yesterday he went to Chief of Police Robling and told him the facts. The chief sent him to Alderman Kasson, who issued the warrant. A vigorous search will now be instituted for the vicious canine, and if discovered there is likely to be one less of the species roaming the highway.

ESCHENBAUGH FUNERAL.

Remains Were Interred in the Stroudsburg Cemetery.

William Eshenbaugh, the Lackawanna fireman killed near Scranton on Friday night, was buried here today. The remains, which were enclosed in handsome antique oak casket, were brought down on the 11.47 and taken to the East Stroudsburg Methodist Episcopal church, where funeral service was held. The interment was in Stroudsburg cemetery.

A delegation of Acme lodge, No. 228, Brotherhood of Locomotive Firemen. Of which are imported from best Paris makers and those bought acted as pall-bearers. They were Messrs, J. Matthews, J. Edwards, J. McAndrews ,J. Bertron, J. C. Peck, W. Travis and Tony Seeger. The flower bearer was John Decker .- Stroudsburg

Spring Humors

It doesn't make any difference whether you believe in the modern theory and speak of the cause of diseases as referable to germs, microbes or bacilli, or whether you use the older and better understood terms of "humors" and "blood diseases"-Hood's Sarsaparilla cures them all JUST THE SAME. It cures those eruptions, boils and pimples which are so likely to appear in the Spring; cures scrofula diseases in their most tenacious forms; cures salt rheum or eczema and relieves the itching and burning; adapts itself equally well to, and also cures, dyspepsia and all stomach troubles due to generally weak condition and thin, anæmic blood; cures nervous troubles, which, in nine cases out of ten, exist because the impure blood cannot supply proper nerve food; cures debility and that tired feeling, which just as surely indicate that the blood is lacking in vitality and the elements of health. This is not merely modern theory but it is solid, up-to-date fact. Hood's Sarsaparilla has had such remarkable success along these lines that it is not too much to say it is the best Spring Medicine, blood purifier, stomach and

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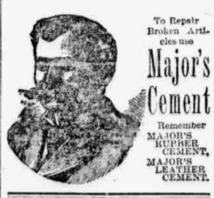
2. Our assortments are as complete in the plain and inexpensive goods suited to the modest home, as in the more claborate and artistic lines required for the more pretentious home or mansion.

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the fashionable light woods and effects for summer furnishing R. J. Horner & Co., Furniture Makers and Importers, 61-65 W. 23d St., New York

(Adjoining Eden Musee.) A visit to the establishment of R. J. Horner & Co., brings you in touch with everything that is new and worth seeing in the Furniture world.—Newspaper Comment.



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DR. DENSTEN

it is quite extraordinary for the middle of May. CONNOLLY & WALLACE, LACKAWANNA AVENUE

Connolly and Wallac E

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quantities are large, selection is very wide and sizes quite com-

plete. Such an offer might be expected the latter part of June;

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