## THE SCRANTON TRIBUNE-FRIDAY, MARCH 21, 1902.

# **OPINIONS HAVE BEEN RECEIVED**

## LOCAL CASES DISCUSSED BY SUPERIOR COURT.

Majority of the Court Agrees with Judge Vosburg's Findings in the Hartley Appeal in the Matter of the Estate of Ezekiel Gummaer. Judge Beaver Comments on the Exceptions in the Matter of the Condemnation of the Factoryville and Abington Turnpike.

Copies of the opinions of the superfor court in the four local cases de-cided at Harrisburg last Friday were received yesterday by' Prothonotary Samuel H. Stevens. Below are given in full the opinions

in two of the cases in which the court entered into a discussion of the merits of the cases.

The first is the opinion of Judge W. W. Potter in the Silas Hartley appeal from Judge Vosburg's decision in the matter of the Gummaer estate. It is as follows:

We hold with the court below that Ezekiel Gummaer made the moneys to be paid his widow a charge upon the farms devised to his sons, The intent of the entire will is in accord with this construction. The language of the particu-lar clause is that if the three sons "shall accept In clause is that if the three sons "shall accept the above property, it shall be on condition that they each pay annually an equal portion to their mother, Clorinda Gummaer, of six per cent. in-terest on \$2,000, and, if needed for her support, also the principal, each paying one-third," From this language, it appears that the testa-tor coupled the payments by the devisees with the devises of the hand, and made the payments a condition upon which the devises should vest. Upon the authority of Moran's appeal, 13 Pa, Superior court, 231, the real estate thus devised became in equiv chargeable with the payments

became in equity chargeable with the payments to be made to the testator's widow. The order of the court below, it is alleged,

is not clear. The defendant, Hartley, is directed to pay Clorinda Gummaer arrears of interest. These seem to amount to 292. It further directs that a sufficient amount of the principal to be paid "to reduce the same to \$500, which will re-

main a charge on the land." This apparently means that the principal charge upon the interest of flartley is reduced to

charge upon the interest of flartley is reduced to Silo, and that the balance of one-third of the principal is to be paid to Clorinda Gammaer. As so construed, the majority of this court are of the opinion that the decree should be af-firmed. I personally hold to the view that there is no proof showing that the widow needed any part of the principal. She had been able to live without incurring debt up to the time of the hearing. Furthermore, the principal of the charge would remain, subject to such demands as her proven necessities might hereafter make upon it. In obscience, however, to the direcupon it. In obedience, however, to the direc-tions of the majority of the court, the order is entered that the decree of the court below be, and it is hereby affirmed.

### TURNPIKE OPINION.

The second is the opinion of Judge James A. Beaver in the matter of the condemnation of the Factoryville and Abington turnpike. It reads as follows:

The proceedings under review, to vacate s much of the Factoryville and Abington Turnpike and Plank road as lies within the limits of Lackawanna county, were had in pursuance of the provisions of the act of June 2nd, 1887, P. L. 506. The petition contains a description of the road to be vacated and sets forth that it begins at one of the terminal points of the said turnpike and is continuous therefrom to the line between La Plume borough, in Lackawauna county, and Factoryville borough, in Wyoming This is all that is required by the terms of the act referred to. The title of the act clearly indicates that the

proceedings to vacate a turnpike road lies and are to be confined to the portion lying within the limits of that particular county. It is en-

DANGEROUS SURGLRY Should Be the Last Resort. Many people suffer from piles, because after trying various lotions, salves and ointments without relief or cure, they come to the conclusion that a surgical operation is the last resort, and rather than submit to the shock

and risk to life of an operation, prefer to suffer on; very often, however, the afflicted one is over persuaded to resort to the knife, and even though the operation is apparently successful, and there is complete recovery from the shock incident thereto, the result is invariably the same; the piles sooner or later return because their cause has not been removed. This result is a logical one, inasmuch as the knife removes the effects of the disease only, while the cause remains as before. There is claimed to be a remedy which does remove the cause, hence eradicating the disease, and that is the Pyramid Pile Cure; it is in the form of a

suppository, is applied directly to the parts affected, and brings about a complete cure, quietly and painlessly. In this conection the testimony of Mr. John Cullen Bryant, the well known bookseller of Haverhill, Mass., is of unusual interest.

