

A NEW TRIAL WAS REFUSED

JUDGE ARCHBOLD'S DECISION IN ROBINSON CASE.

Declared That Defendant Has No Right to Recover from the Delaware and Hudson Company for Injuries Received by Falling Into a Lye Vat—Attention of Court Taken Up Nearly All Day with the Case Against the Clark's Summit Dairy and Condensary Company.

The complicated bankruptcy cases of A. J. Kennedy, et al., and Bruce Cook, et al., against the Clark Summit Dairy and Condensary Company, occupied the attention of Judge R. W. Archbald and a jury in the United States district court nearly all day yesterday, and will probably be continued all day today.

Former Judge E. N. Willard, representing the plaintiffs, opened the case and explained that it would be proven to the satisfaction of the jury that the company transferred its real estate to Attorney George D. Taylor, of this city, and its personality to the Summit Dairy Company for the purpose of defrauding its creditors, thereby committing acts of bankruptcy. The defense is a denial of insolvency and a denial that the realty conveyed to Attorney Taylor was in reality the property of the company.

A. H. Christy, cashier of the County Savings Bank; John W. Fowler, vice president of the Lackawanna Trust and Safe Deposit company; Harry G. Dunham, cashier of the Dime Deposit and Discount Bank, and F. L. Phillips, former cashier of the Traders' National Bank, all testified that the directors had borrowed \$5,000 from each of these banks, giving notes indorsed by all. Later they executed mortgages on the company's real estate and gave them to these several banks for the purpose of securing the endorsements of the notes. The plaintiffs allege that this showed an effort to insure the claims of the directors to the exclusion of other creditors.

Attorney Taylor on Stand.

Attorney George D. Taylor was put on the stand when court opened in the afternoon and admitted that the property occupied by the company had been deeded to him by a Mabel D. Evans for a monetary consideration. As far as he knew this was done with the knowledge of the directors.

George Beemer, superintendent of the Hillside Home, who was president of the Clark's Summit Dairy and Condensary company at the time the alleged acts of bankruptcy were committed, said he knew nothing of the transfer of the property to Taylor until after it had been made. He had no understanding with Taylor as to the distribution of the property realized from the property. He had a knowledge of the transfer of the personal property to the Summit Dairy company, as he was president of the latter concern also.

The value of the property so transferred was about \$11,000, he thought, but the Clark's Summit Dairy and Condensary company was indebted to the Summit Dairy company for at least half that amount. He did not know whether or how the balance was paid.

Mabel G. Evans, who was a stenographer for Attorney H. N. Patrick, testified that she held the deeds to the property occupied by the condensation company in trust for Mrs. Patrick and had transferred them to Mr. Patrick's solicitation to Mr. Taylor. She had received nothing from the latter.

Attorney Taylor was recalled and testified that when he received the deed to the property in question he assumed a \$5,000 mortgage to Frank M. Spencer, Attorney Arthur Dean threatened execution, but held off on Mr. Taylor's promise to pay. That was over a year ago, but the mortgage has not been paid yet, he said.

Was Aware of It.

Mr. Taylor said he knew the Summit Dairy company was operating the plant when the property was deeded to him.

"Who did you consider to be in possession?" asked Judge Willard. "I considered myself in possession," said Mr. Taylor, "but I didn't go up there. I didn't leave my office in connection with the transaction."

Judge Willard sought to show that Mr. Taylor is now seeking to recover \$25,000 in insurance, and this caused Attorney Comeyes to assert that he in reality represented the insurance companies and not the three former creditors whom he appears on the list as representing. Judge Willard indignantly resented this assertion. The case will likely take the best part of today in the trying.

An argument on the rule to show cause why a new trial should not be granted in the case of William Robinson against the Delaware and Hudson company was made in the afternoon just prior to the resumption of the bankruptcy case.

Robinson sued the company for \$25,000 damages for injuries received by falling into a vat of lye in the carbide yard of the company. This vat was used for removing the grease from brass work, and was placed underground with a wooden cover overhead. Robinson, who was an employe of the company in this city, fell through this cover in cutting across the yard on his way home, after alighting from a train, and was badly burned. A suit for \$25,000 was brought, contributory negligence being alleged, and the case was non-suited by Judge Archbald on points of law without sending it to the jury.

