ATTRACTIONS

HER PARKS, FORTS, SCHOOLS CEMETERIES.

One of the Most Beautiful and Interesting Cemeteries in the Land Is Bonaventure, in Which Nature and Art Combine to Adorn the Resting Place of the Dead-Other Noteworthy Points of Interest in and Near This Charming Forest

20,000 volunteers were drilled and

tained such skill as to carry off the

lion's share of the prizes at Sea Girt, N.

J., in their two late visits north. Also

Jasper Springs, where the gallant ser-

geant fell in the war for American in

dependence, and Fort Pulaski, on the

Savannah river, historic in two wars:

Fort Screven, on Tybee Island, with its

massive disappearing guns, that com-

mand the sea approach, called the

there is Thunderbolt, called the Glou-

of the Savannah Yacht club; also the

in the country, five miles in extent.

BONAVENTURE.

was settled upon in 1670 by Colonel

John Mulryne, and after the marriage list of commercial cities of this section

Just a Few of the Many

Saturday Bargains

New Laces-Black Serpentine Chantilly Insertings, exquisite new

White English Val Laces and Insertions-from 3 to 5 inches

White Torchon Lace and Insertions-50 pieces, 10c to 121/4c

White Embroideries-Nicely assorted line of pretty edgings, all

Lace Collars-1,200 Egyptian Point Lace Collars, 25c grade.

Ribbons-Another blg lot of high grade full 5 inch pure silk Taf-

500 pieces of Black Satin Back, No. 1 Velvet Ribbons, 10 yard

Corsets-Another opportunity in our Corset Department. All

Umbrellas-Two lots made of all of our best Silk Umbrellas.

Ladies' Vests to be found in town.

A big selection of wider goods, all new, 15c grade...... 9c

Cambric, Nainsook and Swiss Insertions 8c to 35c

A new line of fine Lace Lawn and Linen Batiste Neckwear just

White All-Over Laces -some patterns shown for the first time.

wide, not a piece worth less than 123/2c to 25c. Special price 4c

grade. Special..... 4c

10c grade..... 6c

While they last..... 70

feta Ribbons, white and all the choice colors; 25c grade 15c

50 pieces very attractive Hair Ribbons, new welt stripes 5c

full length Corsets at half price. Finest French models and best American makes. P. D., C. B., J. B., P. N. and Flexi-

bone. \$3.50 Corsets for \$1.75. \$2.50 for \$1.25. \$2.00 for

Ladies' Underwear-We believe we offer the best value in

Ladies' Fine Vests, mercerized, as fine as silk.......

Ladies' Fine Vests, lisle thread, exquisitely trimmed25c

Ladies' Fine Black Lace Hose50c

\$1.00, \$1.50 for 75c, \$1.00 for......50c

\$3.00 to \$3.50 for \$2.00, \$3.75 to \$5.00 for \$2.50

trie cars or carriage.

Forsyth Park, right in the heart of peach in the world. These riches of the city, formed after the plan of the the state flow into Savannah, not only Grand park in the City of Mexico, is down the river and from along the a peerless gem that many northern coast, but over the Central Railway of cities may well envy. The shade trees Georgia, whose main line runs to At-Special Correspondence of The Tribune. in it are mostly pine and of the natural lanta. Savannah, Ga., April 7. growth of the forest. The walks are DOINTS OF interest to be remembroad, winding and prettily arranged are the public parks, containing lawns and clumps of roses, coleas, tempted its capture in 1776; but two plaintiff's bill, because he had deprived the monuments to Sergeant Jasper, caeti, ivy and climbing plants. It con-General Nathaniel Greene and Pulaski -all Revolutionary heroes-and the imposing monument to the Confederate dead in the military parade grounds of In the center is a beautiful fountain. tayannah. By the way, the city con- In the center of the parade grounds campaign and 300-mile march to the tributed nearly the full share of Geor- stands the Confederate monument, gia's quota of troops in the Spanishmodern Italian in style and fifty feet American war. You should visit the high, standing on a raised terrace and capped by a bronze statue of a Consites of the great military camps where

armed for the stirring scenes on the was erected by the Ladies' Memorial

island of Cuba. Then there is the rifle association. On the die is this peculiar

range, where Savannah riflemen ob- dedication; "Come from the four winds, O breath, And breathe upon these slain That they may live." To the Confederate Dead.