"I desire to contribute an unsolicited, but purely voluntary testimonial in favor of Pyramid Pile Cure. I have suffered for more than twenty years with hemorrhoids, and have consulted numerous physicians and expended a great deal of money for medicines that did me no good. I had often seen Pyramld Pile Cure advertised, but hesitated for months before buying same, thinking it a patent or quack remedy that had no merit; but having tried every other remedy prescribed I was finally persuaded one year ago, to try Pyramid Pile Cure. I bought a fifty cent package at the drug store, and while I may not be permanently cured, the past year has been the only year of my life worth living during the past twenty years, and nothing but the Pyramid remedies have wrought this change. I offer this testimony for the benefit of suffering humanity."

sion of the law bearing on the points in dispute.

INDUSTRIAL JOTTINGS.

#### D., L. and W. Board for Today. The following is the make-up of the Delaware, Lackawanna and Western board for today:

THURSDAY, MARCH 20. Extras East-8 p. m., Hoboken, R. Ruegg; 10 p. m., M. Finerty; 11 p. m., Hoboken, J. H. Swartz.

FRIDAY, MARCH 21.

Extras East-1.30 a. m., A. G. Hammitt; 4 a. ., H. Glligan; 6 a. m., Hoboken, F. Case, with J. W. Devine's crew; 9 a. m., Hoboken, Harvey; 10 a. m., W. W. Labar; 11 a. m., D. Wallace; 1 p. m., O. W Fitzgerald; 2 p. m., Hoboken, Brady; 3 p. m., W. J. Mosier; 5 p. m., Hoboken, McLane; 6 p. m., T. McCarry.

Summits, Etc.-6 a. m., J. Hennigan; S a. m., rounfelker; 9 a. m., Nichols; 11 a. m., J. H. Masters; 2 p. m., Thompson; 6 p. m., F. Me Masters; 2 p. n., Thompson; 6 p. m., F. Me-Donnell, with Carrigg's crew; 8 p. m., Golden Pushers—6 a. m., Widner; 7 a. m., Finnerty; 8 a. m., Houser; 11.45 a. m., Moran; 6 p. m., C. Bartholomew; 7.30 p. m., Nauman; 9 p. m., W. A. Bartholomew; 10 p. m., Lamping. Helpers-7 a. m., Gaffney; 7 a. m., Singer; 19 a. m., F. E. Secor; 6.45 p. m., Stanton; 8.30 p. m., McGovern. Extras West-8 a. m., William Kirby with Castner's crew; 10 a. m., L. D. Lattimer with Gahagen's crew; 2 p. m., C. Kingsley; 4 p. m., A. E. Ketchum; 6 p. m., O. Bandolph; 11 p. m.,

M. Carmody, NOTICE.

J. J. Duffy will



Sale of Sand Soap-Regular 5c. article. Buy it for one hour today for, per cake..... Sale of Paints-This lot of Paints are odd lots, which we will close out today at half their former price. Fortunate will be the first buyer at the ring of the bell. The labels may seem a little shop-

