#### ESTABLISHED IN 1855

## ITEMS CONDENSED.

complain of smut in their wheat.

Earl Diffenderfer, a Wrightsville

boy, who was recently struck by an automobile, has died of his injuries. John Ballinger was blasting stumps with dynamite near Lancaster when with dynamite near Lancaster when Three bids were received for the he got to close to a slow fuse and lost work as per plans and specifications as

En route from New York to Middleport on a Jersey Central train, Mrs. William J. Edwards gave birth to a E. son as the train reached Tamaqua.

Out of the forty-two young people who recently took the examination for teachers' certificates in Bucks county, but five were of the male persuas-

There are on file with the state high-

township high school. At West Chester recently two street

venders of ice cream were arrested and fined \$25 and costs by a local magist-rate on the charge of selling ice cream that was not up to the standard.

George Sherrer, aged 25 years, an electrician, was electrocuted Thursday at Bethlehem, when 2,300 volts passed into his body, while he was doing some repair work at the residence of C. M. Schwab.

Eight men were killed and a number wounded when an explosion of dynamite occurred at the cement rock open being the rails in paving with the proposed brick. Mr. Lyons said he raquarry of Mill B of the Lehigh Portland Cement company, West Coplay,

Ephraim Brubaker, aged 10, was killed while scuffling with his brother Benjamin, age 12, at their home at knee struck the stomach of his broth- laid without much more delay. er, an artery burst and instant death followed from internal hemorrhage.

Guirney Rupert, of Quakertown, recently fell into a cistern in a wagon house and met death. His neck was broken. His father went to search for him and fell on top of the body, escaping injury.

Alvin Ebersole, while trying to hive a swarm of bees near Marietta, recently, was nearly stung to death. He went to the office of a physician and fell unconscious. To revive him was not an easy task. The bees escaped.

Many State senators and representatives have declared to the Philadelphia Press their approbation of an in- sioner.

Miss Josephine Dougherty, an actress of New York, after searching all over the United States and Europe for her father, Samuel T. Dougherty, from and Ditez. whom she has been separated since she was 2 years old, believes that the miss. for payment ing man is in Philadelphia and has

asked the police to locate him. The new big stationary engines for Labor and hauling... Mahanoy Plane are being constructed at the Scott works, in Reading. The will be finished by the end of Septem ber, it is thought, and when they ar installed, the capacity of the plan will be doubled. Other improvement at the plane will be completed abou

the same time. Captain John V. McAlpin, late of company C, Sixteenth infantry, and Captain Derby B. Neagley, late of company A, Eighteenth infantry, hav been discharged from their offices in the National Guard. They were declar ed "unfit to discharge the duties of their office." because they had faile to settle accounts in a satisfactory A. M. Peters ... manner and the State had recourse to

An old Williamsport resident recent ly informed a representative of one of hat town's newspapers that June 1843 it was so cold that the corn in the fields was frozen from the top to and four daughters as follows: Robert the ground, and that in the orchards G. Miller of this city; Joseph W. Millblack with frozen fruit. The freezing and the farmers who made no attempt son, Cooper township; Mrs. Mary Jane to replant reaped a full crop. Those Hall, of Philadelphia; Mrs. who replanted between the old hills. however, had many stocks for their Mariah Stiff of Wyoming. trouble, but little corn.

Schimmel house, which was erected in subsequently passed into the hands of Miller has been claimed by death. modern structure

### EDW. C. YEAGER AWARDED CONTRACT

ior of City hall was awarded to E. C. Yeager for \$150 at a regular meeting of the borough council Thursday night.

E. A. Adams-work and furnishing material, \$350; work only E. C. Yeager-work and furnishin

material, \$369; using ready-mixe paint \$345. Work only, \$150.

B. F. Cook—work and furnishin material, \$410; work only, \$200. On motion of Mr. Marshall the con-tract for the work only was awarded to E. C. Yeager, as the lowest bidder, the borough to furnish the material.

Public school children in Lower Merion township, Chester county, were given a holiday on Thursday because of the dedication of the new \$200,000 could be filled up at a comparatively of the dedication of the new \$200,000 could be filled up at a comparatively was the opponent. But there you are small cost. Mr. Everhart favored the moving of the school house as the only practical solution of the difficulty. On motion it was ordered that the matter It was Bloomsburg's day all around be left in the hands of the committee on streets and bridges with power to Bloomsburg salubriousness. The crowd

W. H. Lyon, contractor of Sunbury, posed brick. Mr. Lyons said he re- ing. garded the blocking up of the track and Sunbury with satisfactory results.

On motion of Mr. Price it was ordered that the Danville and Sunbury Manheim, Thursday. The younger boy Transit company be granted permiswanted to assist in hitching up a team sion to block up its track as required but his brother objected, seized a whip in order to raise it to the same height and an after him. Ephraim tried to get the whip and in the scuffle was thrown to the ground. Benjamin's ment on East Market street may be

> On motion of Mr. Everhart it was ordered that the slate roof of the Goodwill engine house be repaired.

