

CLEVELAND'S Superior Baking Powder

may cost a little more per can, but it insures perfect, wholesome food. In fact, it is more economical in the end, because it goes further in leavening and never spoils the food.

CLEVELAND BAKING POWDER CO. NEW YORK

You cannot, if you value good health, afford to use cheap, low-grade, alum baking powders. They are apt to spoil the food; they do endanger the health. All physicians will tell you that alum in food is detrimental.

ESTATE MUST PAY IT BACK DECISION IN MATTER OF FUNERAL EXPENSE.

Judge Vosburg Rules That a Daughter Who Paid the Expense of Her Father's Funeral is Entitled to Recover the Same from His Estate. Question Arose in the Matter of the Account of Joseph Stuart, Executor Under the Will of Charles Stuart, Deceased.

Judge A. A. Vosburg handed down an opinion yesterday in orphans' court in the matter of the estate of Charles Stuart, deceased. It is as follows:

After giving due, timely and legal notice by publication, sec. leg., the account of Joseph Stuart, executor under the will of Charles Stuart, deceased, came up for hearing at the orphans' court room, city of Scranton, county of Lackawanna and State of Pennsylvania, on Friday, March 21st, 1902, at 10 a. m., and at other subsequent times in accordance with continuances. It appears from the evidence that the testator lived with his daughter, Mary A. Collins, for some time prior to his death, and that after his decease she, without consulting the executor, made arrangements for his burial, and paid the funeral expenses. She now presents a claim against the fund for distribution for the money so paid by her, amounting to one hundred and twelve dollars and five cents. The executor resists the allowance of this claim, for two reasons: First—Because he alleges it was a voluntary payment made by a volunteer, and that therefore it cannot be recovered back. Second—Because the claimant received from the testator prior to his death, a sum of money considerably larger than the amount now claimed.

There is no doubt that the general rule of law is that no implied promise to pay arises where a party makes a payment voluntarily, and without any legal liability or compulsion, in discharge of a debt or liability for another. Clark on Contracts, par. 7-9-70-703. See Hehn v. Hehn, 23 Pa. 415. Brennan's Appeal, 121 Pa. p. 648.

But there seems to be an exception to this general rule in cases of this nature, where the payment is made by a volunteer, and where the person who makes advances of this character, and the reason for such an exception is very apparent.

In most cases, no administrator is appointed until after the funeral, and even if there is a will in which an executor is named, this instrument is not usually read until the burial is over. Necessarily, there is a concentration of the family must make arrangements for the funeral, and in contracting a bill for the expenses thereof, it is perfectly just and equitable that he should be held to be acting as an implied trustee for the executor or administrator. In Francis v. Estate of 75 Pa. 229, the widow paid the funeral expenses, and it was held that she was entitled to recover the amount so paid, from the estate. But that was an Executor's (187) S. B. Burke's Estate, 24 W. N. C. 386. This disposition of the first objection. The second one is not fully sustained by the evidence, and I will not dwell upon it.

TEN YEARS OF AMERICAN PROSPERITY.

Table with columns for various economic indicators: Area, population, wealth, production, and trade for the year 1900. Includes sub-sections for 'NEW YORK COTTON MARKET' and 'STOCKS'.

Table titled 'NEW YORK COTTON MARKET' and 'STOCKS'. Lists various market prices for cotton, wool, and various stocks including American Copper, American Sugar, and others.

Scranton Board of Trade. Quotations—All Quotations Based on Par of 100. Includes sections for STOKES, RICE, and various commodities.

FINANCIAL. Let the Title Guaranty and Trust Company sell you a \$500 or \$1,000 1st Mortgage Gold Bond. such as it can recommend, bearing interest at the rate of 5 per cent. Call or write for particulars. 135 Washington Avenue.

THIRD NATIONAL BANK OF SCRANTON. Capital, \$200,000 Surplus, \$550,000. Pays 3% interest on savings accounts whether large or small. Open Saturday evenings from 7.30 to 8.30.

INVESTORS Spencer Trask & Co BANKERS 27 and 29 Pine Street, New York. MEMBERS N. Y. STOCK EXCHANGE. Allis-Chalmers Co Successors to Machine Business of Suction Manufacturing Co., Scranton and Wilkes-Barre, Pa. Stationary Engines, Boilers, Mining Machinery, Pumps.

RAILROAD TIME TABLES Delaware, Lackawanna and Western. In Effect Nov. 5, 1901. Trains leave Scranton for New York at 1:40, 3:15, 6:05, 7:00 and 10:05 a. m.

Hill & Connell 121 Washington Avenue. E. Robinson & Sons Lager Beer. Manufacturers of Old Stock PILSNER.

NEW JERSEY CENTRAL. In Effect Nov. 17, 1901. Stations in New York, foot of Liberty street and South Ferry, N. Y. Pennsylvania Railroad. Schedule in Effect June 2, 1901. Trains leave Scranton for New York at 6:30, 8:00, 9:30, 10:30, 11:30 a. m.

EDUCATION IN PHILIPPINES. The geography formerly used in the Philippine schools devoted one page out of two hundred to the United States and described that country as "one of millionaires, advertisements and eccentricities." Just now one of the eccentricities consists in giving the Filipino children real education. The superintendent of public education in the Philippines, Fred W. Atkinson, writes in the Outlook: "The majority of the school children come from ignorant homes, where there are none of the accessories and means of culture. A small but important class of Filipinos, those who possess wealth and culture, while not opposing popular education, favor plans for higher education. On the other hand, the masses, for whom elementary education is intended, are ever in danger of misapprehending its benefits. Fine words are heard from local presidents, but with many their deeds prove that their words serve only to conceal their thoughts."

HEALTH OF MANILA. From the Manila Times, February 23. The board of health returns go to show a very satisfactory condition of things in Manila from a sanitary point of view. Today the city is free from sickness, in the form of contagious diseases, than it has been at any time in the last three years or since American occupation, and in all the time up to the 21st instant, there have been only two cases of plague this year. January being an absolutely clean month, so far as the fell disease is concerned, and the fact of there being only two cases this month, as compared with twenty-two, eighteen and thirty, respectively, for the same month in the past three years, is highly gratifying, and goes to show what good work the health authorities are doing in keeping the city clean, and thus preventing sickness.

New York Grain and Produce Market. New York, April 14.—Wheat—Receipts, 4,300 bushels; active, 152.00; on all good and better grades; best extra, 80.75; medium to good, 80.25-80.40; light to good butchers, 85.50-85.75; light to good butchers, 85.50-85.75; light to good butchers, 85.50-85.75; light to good butchers, 85.50-85.75.

Philadelphia Grain and Produce. Philadelphia, April 14.—Wheat—Receipts, 10,000 bushels; active, 152.00; on all good and better grades; best extra, 80.75; medium to good, 80.25-80.40; light to good butchers, 85.50-85.75; light to good butchers, 85.50-85.75; light to good butchers, 85.50-85.75; light to good butchers, 85.50-85.75.

W. L. & W. Board for Today. The following is the make-up of the D. L. & W. board for today: MONDAY, APRIL 14. Extras East—5 p. m., F. F. Stevens; 10 p. m., H. Hoboken, J. A. Bush; 11 p. m., Hoboken, J. H. Swartz.