> 24c. kind, pint size, for..... 12c Delaware and Hudson. Sale of Boys' Hose-A heavy two and one rib hose; seamless, In Effect November 24, 1901. Pays 3% interest on Trains for Carbondale leave Scranton at 6.20, 5.00, 8.53, 10.13 a. m.; 12.00, 1.29, 2.34, 3.52, 5.29, 6.25, 7.57, 9.15, 11.29 p. m.; 1.31 a. m. For Honesdale--6.20, 10.15a, m.; 2.34 and 5.29 savings accounts whether large or small. For Wilkes-Barre-6.38, 7,48, 8,41, 9,38, 10,43 , m.; 12,03, 1,42, 2,15, 3,28, 4,27, 6,10, 7,48, 10.41, 11.30 p. m. For L. V. R. R. Points-0.38, 9.38 a. m.; 2.18, 4.27 and 11.80 p. m. For Pennsylvania R. R. Points-6.39, 9.38 a. m.; 1.42, 3.28 and 4.57 p. m. For Albany and all points north-6.20 a. m. SUNDAY TRAINS. For Carbondale-S.60, 11.53 a. m.; 2.34, 3.52, 5.52 and 11.17 p. m. For Wilkes-Barre-9.38 a. m.; 12.03, 1.59, 3.23, 6.32 and 9.17 p. m. For Milkes-Barre-9.38 a. m.; 12.03, 1.59, 3.23, For Albany and points north-3.52 p. m. For Honesdale-8.50 a. m. and 3.52 p. m. W. L. PRYOR, D. P. A., Scranton, Pa. 1.27 and 11.30 p. m. For Pennsylvania R. R. Points-6.38, 9.38 a. 59c Open Saturday evenings from 7.30 to 8.30. 52C Robinson's 25c New Jersey Central. In Effect Nov. 17, 1001. Stations in New York, foot of Liberty street and South Ferry, N. R. Trains leave Scranton for New York, Philadel-phia, Easter, Bethlehem, Allentown, Mauch Chunk, White Haven, Ashley and Wilkes-Barre at 7,30 a. m., 1 p. m. and 4 p. m. Sunday, 2.10 p. m. Quaker City Express leaves Scranton at 7,30 a. m., through solid vestibule train with Pullman Buffet Parlor Cars, for Philadelphia, with enly one change of cars for Baltimore, Washington, D. C., and all principal points south and weat. For Avoca, Pittaton and Wilkes-Barre, 1 p. m. and 4 p. m. Sunday, 2.10 p. m. For Long Branch, Ocean Grove, etc., 7.30 a. m. and 1 p. m. For Reading, Lebanon and Harrisburg, via Al-ventown, at 7.30 a. m. and 1 p. m. Sunday, 2.10 b. M. m. Sunday, 2.10 p. m. New Jersey Central. Lager 14c Beer ... Manufacturers of 25c **Old Stock** own, at town at 7.30 a. m. and 1 p. m. or Pottsville at 7.30 a. m. and 1 p. m. For rates and tickets apply to agent at station C. M. BURT, Gen. Pace, Agt. J. S. SWISHER. Dist. Pass. Agt., Scranton. Sale of Laces and Insertions to match-This lot on sale today Lehigh Valley Railroad. In Effect, Nov. 3, 1901. Trains leave Scranton. For Philadelphia and New York via D. & H. R. R., at 0.38 and 9.38 a. m., and 2.15, 4.27 (Black Diamond Express), and 11.39 p. m. Sun-days, D. & H. R. R., 1.38, 8.27 p. m. For White Haven, Hazleton and principal points in the coal regions, via D. & H. R. R., 0.35, 2.18 and 4.27 p. m. For Poitsville, 0.38 s. m., 2.18 p. m. 3.2 N. Serindo Sc. Scranton, Pa Old 'Phone, 2331. New 'Phone, 2935. and 4.27 p. m. For Pottsville, 6.38 s. m., 2.18 p. m. For Bethlehem, Faston, Reading, Harrisburg, and principal intermediate stations, via B. & H. R. R. 6.38, 9.38 s. m.; 2.18, s.27 (Black Dia-mond Express), 11.30 p. m. Sundays, D. & H. R. R., 9.38 a. m.; 1.08, 8.27 p. m. For Tunkhannock, Towanda, Elmira, Itiaca, Geneva and principal intermediate stations, via D. L. and W. R. K. S.10 a. m. and 3.30 p. m. For Geneva, Rochester, Buffalo, Niagara Falls, Chicago and all points west, via D. & H. R. R., 7.48, 12.03 a. m.; 1.42, 9.27 (Black Diamond Ex-press), 7.48, 10.41, 11.39 p. m. Sundaya, D. & H. R. R., 12.03, 8.27 p. m. Pulman parlor and sleeping or Lehigh Vatley Parlor cars on all trains between Wilkes-Barre and New York, Philadelphia, Buffalo and Suspen-ion Bridge. 69c THE MUUSIL Rooms 1 and 2, Com'Ith B'I'd's 5cc SCRANTON, PA. sion Bridge. ROLLIN H. WILBUR, Gen. Supt., 26 Cortland 53c street, New York, CHARLES S. LEE, Gen. Pass. Agt., 26 Cortland. Mining and Blasting W. NONEMACHER, Div. Pass. Agt., South Bethlehem, Pa. For fickets and Pollman reservations apply to ity ficket office, 69 Public Square, Wilkos-Barre, 4c Made at Moosie and Rush Inie Works, New York, Ontario and Western. In Effect Tuesday, Sept. 17, 1901. NORTH BOUND. LAFLIN & RAND POWDER CO 'S 04C ORANGE GUN POWDER Biretrio Batteries, Electric Exploders, exploding blasts, Safety Fuse and Regauno Chemical Co.'s explosives No. Soluti nouvel Leave Leave Cadoaia. Carbondale. 8: 7.00 p.m. 6.06 p.m. 6. 1 on week days, and 9 on 8 line connections for New Yo, Walton, Norwich, Oneida, to wast "Keep to the Right" with eyes open. Everybody will profit and you can't spend a cent. points west.