1861-1865.

federate soldier at "parade rest." It

FORSYTH PARK.

RAILWAYS.

Savannah is an important railroad terminus. There are four great trunk watch dogs of the Georgia coast. Then lines entering the city, the "Atlantic of the "Plant System;" cester of Georgia, the oyster and fish Georgia Central, the Southern Railway. depot of South Georgia, and the home and last, but not least, the "New Sea Board Air Line." Savannah has also ocean steamship wharves, the largest four steamer lines and connections to New York, Philadelphia, Baltimore and Boston.

Tybee and Warsaw islands, the seaside resorts of Georgia and South Caro-These trunk lines entering the city lina: Isle of Hope and Montgomery, are have contributed more in bringing charming resorts on the "Salts" and about Savannah's wonderful prosperity unrivaled for the beauty of their apthan any other agency. In the civil proaches and surroundings. Here are war Georgia was known as the "granthe homes of many Savannah business ary of the Confederacy," and the Another feature worthy of a southern armies were largely supplied visit is Bethesda, an orphan industrial from the bounty of her broad acres. school founded by Whitfield in the days The "New Road," as the Scaboard is of Oglethorpe, likewise far-famed Bonaventure, the most picturesque called, is spending this year a million dollars in Savannah, erecting new office cemetery in the world. For want of buildings and enlarging its extensive time and space I will only describe the switches and terminal, and also relatter and Forsyth Park. Nearly all claiming waste land, etc., a transforthese places are reached in a few minmation scene well worth one's visit to utes either by wheel, automobile, elecsee. There seems to be an air of mutual congratulation among the citizens that the extensive terminal improvements, the shortening of the route some thirty. Bonaventure is one of the most fafour miles between Savannah and Jackmous, unique and beautiful cemeteries sonville, will not only prove advanin all America, and within its sacred tageous to the Seaboard, but add great confines have been buried many of the ly to the general appearance and also most distinguished Southerners. It is the city's prosperity. This is a gigantic a favorite placeof resort to citizen and enterprise and Savannah owes much of stranger alike. Cities of the dead have its present prosperity to the new road's fame as well as cities of the living. management. The long "iron arms" of One hundred years ago some four these trunk lines, tapping the Caromiles outside of Savannah this site was linas in the north and northwest, and selected for a cemetery for its great westward extending into the middle natural leveliness. Its charm then, as and southwestern Georgia and Alawell as now, was its wealth of noble bama and portions of Tennessee and live caks from which drooping masses Mississippi, and southward penetrating of heard-like grey Spanish moss hang in heavy and graceful folds over the grave of the distinguished dead of a century ago, forming avenues and arches of over a half mile of a strange.

Mississippi, and southward penetrating the heart of Florida, pour into the lap of Savannah's commerce immense contributions of the native pine, the cotton, the rice, the fruit and vegetable fields, the granite and phosphate beds, archive in common with Democracy in Mr. Coray's entire composition. He has not ejectment against settler, the subject matter of the su and weird aspect. The original tract etc., that enables her to stand proudly

as a commercial center and first in the

39c, 49c and 50c

It used to be considered in the South of his daughter in 1761 to Josiah Tattnal, the occasion was celebrated by and in Georgia particularly, that cot-the planting of oaks which now adorn ton was king. Since the civil war all and in Georgia particularly, that cot-OF SAVANNAH the grounds in the forms of the letters this has been changed. Planting inthe grounds in the forms of the letters this has been changed. Planting infarms have been cut up into fruit orch family names of the bride and groom. For over a half mile extends a mag- ards; where once were extensive cotton tunnel, from the roof of which drop planted and packing houses, canning long stalacites of leaden-colored mess factories and crate factories have been wayed to and fro by every passing multiplying. Thousands of acres are breeze. Here, too, as in the city, pal- laid out in peach development, and mettos and Spanish bayonets and other during the dull summer months, when harbingers of tropical regions greet the cotton and grain crops are laid by stranger's wondering eyes and remind there are busy scenes among the peach him that he is beneath a sunnier sky pickers and packers. The luxuriant peach orchards have lately become newly found wealth to Georgia. The 'Elberta" is the largest and finds!