Argued for Plaintiff.

Attorney Ira H. Burns appeared for the plaintiff, and argued at length that many of the questions which were passed upon by the court at the trial, such as the question as to whether the railroad yard was a permissive way and as to whether Robinson should have been entitled to the rights of a passenger, should have been left to the consideration of the jury.

Attorney Louis Carr, of Albany, N. Y., argued for the defendant.

How's This? We offer One Hundred Dollars Reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure. F. J. CHENEY & CO., Toledo, O. We, the undersigned, have known F. J. Cheney for the last 15 years, and believe him perfectly honorable in all business transactions and financially able to carry out any obligations made by his firm. WIGG & TRUAX, Wholesale Druggists, Toledo, O.

WALDING, KINMAN & MARVIN, Wholesale Druggists, Toledo, O. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system. Testimonials sent free. Price 75c per bottle. Sold by all druggists. Hall's Family Pills are the best.

Y. general counsel for the railroad company, contended that no duty on the part of the company existed in Robinson's case as in the case of an ordinary passenger, paying his or her fare. He stated that it is a well-established point in law that the owner of private real estate, which is in no sense a public thoroughfare, are not obliged to look after the safety of persons traversing it. Permission to use such property does not imply care of the safety of persons accepting such permission, he said.

Judge Archbald refused the motion for a new trial. The plaintiff, he said, did not carry the rights of an ordinary passenger and the company could not be compelled to safeguard his passage over the property in question. He must accept the perils of such passage, he said. The points decided by him were not fit matter for passage upon by a jury, he said.

Grand Jury's Report.

The grand jury made two returns yesterday, bringing in true and ignored bills, as follows: True Bills—Cisto Incongnolo, of Wilkes-Barre, counterfeiting; Michael Taban, of Glen Lyons, counterfeiting; Ernest Lettieri and Antonio Schiano, of Scranton, and Peter Loretto, of Old Forge, violating internal revenue laws by sale of unstamped boxes of cigars; Harry Weisberger, of Scranton, selling oleomargarine without having paid the tax required by law.

Ignored Bills—Regina Katz and Nelson Donley, of Wilkes-Barre, counterfeiting; Fred O. McMurtrie, Andrew Luzak, Mary Luzak and Annie Luzak, of Wilkes-Barre, passing counterfeit coins.

The grand jury will meet again this morning for the consideration of other cases.

SIGNED BY THE RECORDER.

Dozen Resolutions Which Were Made Operative, Yesterday.

The following resolutions were made operative yesterday by the signature of Recorder Connell: Granting permission to Ellen Morton to connect her property with the North Main avenue sewer.

Exonerating St. John's German Catholic church from paying assessment. Providing for repairs to Luzerne street. Providing for repairs to Broadway.

Providing for a temporary bridge at Ash street. Directing that no appeal be taken from the \$50 judgment obtained by Attorney Cornelius Comeyes, as associate counsel for the city in the Sturges case.

THE MARKETS.

Wall Street Review.

New York, Oct. 21.—Trading in the stock market today was light in volume, very narrow and devoid of any noteworthy feature. The usual settlement of the coal strike excited little interest. There was just a bare suggestion of activity at 4 p. m., but this was almost altogether due to moderate buying for account of the western speculative contingent.

The market soon became very dull and save for a few sporadic rallies continued so to the end. Missouri Pacific's offering showing for dividend caused heavy selling, with an extreme decline of 2 points. Much of the selling came from the fact that the stock had been advanced in the stock market. The other standard railway issues were comparatively neglected.

The greater part of the day, their places being taken by the minor industrial, such as American Hide and Leather, Rubber Goods, United States Rubber and a few other in the same class, all of which appeared to be subjected to manipulation. Questions throughout the day were almost altogether of a professional character, and at no time did the list reflect any public interest.

Total sales, par value, \$1,750,000. United States bonds were all unchanged on the last call.

The following quotations are furnished

by the Scranton Herald & Press Co., 314-315 Meigs Building, W. D. Dunham, manager.