412 Spruce Street,



OF SCRANTON.

Capital, \$200,000

Pennsylvania Kaliroad. Schedule in Effect June 2, 1001. Traine leave Scranton: 6.38 a. m., week daya, through vestibule train from Wilkes-Barre. Pull-man buffet parlor car and coaches to Philadel-phia, via Pottsville: stops at principal interme-diate stations. Also connects for Sunbury, Har-risburg, Philadelphia, Baltimore, Washington and for Pittsburg and the west. 9.38 a. m., week days, for Sunbury, Harrisburg, Philadelphia, Baltimore, Washington and Pitts-burg and the west.

Pennsylvania Railroad.

worn, but the value is good. On sale on Third Floor today, for this

4c

7'2C

7c

9c

12c. kind, half pint size, for .....

 Philadelphia, Baltimore, Washington and Picts-burg and the west.
I.42 p. m., week days (Sundays, I.58 p. m.), for Sunbury, Harrisburg, Philadelphia, Baltimore, Washington and Pittaburg and the west.
3.25 p. m., week days, through vestibule train from Wilkes-Barre. Pullman buffet parlor car and coaches to Philadelphia via Pottaville. Stops at principal intermediate stations
4.27 p. m., week days, for Hazleton, Sunbury, Harrisburg, Philadelphia and Pittsburg.
J. B. HUTCHINSON, Gen. Mgr.
J. B. WOOD, Gen. Pass. Agt. Surplus, \$550,000

titled "An act authorizing the condemnation of turnpike roads or highways, heretofore or here after constructed, wholly or in part in an county of this commonwealth, for public use free from tolls and toll gates, and the assess-ment upon the proper county of the damages to which the owners or owners thereof may be entitled by a jury of view, duly appointed by the court of quarter sussions of the proper county, and providing for the maintenance of any such condemned road or highway by the proper city, township or district." It is very clear, from a consideration of the

provisions of the entire act, that no one county of the commonwealth could be compelled to pay for any portion of a turnpike lying within th limits of another county. To what extent the jury of view should cor

sider the reduced value of the portion of the turnpike lying in Wyoming county, by reason of the taking of that portion in Lackawanna county, we need not now consider. This is a certiorari under the provisions of the sixth see tion of the act and our concern here is simply with the regularity of the proceedings. If the appellant is dissatisfied with the amount of the sseament of damages, it had its remedy under the eighth section, which provides for an ap-peal to the court of common pleas of the propeounty and the indement of which is made county and the judgment of which is made. The viewable by the Supreme court upon writ of er-ror as in other cases." In addition to this, the appellant has failed to print the testimony, upon which the assessment of damages made by the viewers was based. We are unable, therefore to enter into the consideration of the question of clamages, even if we were legally empowered to do 50.