The city was founded in 1733 and re tains ten acres and an additional ten. ing the civil war, after resisting its reto be used as a military parade. The duction by the national naval forces, main entrance is guarded by sphinxes. it surrendered to General Sherman on Dec. 21, 1864, after his five months sea. Sherman presented the city to President Lincoln in the following leter: "I beg to present to you as a Christmas gift the city of Savannah, with 150 heavy guns and plenty of ammunition and also about 25,000 bales of otton." The capture proved much larger, including 800 prisoners, 13 locomotives in good order, 190 cars, 4 steamboats, besides the ironelads and 3,000 bales of cotton safely stored the sea and was the virtual collapse of

J. E. Richmond,

FOR STATE TREASURER

Senator McDonnald Says Charles Robinson, of This City, Is the Logical Democratic Candidate.

The Philadelphia Inquirer yesterday ontained the following:

Democrats of Northeastern Penusyl ania who ought to know Mr. Coray cratic nomnation for state treasurer They favor the nomination of former Sheriff Charles Robinson, of Lackawanna county, a straight Democrat, and he can command a solid delega-tion from his own and neighboring counties, where Mr. Coray, who is an independent Republican, styled

should be strongest.

The above were emphatic declarations from former State Senator M. E. Mc Donald, of Scranton, at the Hotel Wal-ton, last evening. He came here to review the political situation in the state and to ascertain how far the agitation for the nomination of a fusion ticket by the Democratic state convention which meets at Harrisburg on the 15th prox., has received indersement from erats in this section of the state. There has been no more ridiculous proposition heard of in state politics for some time," added Senator McDonald who is one of the influential Demoleaders of Lackawanna county "For Democrats who have any respect for themselves and the traditions of the Democratic party to place Mr. Coray's name upon their ticket would be farci-

Democrats in Luzerne county, ir othing in common with Democrats and his nomination would be an insult Democrats of Northeastern Pennsylvania, who are now happily nited and determined to labor for the welfare of the party.

The time has arrived," said Senator McDonald, "when the stalwart Demo-crats of Pennsylvania must assert themselves. We have had too much of this catering to a small minority facthis catering to a small minority fac-tion of the Republican party. It is high time that we heard something of straight Democracy in our party counis and our state conventions.

"Two years ago we could have elect-d a Democratic speaker of the house ed a Democratic speaker of the house of representatives had these so-called independent Republicans voted with us. Had they been as eager to defeat M. S. Quay as they would have it appear they could have elected George A. Jenks, the Democratic candidate for United States senator, but instead they preferred to have the legislature adjourn in a deadlock. At the session of the in a deadlock. At the session of the legislature just closed we had the same experience of the independent or inurgent Republicans seeking to subordinate the Democracy to their own selfish purposes. These insurgents again refused to support a Democrat for speaker of the house. They insisted upon the Democrats taking up one of heir number, General Koontz, with the same result. The scheme falled, and as before the Democrats got nothing.

"If former Sheriff Robinson or any other good Democrat shall be agreed upon by the delegates who are in favor of the nomination of a straightout Democratic ticket no power in or out of the Democratic state convention can stop the nomination of such a candi-

Sheriff Robinson is favorably known and is very popular among active Democrats throughout Eastern and Northeastern Pennsylvania. He can Northeastern Pennsylvania. He can command the hearty support of the eaders of the Democratic organization n Lackawanna, Luzerne, Wayne, Pike and other counties, and I am curious to learn what Democratio leader of in-fluence will run counter to the positive demand of the Democrats of Pennsylvania for the nomination of a clean-cut, straight Democratic ticket.