Table with columns: Com. High, Low, Close. Includes items like Amal, Copper, Am. Copper, Am. C. & P., Am. Lumber, Am. Locomotive, Am. Sugar, Am. Tobacco, Am. Tea, Am. Coffee, Am. Oil, Am. Gas, Am. Iron, Am. Steel, Am. Coal, Am. Lignite, Am. Anthracite, Am. Bituminous, Am. Peat, Am. Wood, Am. Paper, Am. Glass, Am. Pottery, Am. Brick, Am. Cement, Am. Lime, Am. Sand, Am. Gravel, Am. Stone, Am. Marble, Am. Granite, Am. Slate, Am. Shale, Am. Gypsum, Am. Plaster, Am. Cement, Am. Lime, Am. Sand, Am. Gravel, Am. Stone, Am. Marble, Am. Granite, Am. Slate, Am. Shale, Am. Gypsum, Am. Plaster.

CHICAGO GRAIN & PROVISIONS.

Table with columns: Com. High, Low, Close. Includes items like WHEAT, CORN, OATS, RYE, BARLEY, HAY, SUGAR, LARD, BUTTER, EGGS, POULTRY, MEATS, FISH, FRUITS, VEGETABLES.

NEW YORK COTTON MARKET.

Table with columns: Com. High, Low, Close. Includes items like OCTOBER, NOVEMBER, DECEMBER, JANUARY, FEBRUARY, MARCH, APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER.

Jonas Long's Sons Scranton's Big Store A Great Store. Why? Because we conduct our business on business principles.

TODAY'S PICKINGS tell of little things that are among the most needed for my lady's toilet; also about Neck Ruffs that are invitingly priced. Then Veils and Veilings are here in the up-to-the-minute styles. It's the aim of the Big Store to tell you about the season's best and most wanted items at all times.

Veiling We are told frequently that our stock of Veiling and Ready-Made Veils exceeds any other line of its kind in this city for nobleness and latest ideas. Black and White Chiffon with embroidered chenille and velvet dots, in large and small size. Per yard. 50c

Ready-Made Veils Black and white dots, and white with black dots, at. 75c and. 89c

Chiffon Veiling Brown, border of white; blue, border of white, black, with border of white. Per yard. 50c

Complexion Veils at 25c up. Plain and Dotted and Tuxedo Net. Per yard. 15c up to 75c

Women's Neck Ruffs Black Chiffon and Liberty Silk, made up with many ruffles. Priced at \$1.25 A lot that just came in is attracting considerable attention because of their stylishness. Have color effect, long flowing ends, plain black and black trimmed with white. Priced at \$3.00 to \$7.50

Scranton Board of Trade Exchange Quotations—All Quotations Based on Par of 100. STOCKS. Lackawanna Dairy Co., Pr. 60 ... 50 County Sav. Bank & Trust Co 200 ... 200 First Nat. Bank (Citizens) 200 ... 200 Third National Bank 200 ... 200 Dime Sav. & Loan Co. 200 ... 200 Economy L. & P. Co. 200 ... 200 First National Bank 200 ... 200 Bank Trust Sav. & Loan Co. 200 ... 200 Clark & Shover Co., Pr. 200 ... 200 Scranton Savings Bank 200 ... 200 Traders' National Bank 200 ... 200 Scranton T. & N. Co. 200 ... 200 People's Bank 200 ... 200 Scranton Lumber Co. 200 ... 200 BOND. Scranton Passenger Railway. 115 ... 115 People's Street Railway 115 ... 115 People's Street Railway Gen. 115 ... 115 People's Street Railway Gen. 115 ... 115 Scranton T. & N. Co. 6 per cent. 215 ... 215 Economy L. & P. Co. 200 ... 200 Consolidated Water Supply Co. 115 ... 115