MAP NOT REQUIRED.

As to the third specification of error, which complains that the report of the viewers is ir-regular and void, in that it fails to contain a map of, the entire turnplke road, in accordance with the fifth section of the act, it is, perhaps enough to say that this section does not requir a map of the entire turnpike road to be attache to the report, but a map of only so much thereas as will show "definitely the points between which the same is condemned for public use." Whether or not the map conforms to the require ments of the act, however, we are unable to determine, as it is not printed.

The record, as presented to us for our consider ation in the printed paper book of the appellant ia in all respects regular and conforms to the provisions of the act of assembly under which the proceedings were had. The decree of the court of quarter sessions, in affirming the report of the jury of view and dismissing the appel-lant's exceptions, is, therefore, affirmed and the appeal dismissed at the costs of the appellant.

The other two opinions are in the cases of Edgar and Reynolds against Callender, in which the decision of Judge Kelly is affirmed. They substantially follow Judge Kelly's discus-

How to Prevent Pneumonia.

You have good reason to fear an attack of pneumonia when you have a severe cold, accompanied by pains in the chest or in the back between the shoulders. Get a bottle of Chamberlain's Cough Remedy and use it as directed and it will prevent the threatened attack. Among the tens of thous ands who have used this remedy for colds and la grippe, we have yet to learn of a single case that has resulted in pneumonia, which shows that this remedy is a certain preventive of that dangerous disease. For sale by al druggists.

"Keep to the Right" With eyes open. Important developments tomorrow.

J. J. Kearney will run No. 56, March 21, Carney and crew will run 5 p. m., East, in stead of Ruegg and crew. F. Van Wormer and crew will go to Hoboken

No. 12, March 21, to learn Morris and Essex division J. J. O'Hara and crew will remain on Work Train, 21st and 22nd.

Frain, 21st and 22nd. John Watkins reports for Laughney. G. W. Chubb will go en with F. Van Wormer as flagman until further notice. William McCarthy reports for J. H. Devine.

A. N. Bortree reports for J. H. Swarts This and That.

New stations will also be erected at Clark's Summit and Moscow during the coming year.

The Scranton Car Foremen's association will hold their next meeting on the second Saturday evening in April. Master Painter B. F. Miller, of the Lackawanna railroad, has returned from his wedding trip and resumed his duties,

C. M. Burt, general passenger agent of the Central Railroad of New Jersey, returned to New York yesterday, after a business trip to this city.

New shear, punch and bolt heading machines and cross-cut saws have also been ordered for the car shops, all of which will be run by electricity.

A machinery crane for handling freight and other heavy work in the Binghamton yard of the Lackawanna railroad has been placed in position. It is a steel structure and weighs several tons.

Plans have been submitted for the enlargement of the Paradise tunnel on the Lackawanna railroad, and it is expected work will soon be commenced on the job.

A new Riehle testing machine, for testing iron, bolsters, brake beams, etc., on cars was placed in the Lackawanna railroad car shops yesterday. Its capacity is 2,000 pounds.

Fifteen new freight cars a day are now being received by the Lackawanna railroad from the American Car and Foundry company, together with four refrigerator cars a day from the Dayton shops.

Superintendent Hixson, of the Lackawanna railroad bridges and buildings department, expects to begin work soon on the remainder of the new Scranton round house. Twenty-two stalls have already been built and as many more will be erected before the entire building is completed.

A temporary bridge has been built by the Lackawanna Railroad company across the Susquehanna river on the Hanover and Newport branch, one mile below Plymouth, which is used in transporting coal from the Auchincloss and Bliss mines. The old wooden structure, 662 feet long, was washed away by the recent flood. Trains will be run over the temporary structure for the first time today, and work will be commenced immediately on the iron structure which will be put in at that

Lackawanna Railroad Low Rate Excursion to New York City, April 2nd, 1902.