"We are about to enter upon a camgovernor. We cannot keep the Demo-cratic forces in line for that important campaign of next year if we at the outset encourage our people to vote for Republicans. If we are to win in the future we must begin now to marshal the Democratic voters, train them to look to their party for the election of good men and hold out to all Republicans who are dissatisfied with the ad-ministration of affairs under existing Republican leadership the hope that brough a united and aggressive Democratic organization they may unhorse the present Republican leadership by driving their supporters from power and thus leave a way open for a reor-ganization of their own party. "Mr. Coray may be all right in his way, but the Democrats of Pennsyl-vania will not countenance his nomina-

tion or that of any other Republican on their state ticket this fall." Important Changes in Lackawanna

Railroad Schedule. Taking effect Sunday July 21st sev eral important changes will be made in the Lackawanna schedule and passengers will do well to consult the local papers beginning Saturday the 20th before taking trains as under the new table a number of trains will leave a few minutes earlier than at present. "

All Summer Shoes.

and Oxfords at half price to make reom for fall goods. Lewis, Ruddy, Davies & Murphy, 330 Lackawanna

REYNOLD'S BILL IS DISMISSED

nificent avenue of oaks, forming a leafy plantations choice orchards have been IS NOT ENTITLED TO EQUIT-ABLE RELIEF.

> Opinion Handed Down by President Judge Edwards in the Case of Reynolds Against Boland et al. - Because the Plaintiff Joined with One of the Defendants in an Effort to Deceive Another Party to the Transaction, the Judge Directs
>
> Transaction the paper; that was drawn by you, was it not? (Paper shown witness). A. Yes, sir.
>
> Q. And drawn up with the design of feeling
>
> Mr. Stetler, wasn't it? A. I suppose that is the That the Bill Be Dismissed.

President Judge H. M. Edwards yesterday handed down an opinion in the equity case of H. B. Reynolds against The opinion reads as follows:

On an examination of the law applicable to th facts in this case I find that the central fact upon which the plaintiff's bill is founded is of such a character as to take the contention out of the domain of equity. The dispute is between H. B. Reynolds, the plaintif, and William P. Holand, one of the defendants. There is no eviice connecting C. G. Reland, John A. Mears and the People's Coal company with the case och a way as to require them to answer as de codants. It is practically conceded that there no evidence to hold them, and that the dissute has parrowed itself down to a contest b tween the two men named. The testimony many matters of detail. Taking the view I de ransports blown up by the enemy, and of the case, it is only necessary to find a few of tway. This ended the great march to the pleading and evidence I find such facts as are material and relevant. I shall state them in my own way without answering the requests submitted by both parties.

J. Before Dec. 10, 1888, S. N. Stetler had secured certain leases of coal under land located on the West Side of the city of Scranton, and was desirous of the aid of others in the development of the property. He submitted the mat to William P. Boland and H. B. Reynolds. er some negotiations, Stetler, William P. Boland and Reynolds met with George S. Horn and i. Doland and entered into an agreement, dated Dec. 10, 1808, to form a mining company, the Stetler leases being the substantial capital of the company. The company was organized with a apital of \$5,000, divided in certain proportle tween the five persons named. In pursuance of his agreement a charter was secured for the People's Coal company, each of the incorpora-tors, either personally or through others, paying his share of the ten per centum of the capital