Scranton Wholesale Market. (Conducted by H. G. Dale, 21 Lacka. Ave.) Flour—34.00 Butter—Fresh creamery, 21c; fresh dairy, 22c. Eggs—Fresh, 21c; western, 21c; candied, 21c; No. 1, 21c; No. 2, 21c; No. 3, 21c; No. 4, 21c; No. 5, 21c; No. 6, 21c; No. 7, 21c; No. 8, 21c; No. 9, 21c; No. 10, 21c; No. 11, 21c; No. 12, 21c; No. 13, 21c; No. 14, 21c; No. 15, 21c; No. 16, 21c; No. 17, 21c; No. 18, 21c; No. 19, 21c; No. 20, 21c; No. 21, 21c; No. 22, 21c; No. 23, 21c; No. 24, 21c; No. 25, 21c; No. 26, 21c; No. 27, 21c; No. 28, 21c; No. 29, 21c; No. 30, 21c; No. 31, 21c; No. 32, 21c; No. 33, 21c; No. 34, 21c; No. 35, 21c; No. 36, 21c; No. 37, 21c; No. 38, 21c; No. 39, 21c; No. 40, 21c; No. 41, 21c; No. 42, 21c; No. 43, 21c; No. 44, 21c; No. 45, 21c; No. 46, 21c; No. 47, 21c; No. 48, 21c; No. 49, 21c; No. 50, 21c; No. 51, 21c; No. 52, 21c; No. 53, 21c; No. 54, 21c; No. 55, 21c; No. 56, 21c; No. 57, 21c; No. 58, 21c; No. 59, 21c; No. 60, 21c; No. 61, 21c; No. 62, 21c; No. 63, 21c; No. 64, 21c; No. 65, 21c; No. 66, 21c; No. 67, 21c; No. 68, 21c; No. 69, 21c; No. 70, 21c; No. 71, 21c; No. 72, 21c; No. 73, 21c; No. 74, 21c; No. 75, 21c; No. 76, 21c; No. 77, 21c; No. 78, 21c; No. 79, 21c; No. 80, 21c; No. 81, 21c; No. 82, 21c; No. 83, 21c; No. 84, 21c; No. 85, 21c; No. 86, 21c; No. 87, 21c; No. 88, 21c; No. 89, 21c; No. 90, 21c; No. 91, 21c; No. 92, 21c; No. 93, 21c; No. 94, 21c; No. 95, 21c; No. 96, 21c; No. 97, 21c; No. 98, 21c; No. 99, 21c; No. 100, 21c.

New York Grain and Produce Market. New York, Oct. 21.—Flour—Market was quiet again today. Fairly well sold; Minnesota patent, \$2.84; wheat—Spot, 77c; No. 2 red, 75c; elevator, No. 2, 75c; No. 2, 75c; No. 3, 75c; No. 4, 75c; No. 5, 75c; No. 6, 75c; No. 7, 75c; No. 8, 75c; No. 9, 75c; No. 10, 75c; No. 11, 75c; No. 12, 75c; No. 13, 75c; No. 14, 75c; No. 15, 75c; No. 16, 75c; No. 17, 75c; No. 18, 75c; No. 19, 75c; No. 20, 75c; No. 21, 75c; No. 22, 75c; No. 23, 75c; No. 24, 75c; No. 25, 75c; No. 26, 75c; No. 27, 75c; No. 28, 75c; No. 29, 75c; No. 30, 75c; No. 31, 75c; No. 32, 75c; No. 33, 75c; No. 34, 75c; No. 35, 75c; No. 36, 75c; No. 37, 75c; No. 38, 75c; No. 39, 75c; No. 40, 75c; No. 41, 75c; No. 42, 75c; No. 43, 75c; No. 44, 75c; No. 45, 75c; No. 46, 75c; No. 47, 75c; No. 48, 75c; No. 49, 75c; No. 50, 75c; No. 51, 75c; No. 52, 75c; No. 53, 75c; No. 54, 75c; No. 55, 75c; No. 56, 75c; No. 57, 75c; No. 58, 75c; No. 59, 75c; No. 60, 75c; No. 61, 75c; No. 62, 75c; No. 63, 75c; No. 64, 75c; No. 65, 75c; No. 66, 75c; No. 67, 75c; No. 68, 75c; No. 69, 75c; No. 70, 75c; No. 71, 75c; No. 72, 75c; No. 73, 75c; No. 74, 75c; No. 75, 75c; No. 76, 75c; No. 77, 75c; No. 78, 75c; No. 79, 75c; No. 80, 75c; No. 81, 75c; No. 82, 75c; No. 83, 75c; No. 84, 75c; No. 85, 75c; No. 86, 75c; No. 87, 75c; No. 88, 75c; No. 89, 75c; No. 90, 75c; No. 91, 75c; No. 92, 75c; No. 93, 75c; No. 94, 75c; No. 95, 75c; No. 96, 75c; No. 97, 75c; No. 98, 75c; No. 99, 75c; No. 100, 75c.

