

DISPUTE OVER BOUNDARY LINE

DEALT WITH IN AN OPINION BY JUDGE NEWCOMBE.

Title to Fourteen Acres of Land Rested on the Court's Identification of Which Two "Outcrops of Conglomerate" Formed the Third Side of a Triangular Plot Reserved from a Large Tract—Opinion by Judge Vosburg in the Senefelder Estate Dispute—Court Notes.

In 1882, Ira E. Hartwell conveyed to A. G. Miller a 110-acre tract of land in Blakely, "excepting and reserving, however, out of the same, all that portion within the coal measures situate in the east corner of the above described lot, and bounded on the northeast by the Jacob Oakley lot, on the southeast by the Daniel Sherrard warrant, and on the remaining sides by the outcrop of the conglomerate rock, containing about four and one-half acres and known as the Oakley coal bed.

The piece so reserved was, in 1888, conveyed by Hartwell to G. W. Craven and others, under a slightly different description, but identified as being "the same land reserved in a certain contract between the party of the first part and W. G. Miller, dated the 19th day of December, 1882."

The land reserved lies at the apex of an angle formed by the lines of the adjoining Sherrard and Oakley tracts. The base of the reserved triangle is the "outcrop of conglomerate."

The case becomes complicated by reason of the existence of two outcroppings of conglomerate, one a high ledge forming a practically complete base to the triangle and enclosing about eighteen acres, and the other a not well defined line of conglomerate outcropping, some rods within the triangle of which the other would form a base, and not extending from side to side of the triangle.

When Miller, who owned the tract, minus the reserved triangle, came into court with a view of establishing title to the land lying between the two "bases," his principal contention was that it must have been the inner and smaller outcropping that was meant as the base line, because the big outer ledge would enclose eighteen acres. The defence was that the big outer ledge was meant, because the other was indistinct and at all events did not reach from side to side for a reasonable sufficient distance to fix a line.

Judge Newcomb agreed with the latter contention and granted a non-suit, with a rule to show cause why it should not be taken off.

Yesterday the Judge handed down an opinion discharging the rule to take off the non-suit.

After an exhaustive discussion of the case he says: "We held that there was nothing in this case to take it out of the general rule that the quantity of land mentioned in a deed, like courses and distances, must give way to boundary lines fixed by established monuments, natural or artificial, existing on the ground. Large vs. Penn., 6 S. & R., 48; Kreiter vs. Bomberger, 32 Penn., 59; Pettis vs. Gaw, 15 Id., 218. We further held that the outcropping of conglomerate rock was the boundary adopted by the parties regardless of any uncertainty in their own minds as to the quantity of land. There was no evidence of any line of rock, other than the one spoken of as the high ledge, that would answer the requirements of the description in question. The location of this ledge not being disputed we could see nothing to go to the jury.

"After a careful review of the case we think there was no error in directing a non-suit, and therefore the rule to take it off is discharged."

Must Take the Pledge. James Kearney, who was convicted several months ago of embezzling money from the Singer Sewing Machine company, by which he was employed, was called before Judge Newcomb yesterday afternoon for sentence.

"I have known you for many years," said the Judge, addressing Kearney, "and it is a painful duty for me to have to impose sentence upon you. If you had taken care of yourself, as you ought to have done, you would not have laid your hand on your employer's money. I am inclined to give you another chance. If you will agree to take the pledge and do something to restore yourself to the place you ought to occupy in this community, I feel like giving you one more chance."

Kearney promised that he would do as suggested, and sentence was suspended until the February sessions.

Peddlers to Incorporate. Application was made to court yesterday for a charter for the Peddlers' Protective association, of Scranton, of which Joseph Muscovite, Samuel Bernstein, Morris Kline, Bernard Sherman and Ignatz Middleman are trustees.

DO YOU GET UP WITH A LAME BACK?



Have You Uric Acid, Rheumatism or Bladder Trouble?

To Prove What SWAMP-ROOT, the Great Kidney and Bladder Remedy, Will Do for YOU, All Our Readers May Have a Sample Bottle Sent Free by Mail.

Pain or dull ache in the back is unmistakable evidence of kidney trouble. It is Nature's timely warning to show you that the track of health is not clear.

If these danger signals are unheeded, more serious results are sure to follow: Bright's disease, which is the worst form of kidney trouble, may steal upon you.

The mild and the extraordinary effect of the world-famous kidney and bladder remedy, Dr. Kilmer's Swamp-Root, is soon realized. It stands the highest for its wonderful cures of the most distressing cases. A trial will convince anyone—and you may have a sample bottle free, by mail.

Backache, Uric Acid and Urinary Trouble. Among the many famous cures of Swamp-Root investigated by The Scranton Tribune, the one we publish today for the benefit of our readers is in the highest terms of the wonderful curative properties of this great kidney remedy. Dr. Kilmer & Co., Binghamton, N. Y.

Gentlemen—When I wrote you last March for a sample bottle of Swamp-Root, my wife was a great sufferer from backache, rheumatism and urinary trouble, also excess of uric acid. After trying the sample bottle, she bought a large bottle here at the drug store. That did her so much good she bought more. The effect of Swamp-Root was wonderful and almost immediate. She has felt no return of the old trouble since.

F. THOMAS, 47 Best St., Buffalo, N. Y.

Lame back is only one symptom of kidney trouble—one of many. Other symptoms showing that you need Swamp-Root are, obliged to pass water often during the day and to get up many times at night, inability to hold your urine, smarting or irritation in passing, brick-dust or sediment in the urine, catarrh of the bladder, uric acid, constant headache, dizziness,

The purpose of incorporation, as stated in the application, is to establish certain lawful rules and regulations in the conduct of the business of its members and to protect them in the lawful conduct of their business affairs.