Mr. Stetler assigned his leases to fee parties to the agreement of Dec. 10 in their individual names. Mr. Hern and Mr. C. G. Boland objected They also decided, after investigating he property, and the facilities for mining the having lost faith in it. The controvers to individual liability under the assigned ases, and the waning confidence of two of the jectors, occasioned some delay, which was not Boland finally agreed to assign their interests in the company and the property to H. B. Reynolds and William P. Boland, who wanted to continue he venture. They still thought it could be made to succeed. The written cyide assignment to Reynolds and Boland is dated May 1, 1800, and is endorsed on the back of the agreement of Dec. 10, 1808. It shows an assign-ment by Mr. Horn to H. B. Reynolds and William P. Boland, and by C. G. Boland to Wil-liam P. Boland. While the foregoing events were ulminating, and before the date of the assignment. Stetler had taken away the leases and apparently was proceeding to negotiate with some ther party or parties without regard to the Stetler, H. B. Reynolds and William P. Boland ritten in it the following important clause lates, to assign all the stock held by us in the People's Coal company to said 8, N. Stetler, or any persons, or company, to whom he may direct such assignment to be made." Later in the year 1899 there was an increase of \$95,000 effected pany, and the stock was distributed to various individuals, William P. Boland receiving 319 shares.

TO DECEIVE STETLER.

2. The paper of April 4, 1899, prima facie, left William P. Boland and Reynolds without any stock or interest in the company; that is, they agreed to assign all their stock to Stetler or whomsoever he would name. Nevertheless, it appears that Stetler had no objection to William . Boland. They were on friendly terms and occess of the coal property. But it is clear at Stetler refused in any way to recognize ynolds as interested in the property. From the arly spring of 1800 Stetler inslated on the elic ation of Reynolds from the joint concern. This appears fairly stated in the plaintiff's sixth renext for finding of fact, as follows: "From the me when the ejectment suit was started there was discord between Stetler and the plaintiff and a decided hostility upon the part of Sietler towards Reynolds. This amounted to a determination on Stetler's part to deny Reynolds any in terest in the company, and to refuse to consum-mate the transfer of the leaves of the company unless Mr. Reynolds got out and severed all con-nection with it, either as stockholder or as offi-

Notwithstanding the antagonism of Stetler to mained on reasonably friendly terms. They need ed each other's services. Reynolds wanted some help in connection with his "Avondale scheme," as it is termed in the evidence. Roland was in strumental in bringing Reynolds into contact with Mr. Truesdale, of the Delaware, Luchawanna and Western Railroad company, for the purpose of furthering the Avondale "proposition," and Beland was willing that Reynolds should have some of the People's Coal company stock. Whether Reynolds premised to give Boland \$10,000 in cash when the Avondale matter was consum mated in payment for Reynolds' assignment of his interest in the coal company, as is asserted on one side and denied on the other, is of no consequence now. It is evident that Reynolds wanted to relain his interest in the coal company, and it is also evident that this could not be openly done on account of Stetler's hostility to Reynolds. Therefore, on June 3, 1800, Rey nolds and William P. Boland met and made an arrangement by which Reynolds' interest could e protected and Stetler deceived.

REYNOLDS AND BOLAND AGREEMENT. 4. The foundation of plaintiff's claim for relief is founded on a paper signed by William P. Boland on June 2, 1866. There were two papers signed on the same day. They are as follows: (a) Assignment of Reynolds to Boland: "Now, June 3, 1899, for and in consideration of the sum of ten thousand (\$10,000) dollars to be paid to me in cash or good commercial paper by W. P. Boland, in the event that present arrangement or the mining of the coal, under lease specified said W. P. Boland, all my right, title and interest in and to the People's Coal company, and the stock due me from said company, as well as il interest in and to and under the said agree

ment, dated tenth day of December, 1868.
"H. B. Reynolds.
(b) Paper from Boland to Reynolds: "Not aird day of June, A. D. 1899, H. B. Reynolds naving this day transferred to me all his right, litle and interest in and to the People's Coal-company, and the coal leases covered by agree-ment of tenth of December, A. D. 1808, between S. N. Stetler and others, this is to certify that said transfer was made to me for the purpose only of temporarily satisfying S. N. Stetler, who for some mason does not entertain kindly teelings toward the said Reynolds, and purpose of harmonizing all differences existing between said S. N. Stetler and others interested, and I hereby agree that so soon as the organiza-

tion of the People's Coal company is completed and certificates of stock for the interest of said Reynolds in said coal company is issued to me, to re-assign and reinstate said Reynolds in his present interest as fully and as completely as if his assignment to me this day had not been