SHORTR SEA TRIPS. A few days can be pleasantly spent in a trip to Norfolk, Va. Old Point Comfort, Va. Richmond, Va. Washington, D. C. VIA THE OLD DOMINION LINE. Steamers sail daily except Sunday from Pier 26, North River, foot of Beach street, New York. Tickets, including meals and state-room accommodations, \$8.00 one way, \$12.00 round trip, and upwards. Send stamp for illustrated book. OLD DOMINION STEAMSHIP CO. 81 Beach Street, New York, N. Y. H. B. WALKER, Traffic Manager, J. J. BROWN, General Passenger Agent.

SCRANTON'S BUSINESS HOUSES. THESE ENTERPRISING DEALERS CAN SUPPLY YOUR NEEDS OF EVERY CHARACTER PROMPTLY AND SATISFACTORILY. FOR SALE. BUGGIES and WAGONS of all kinds; also Houses and Building Lots at bargains. HORSES CLIPPED and GROOMED at M. T. KELLER, Lackawanna Carriage Works. SECURITY BUILDING & SAVINGS UNION Home Office, 208-209 Meigs Building. We are maturing shares each month which show a net gain to the investor of about 12 per cent. We loan money. We also issue FULL PAID STOCK \$100.00 per share, interest payable semi-annually. ALBERT BULL, Secretary. E. JOSEPH KUTTEL, rear 211 Lackawanna avenue, manufacturer of Wire screens of all kinds; fully prepared for the spring season. We make all kinds of porch screens, etc. PETER STIPP, General Contractor, Builder and Dealer in Building Stone, Cementing of cellars a specialty. Telephone 222. Office, 222 Washington avenue. THE SCRANTON VITRIFIED BRICK AND TILE MANUFACTURING COMPANY, Makers of Facing Brick, etc., M. H. Dale, General Sales Agent, Office 222 Washington ave. Works at Nay Aug, Pa., E. & W. V. R. R.

Chicago Live Stock Market. Chicago, Oct. 21.—Cattle—Receipts, 8,000, including 4,000 western; slow; good to prime steers, nominal, \$7.50-7.75; poor to medium, \$6.50-7.00; stockers and feeders, \$5.50-6.00; cows, \$4.50-5.00; heifers, \$4.50-5.00; calves, \$4.50-5.00; Texas fed steers, \$5.50-6.00; western steers, \$5.50-6.00; Texas fat steers, \$5.50-6.00; Hogs—Receipts today, 3,000; tomorrow, 2,500; left over, 1,000; opened by 1c; lower; butchers' stock, \$6.00-6.50; mixed and butchers, \$5.50-6.00; good to choice heavy, \$6.00-6.50; rough heavy, \$5.50-6.00; light, \$5.50-6.00; bulk of sales, \$5.50-6.00. Sheep—Receipts, 25,000; steady; lambs, \$5.00-5.50; good to choice, \$5.50-6.00; \$4.50-5.00; fair to choice mixed, \$3.50-4.00; native lambs, \$5.50-6.00.

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Headquarters for Incandescent Gas Mantles, Portable Lamps. THE NEW DISCOVERY Kern Incandescent Gas Lamp. Gunster & Forsyth 253-327 Penn Avenue.

E. Robinson's Sons Lager Beer. Manufacturers of Old Stock PILSNER. Brewed by 435 to 453 N. Second St. Scranton, Pa. Old Phone, 2331. New Phone, 2933.