Allows Claim for Nursing. Judge Vosburg, in Orphan's court, yesterday handed down an opinion allowing \$72 out of the estate of the late F. X. Senefelder to Mrs. Peter Schmidt, wife of the deceased had boarded, for services rendered him as a nurse during his fourteen months' illness.

The heirs contested Mrs. Schmidt's claim on the ground that \$12 over and above his board, which the deceased had given her in his life time, amply compensated her for what extra service she performed.

Judge Vosburg finds that \$6 a month for fourteen months, minus the \$12 given the claimant by the deceased during his illness, is a fair allowance, and directs judgment accordingly.

Marriage Licenses. John AndersonScranton Jennie PearsonScranton Thomas S. AthertonScranton Isabell F. WattCarbondale

COURT HOUSE NEWS NOTES. Roy Decker yesterday registered as a law student with Attorney W. N. Leach. Florence J. Helweg was yesterday admitted to practice at the Lackawanna bar.

The report of the viewers in the matter of a road in Newton township was yesterday confirmed finally. The license of W. H. Loftus, of Moosic, was yesterday transferred by the court to Joseph P. Helweg, of Moosic.

In the equity case of Kolb against Brennerman the amended report of the master in partition was yesterday filed and confirmed by the court. The court made an order yesterday fixing December 8 as the time for hearing testimony before Judge Kelly in the case of Louisa Ferguson against Arthur Ferguson.

Reasons for a new trial were yesterday filed for the Scranton Railway company by William Warren & Knapp in the case of William Zulcrae against the Scranton Railway company. The case was tried last week and a verdict of \$99 in favor of Zulcrae returned.

HAWLEY. Special to the Scranton Tribune. Hawley, Dec. 1.—A. D. Curtis, of Chicago, has been spending a few days visiting friends here and renewing old acquaintances of his boyhood days.

W. C. Knapp and family spent Thanksgiving with relatives at Matawan, Pa. Rev. J. H. Watrous was too ill to fill his pulpit at the Baptist church last Sunday.

Frank Wright and Fred Wagner have returned from Massillon, Ohio, where they have been working the past two months. The Hawley Glass company are working their large furnace to its full capacity and expect to start their other furnaces soon.

Miss Elizabeth Male, of the East Side, is making a visit with friends in Elmira, N. Y. Michael Kilbride, manager of the Temple Coal and Iron company of Forty Foot, spent Thanksgiving with his parents here.

Graham Watts, teamster, had a little taste of western hold up, as he was driving to Honesdale last Tuesday evening he was held up by two men and money and valuables de-

manded, when very luckily another team drove along and the thieves were frightened away.

JONAS LONG'S SONS Problems Arise Now, What to Buy, Where to Find Suitable Presents for Holiday Gifts. Cushions. Stationery. Bric-a-Brac. Our Book Department. Children's Handkerchiefs. Berkshire Linen. Highland Linen. Vases. Advertisers of Facts Only.

WE KEEP PICTURES THE GOOD FOR THE PRICE OF THE IMITATION. The kind whose influence is refining and educational—pictures that will elicit a vast amount of curiosity from the young folks and lead them to know the story of the study and the artists. GRIFFIN ART SHOP, 211 WASHINGTON AVENUE.

WAYMART. Special to the Scranton Tribune. Waymart, Dec. 1.—A reunion of the children, grandchildren and great grandchildren of the late Samuel and Mary Jenkins was held on Thanksgiving Day at the old homestead, near Waymart, now owned by the table fairly groined under all the good things set upon it.

AMERICAN PATRIOTISM. A Foreign Observer Notes It as Our Chief Characteristic. From the Portsmouth, N. H., Chronicle. An intelligent visitor from abroad, who recently made an extended tour of the United States, said to an interviewer that the thing which impressed him most was the patriotism of the American people.

HOPBOTTOM. Special to the Scranton Tribune. Hopbottom, Dec. 1.—John Loomis, of Scranton, spent Sunday with his father, O. W. Loomis. Mr. and Mrs. George Case were visitors in Scranton Sunday.

MOOSIC. N. A. Hulbert, of Scranton, was a business caller in town on Monday. Mrs. George Tiffany, of Honesdale, and Mrs. Argus N. Jenkins, and daughter, Reba L., of Scranton; Miss Emma Symons and Mrs. F. Short, of Waymart.

They Pay the User. If you wish a half-tone or line cut, let the Scranton Tribune make it for you. Our equipment for this work is complete and up-to-date. We have facilities for doing the finest sort of work at lowest prices and what's more, we do it. A trial order will convince you.

NONE SUCH. Having sold 12,000,000 packages of our brand of Mince Meat last year we feel assured that to say more in support of its merits would be a waste of words. In fact, that is all we have time to say—our part is to make the Mince Meat house-wives favor above other brands.

A Champagne Royally Approved. During the late Coronation festivities, all the state banquets at Buckingham Palace and Windsor Castle were served exclusively with Moet & Chandon's "White Seal." This royal commendation is, at least, sufficient to cause your consideration of this celebrated brand of wine. Old 'Phone 2162. New 'Phone 2974.

The Top Notch of Comfort. At the lowest notch of price. Ease and comfort at an insignificant expense. A chair well suited to the laziness of the young or rheumatism of the old. Matchless value. Just like cut. Only \$4.75. Ask for your coupons. Free Holiday Gifts. PRIZE NO. 1, \$60 IN MOSE. PRIZE NO. 2, \$40 IN MOSE. Scranton Carpet & Furniture Co. Registered. 406 LACKAWANNA AVENUE.