"Witness my hand and seal the day and year (Scal) "W. P. Boland." In two days Reynolds sent the following comunication to the president of the coal con

REYNOLDS' RESIGNATION. "Scranton, Pa., June 3, 1809,
"To the president, People's Coal Company,
"I hereby tender my resignation as secretary
and director of the People's Coal company, the same to take effect forthwith,

The one fact about which the witnesses who calify on the matter substantially agree is that he assignment of Reynolds was made to circurrent the hostility of Sietler to Reynolds. The plaintiff himself on cross-exemination testi-fies thus, in regard to the assignment:

one of it.

Q. Wasn't it stated in Mr. Breck's presence, as he stated here this morning, that that is what it was done for? A. Yes, sit.

Q. To pretend that it was an honest, hone fide transfer of this stock from you to Boland? A.

Q. Because Stetler had refused to go on with the deal as long as you were in it? A. I couldn't have any negotiations with him; he wouldn't have anything to do with me.

have anything to do with me.

Q. This paper was drawn for the purpose of fooling Stetler because he wouldn't go on with the deal as long as you were in it? A. Yes, sir.

Again, Reynolds, in his examination-in-chief, says: 'Will then came to my office and told me the condition of affairs; that Stetler not only charged me with tying him up in the original expenses, but also charged me with being the agreement, but also charged me with being the instigator of the ejectment suit, and he was ne that it was difficult, and, in fact, n the company, but that if I would assign my storest to him he would reinstate me in the empany in exactly the same position I the coupled, and I should have my full interest. said: 'Will, I will do it, I will make the assignment,' and I did that on June 3."

BRECK'S TESTIMONY.

Mr. Breck, plaintiff's witness, also insides; "Mr. Beland and Mr. Reynolds, in accordant with their general conversation, which I was at times a party to, spoke of their interest in this coal property, and it seems that Mr. Stellet was mixed up in the affair, and for some reason Mr. Stotler had a great deal of animosily against Mr. Reynolds, and in order that matters should e facilitated and things should move smoothly n, it was agreed that Mr. H. B. Reynolds should apparently drop out of the concern, alleging the e had nothing to do with it. He was at that ime the secretary of the company." On cross-examination the witness further testi-

ere to be drawn up for the purpose of deceiving Steller? A. Yes, sir.

Q. These papers were drawn up, as I under stand you in pursuance of this arrangement, this talk? A. Ves, sir.

Q. And was to embody that agreement that they had? A. Yes, sir.
Q. New give us what was said at that time. A. I can't give you exactly what was said, Q. Give it substantially. A. It was simply said that no arrangement could be made with

Steller. William said be couldn't do anything with him unless Harry stepped down and out, and it was pursuant to that talk that these papers were fixed up.

Q. These papers embodied substantially that agreement? A. Yes, sir.

There is other testimony to the same effect.
William P. Boland denies the delivery of the trust paper. He says that it was not satisfac-tory, and did not embody their agreement; if did not include the arrangement to pay the did not include the arrangement to pay the \$10,000 in connection with the Avondale matter. This is of no consequence. For the purposes of this case I hold that the paper was signed and delivered. Both papers must be taken together. They represent one transaction, one agreement. one falls, the other falls,

If one falls, the other falls, 5. After the increase of the capital stock Wil-liam P. Boland received 305 shares of the Peo, ple's Coal company stock. He subsequently sold 305 shares at 850 per share, and at the time of the trial be hold five shares in his own name. CONCLUSIONS OF LAW.

The plaintiff not being entitled in equity to e relief be prays for, his bill of complaint

2. The first request for a finding of law subited by the defense is in the following words: This being a court of equity the complainant not come with clean bands. He cannot, therehis right to equitable paper of June 3, 1890, printed as 'Exhibit B' this bill, as the complainant himself admits not the purpose is colorable for the purpose of de-siving Steller." This point is aformed. 3. An instrument in writing which may be e basis of a legal right in an action at law s not necessarily cognizable in equity.