On April 2nd special excursion tickets will be sold to New York city and return via the Lackawanna railroad, going on all passenger trains of good April 2nd and for return up to and including April 7th. at rate of one way fare plus one dollar, for the round trip. Children between the ages of 5 and 12 years, one-half the adult rate.



Sale No. 2

double heel and toe; all sizes; the celebrated "Wandee" hose ; value 15c. a pair ; for today buy them at, a pair ..... 11C Sale of Wall Paper-On the Third Floor, a most extraordinary bargain in new spring style papers. To make it convenient it will be sold in lots. For a room, size 12x12 feet: 4 rolls of side wall, 3 rolls of ceiling and 16 yards of 9-inch border, in a fine variety of patterns; price, a room.....

Sale of Ginghams-Style similar to the best Seersuckers : a fabric that will give you good service; for boys' waists, skirts and wrappers; usually sold for 9c.; this hour Friday buy it at, a vard

tle, at .....

For one hour, per tin.....

age. Buy it for one hour today, per one-pound package......

hour-

Sale of Chloride of Line-For disinfecting and deodorizing. Regular one pound tins.

Sale of Potash or Lye-Regular price, per can, 10c. Buy it this Friday for one hour at

Sale of Refined Borax-Guaranteed pure; prevailing price, 12c. to 15c. per pound pack-

Sale of White Shirts-Near Wyoming avenue entrance-Now then for a big sale; this shirt is made of good muslin, all linen bosom, full length; priced usually at 39c.; quantity limited to two to a customer; price, each .....

Sale of Writing Paper and Envelopes-You will want a couple of lots of this combination; the value is above the ordinary. Paper comes in cream and azure, ruled or unruled, and put up in pound packages, with 25 envelopes; Friday for one hour.....

Sale of Dress Goods-This is a combination sale of good values in pretty broken plaids, with bright stripe effects and a 34-inch wide plain serge and brocade; usually sold for 17c. a yard. 

Sale of Boys' Knee Pants, Second Floor-Sizes 3 to 15 years, in wool cheviot, dark blue and brown; taped seams; all double sewed; full cut; a heavy waist band. Regular value, 39c. This hour Friday.....

Sale of Boys' Blouse Waists on Second Floor-Made with sailor collar; size 3 to 6 years; also shirt blouse style, 6 to 12 years, made from percales, duck and cheviot; all washable materials; neat dark and light colors; sells today for one hour at, each .....



are Torchons; come 2 to 4 inches wide; priced at any other time from 5c. to 8c. yard. This Friday hour buy them at, per yard..... Sale of Alarm Clocks-A one-day lever time, made of extra heavy nickel, loud alarm; a guarantee of the quality will be sufficient in naming the manufacturer. It is made by the Waterbury Clock Co. If not satisfactory, return; value, \$1.00 each. This hour Friday.....

Sale of Nottingham Lace Curtains-Three and one-half yards long and full width. One corrugated curtain pole and a pair of curtain loops. The curtains are plain and figured centers, overlocked stitched edges. The combination would cost you at regular prices \$1.75, but for Friday, on third floor, you can buy them

Sale of White Goods-28 inches wide, cluster corded stripes; a choice of assortment and very good value; usually priced at 8c.; this Friday at, a yard .....

Sale of Solid Oak Bedroom Stands on the Fourth Floor-Has neatly turned legs, 16-inch box top, under shelf; a useful piece of furniture for any bedroom or living room; regular price

75c.; this Friday at ..... Sale of All Linen Fringed Napkins-Size 10 inches square ; quantity limited ; this lot was used for decorating and they are a little soiled, but well worth the price asked for today, each ......

Sale of Dimities-This Spring's styles, very neat and attractive figures; this is the time of the year when sewing is not so annoying as later on, and this opportunity today to buy this class of Dimities will be a boon to many and to you. Come and see. Regular price 9c.; this sale, per yard.....