When in Need of anything in the line of optical goods we can supply it. Spectacles and Eye Glasses. Properly fitted by an expert optician. From \$1.00 Up. Also all kinds of prescription work and repairing. Mercereau & Connell, 132 Wyoming Avenue.

Lawyers. HENRY BELIN, JR., General Agent for the Wyoming District for Dupont's Powder. Mining, Blasting, Sporting, Smelting and the Higgins Chemical Company's HIGH EXPLOSIVES. Safety Fuse, Caps and Explosives. Room 401 Connel Building, Scranton. AGENCIES. JOHN B. SMITH & SON, Plymouth. E. W. MULLIGAN, Wilkes-Barre.

Fall and Winter Furnishings For the Home. This is the store where a scantily filled pocketbook will not interfere with the purchasing of your cold weather needs. We appreciate the fact that you do not receive your salary in large advance payments, so why should you be compelled to pay in that way. Here you purchase what you need, and it is delivered at once. You are entitled to the privilege of paying as you are paid.

Our Ranges Are Coal Savers. Black diamonds are bound to be the subject of more serious consideration this winter, so this fuel saving quality which has previously been of small importance, becomes a prime feature. It is in the scientific construction of the fire pot that this great advantage is secured. If you will call we can better explain while you are inspecting the ranges. The prices on our high grade showing are 18.50, 20.00, 24.00, 25.00 according to size. We carry no so-called CHEAP cooking stoves. A guarantee which means, Free Repairs for One Year From Date of Purchase, goes with Economy range sales. You may pay for them "a little at a time," too.

The Fall Exhibition of Go-Carts is Open. "What," ventured a gentleman, the other day, noticing the go-cart display, "you certainly do not sell go-carts at this season of the year." As there may be others who have a similar impression, we desire to emphasize the fact, that we most assuredly do sell great numbers of baby vehicles during the Fall and Winter months—and there are two good reasons for it, too. During the Summer little ones may take their airing by rolling on the lawn or toddling around the yard, in Winter it is important to keep them off of the ground and well protected—hence, go-carts. Then our Winter go cart prices are even closer to the cost than Summer figures. The exhibit shows the product of America's leading makers. Come and look it over.

3-Piece Bedroom Suit 35.00. Quartered Oak, and only. If you have in mind the purchase of a rich, massive suit, this is the price of bargains. The bed is full sized, high head and massive roll footboard, hand carved. The double top shaped case and swell front design of the dresser is peerless. Post construction and elegant bevel French plate mirror are other features. The commode is made along similar lines. Each piece is golden finished. The price means a saving of 15.00.

Floor Coverings. Important Bargains in Room Rugs—There are a fine variety of Syrian, Roly Brussels and Tapestry Rugs in sizes from 4x6 to 12x12 feet to extra feet. Prices 6.00 from 35.00 down to. Our Special Semi-Wool Ingrains is an all-time favorite. It has the beauty and merit that makes it durable and keep them, too. A comprehensive selection of patterns at the same tempting price 53c per yard.

Carpets Made and Laid Without Extra Charge. Cane Seated Rocker. "The Lady's Chair" 1.25. Folding Iron Couch. A perfectly shaped upholstered couch, equipped with "National" woven wire springs. By extending the adjustable sides, a full sized comfortable bed is formed. The frame of this handy couch-bed is made throughout of iron and is in every way a high class production. Usually sold at 15.00. Our special price is 12.95.

CREDIT YOU? CERTAINLY! THE ECONOMY. 221-23-25-27 Wyoming Ave., Scranton, Pa.

When in Need of anything in the line of optical goods we can supply it. Spectacles and Eye Glasses. Properly fitted by an expert optician. From \$1.00 Up. Also all kinds of prescription work and repairing. Mercereau & Connell, 132 Wyoming Avenue.

Lawyers. HENRY BELIN, JR., General Agent for the Wyoming District for Dupont's Powder. Mining, Blasting, Sporting, Smelting and the Higgins Chemical Company's HIGH EXPLOSIVES. Safety Fuse, Caps and Explosives. Room 401 Connel Building, Scranton. AGENCIES. JOHN B. SMITH & SON, Plymouth. E. W. MULLIGAN, Wilkes-Barre.

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