DISCUSSION.

Mr. Pomeroy in his work on Equity Jurispru lence, vol. 1, section 401, in commenting upon ie maxim. "He who comes into equity must de with clean bands," says: "The maxim if one frequently invoked in cases upon fraudulen H a contract has been entered int rpose, a court of equity will not, at the sait of one of the fraudulent parties, a particeps doli, while the agreement is still executory, either compel its execution or decree its cancellation has restore the plaintiff or other interests wit had frandulently transferred. Equity will cave such parties in exactly the same position which they have placed themselves, refusing I affirmative aid to either of the fraudulent articipants. The only equitable remedies which ier can obtain are purely defensive. Upon ti same principle, whenever on- party, in puryuance of a prior arrangement, has fraudulently obtained reperty for the benefit of another, equity will of aid the fraudulent beneficiary by compelling conveyance or transfer to him; and generally. sere two or more have cutered into a fraudule home for the purpose of obtaining property in chick all are to share, and the scheme carried out so that all of the results of the band are in the bands of one of the parties, a court of equity will not interfere on behalf of the others to aid them in obtaining their share, but will leave the parties in the position where mee placed themselves." In the case at har care should be taken in the se of the word "fraud." It is not contended.

er can I find from the exidence, that when expedde mer Boland on June 2, 1850, and exe-ited the papers in evidence, they intended to here, but that they intended to deceive Stetler fool!" him, as some of the witnesses say, becond question. The facts in some of the udicated cases involve translatent agreements delay and hinder crediters by conveyance of operty or confessions of judgment. In cases th as Winton vs. Freeman, 102 Pa. 366, Evans a Dravo, 21 Pa. 62, and Hershey vs. Weiting, o Pa. 210, the Supreme court use language of a exercly condemnatory nature. The facts of other oner devised a lottery scheme to dispose of lots ious parties. Such a scheme was against w. The granter, who had made a deed to of the purchasers, sought to recover the a is was an attempt upon the plaintiff's part court says: "He who make for a specific perform-ance of a contract, to obtain which he practical deceit, is an unwelcome enter in a court of This case also decided that "it is well specifically enforced in equity unless the transac-tion be free from traud and surprise." A case nore in point is Vell's appeal, 91 Pa. 43b, where t was decided that "for reasons of public policy uity will not decree specific performance of a where such shares are sought for the purpose of controlling the bank." The transaction recited in this case seemed to have been a very inno-cent one. John W. Fell agreed in writing to sell for \$5,110.55, and interest, the stock to he delivered at a specified time. The money was tembered for the stock, but Yell refused to sistance him to the extent of retuing the aid of equity to his opponent, who was actuated by ulterior motive of securing control of the

In the case at bar I am satisfied that the plaintiff is not entitled to consideration in a court of equity. Boland and Reynolds had by the agreement of April 4, 1800, siready placed their shaken. Stetler was led to believe that Reynolds

company by a paper absolute on its face and which was to be shown to Steller, but which had, using a popular expression, a "string" to it.

Under these circumstances equity will leave the parties where it found them. It will not help one or the other. The ancient maxims of equity are in the way, "Who does iniquity should not have equity." "who comes into equity must come with clean hands."

This case came on to be heard at a regular erm of equity court, and was argued by counsel, and upon consideration thereof, it is ordered, adjudged and decreed as follows, viz: That the plaintiff's bill of complaint be dismissed at the eats of the plaintiff.

The prothonotary is directed to enter the deree nist in accordance herewith and to give otice to the parties or their counsel, and extime of such notice,

PROGRESS OF THE HEARING

[Concluded from Page 8.]

to work after being on strike for week, testified that three men called him a scab one day on Adams avenue, near Lackawanna, and that one of them knocked him down. He could not say who the assailants were.

WANTED IT STRICKEN OUT. Mr. Newcomb moved to strike this vidence out, on the ground that the testimony did not connect any of the

defendants with the assault. Judge Kelly ruled that unless it was shown that this was a point where pickets were maintained there could be no connection between the defendants and the offenses alleged.

Mr. O'Malley said it was proposed to prove that pickets were maintained there. Judge Kelly decided to allow the evidence to stand, pending the introduction of evidence to qualify it.

Conrad E. Hutchins, a boss painter at the car shops, testified that W. H. Stanton, one of the defendants, and some large man tried to induce him to quit and, failing to do so, called him vile names. Stanton also told the large man to hit the witness. They followed him to the Scranton house and told the bartender not to sell him anything.

At another time three or four men gathered about him outside the Scranton house and commenced to close in on him in a threatening manner. He drew a revelver and told them to keep their distance. They called for a police man, and he went to the Delaware Lackawanna and Western station. He later left his boarding house and went to live at the paint shop, because, as he said, it was getting too warm fo him up town.

A WOMAN WITNESS.

The first woman to enter the court com since the hearing began was Mrs. Patrick O'Connor, wife of a car shop employe who continued to work after the strike was declared. She testified that two men came to her house and told her to use her influence to keep her husband from going to work, adding that if he worked another day it would be his last.

She could not tell the names of the two men, and was not sure she could

Identify them again. Charles Jacoby, a member of the Fire Pullers' union, and George Dictu, president of the Fire Pullers, are the two men whom the plaintiff alleges called at the O'Connor residence. Attorney O'Malley called out the

name of Jacoby, and asked him to stand up. He was arising, when Mr. New-comb called out: "Sit down. Don't stand up. Turning to the court, Mr. Newcomb

said: "That sort of thing will not do, if it please Your Honor. police way of identifying. That may go all right in the Toombs, but not in a court of justice. It is a very close reation to the third degree." Continuing, Mr. Newcomb explained

that this was a very easy way of connecting Jacoby with the alleged offense. Mrs. O'Connor would be asked if that was one of the men, and even though perfectly honest, might mistakenly be nduced to believe he was the man, solely because he was pointed out to her as one suspected.

Judge Kelly ruled that Jacoby nee not stand up, unless he wanted to. A person need not give evidence that will end to incriminate himself, the judge said, and by a recent Supreme court decision it was made the law that to stand up in court to be identified equivalent to giving evidence.

MR. O'BRIEN'S ARGUMENT.

Mr. O'Brien argued that while this might be all true, it does not apply in an equity case, but only in criminal proceedings.

Judge Kelly retorted that the identification was for the purpose of connecting Jacoby with a criminal offense, that of making threats, and if he gave evidence now by helping along the identification, he could not prevent its being used against him later

Mrs. O'Connor was directed by Mr. O'Malley to step down from the stand, and a chair was placed for her near the plaintiff's table. "Charles Jacoby," called out Mr.

O'Malley. "Keep your seat, Mr. Jacoby," shoutd Mr. Newcomb.

Mr. O'Malley explained that Mr. Jacoby had been regularly subpocuaed as one of the plaintiff's witnesses,

"Oh, that's different," said Mr. New-"Mr. Jacoby may come forward-but not just yet. We will first have Mrs. O'Connor retire from the court room

The plaintiff's attorneys protested that this was not right, but Judge Kelly ruled that it was, that at the request of either side a witness may be compelled to retire while another witness is testifying. Mrs. O'Connor retired, in company

with her husband, and Mr. Jacoby came forward, but not until Mr. Newcomb had beckoned to him that it was all right

MADE DENIAL

Mr. Jacoby denied that he was one of the men who visited the O'Connor house and made threats. Mr. O'Malley was about to interrogate the witness further when Mr. Newcomb objected on the ground that the witness was not a defendant or in any way connected with the defendant.

Mr. O'Malley pointed out that Mr. Jacoby was alleged to have been associated with Dietu and that Dietu was one of the defendants, his name appearing as "--- Dicton." O'Malley offered to show by the sheriff that Dietu had been subpoensed as Dieton. Adjourning time was at hand, so Judge Kelly said the sheriff could be brought in at the next session. By agreement the hearing was continued until Monday morning at 9

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