> On motion of Mr. Connolley it was ordered that the painting of the new benches at Memorial park be postponed until next fall.

> John Marshall took exception to the chief of police going out of town on business for private individuals. Mr. Price moved that the chief be dismissis sufficient for a town the size of Danville. The motion was lost.

mmunication was received from James T. Magill, in which he tender- bases almost constantly, but scores nation for congress on the socialist

ey has been expended in connection with the building of the Rittersville with the building of the insane.

On motion of Mr. Connolley Free Held was elected water commissioner to succeed Mr. Magill.

The following bills were approved

#### BOROUGH DEPARTMENT.

d	Wallace H. Hoover	3.55
y		5.00
1-		0.00
e		4.41
е		9.94
ts		0.00
it		5.74
		8.00
	Standard Gas Co	. 50
of	Amer. La France Fire Eng. Co. 9	0.00
d	Labor in Light department 1	5.00
of	WAIER DEPARTMENT.	
е	Regular employes \$15	3.50
n		7.94
r-	Friendship Fire Co	9.13
of	Atlantic Refining Co . 2	8.36
d	Standard Gas Co	1,66

### THE MILLER FAMILY

The Miller family, sons and daugh ters of William G. Miller, will hold a family reunion in DeWitt's park today. Among the survivors are five sons der the apple trees the ground was er, Riverside; Levi M. Miller, of Wyck with frozen fruit. The freezing oming; James Miller, of Erie; E. S. ot hurt the corn much he said, Miller, of Danville; Mrs. Sara E. Gib Lamers of Richmond, Ky.; Mrs.

Of the sons of William G. Miller. One of the oldest landmarks in norther Robert G., Joseph R., Levi M. and ern Northampton county is being torn William H., the latter deceased, served down. It is an old log building at in the Union army during the civil

The family held its last reunion five years ago, since which time William

All the brothers and sisters are preand is now owned by Floyd Acker- sent and, along with relatives of the man, who will replace it with a more family, will join the reunion in the

### BLOOM WON-RAY FOR DANVILLE

SATURDAY'S RESULTS.

Bloomsburg, 7; Danville, 4. Nanticoke, 12; Berwick, 4. Benton, 2; Nescopeck, 0. Shickshinny, 6; Aden, 0.

#### STANDING OF THE CLUBS

y g d	W. L. Danville 8 1 Bloom 6 2 Berwick 6 3 Shick'ny 5 3	.889 Na .750 Ne .667 Be	anticokeescopeckden	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	. P.C. .500 .250 .222 .111
g	That curious	thing,	known	in	base

ball parlance as "the break," gave accomplish their dearest desire and beat Danville. Score 7 to 4.

Everybody knew that sooner or latway commissioner at Harrisburg, applications for the building of 4,762 miles of state road in different parts of Pennsylvania.

The subject of removing the Welsh ill school house to a new and safer site, the work to be done by the borough council and the school board but that had its falls, and was the beta--it is as it is. Danville has a good team—the best in the league—and good

even the weather had the stamp of was immense 1509 paid admissions being registered. Of these between four the lowest bidder on the East Market and five hundred were from Danville. street paving, being present before Every last man and woman of the big council was asked for his views on the practicability of blocking up the track citement and the cheering was almost of the Sunbury Transit company in continuous, the lusty rooting of the order to obviate the necessity of changless hearty because the team was loos-

"The break" left about everything one and a half inches as required, that could have any effect on the out-Thursday morning. The cause of the thoroughly practicable, as he had seen come of the game in Bloomsburg's favexplosion is a mystery.

thoroughly practicable, as he had seen come of the game in Bloomsburg's favexplosion is a mystery. off day and was touched for two singles and two doubles beside issuing three ed ball, allowed Bloomsburg to score

nowed, were sufficient to win.
After that "Peck" Rowe was ushered into the box, and during the fourth ate for representative in congress reinnings it looked as if he would fare as bad as Brannen, but in the fifth he settled down and after that it was the

we have been use to. As far as Hine was concerned he gave no show of extraordinary strength tion at any stage. Of the eleven hits which the Danville scorer tallied, eight were clean and the rest were too hot for the Mayan; Republican, Alexander Fos-Bloomsburg field to handle. This wal-He declared that one policeman known tendency to wildness, which er, are elected respectively, secretary resulted in hitting three batters with and treasurer of the Prohibition coun pitched balls and the issuing of four ty committee. passes, kept Danville runners on the Mr. Magill's resignation was when all that was needed to turn the tide in Danville's favor was just a support occorded that party in Mon-On motion of Mr. Connolley Fred pinch of the luck that was showered so copiously on Bloomsburg.

Danville scored twice in the first and the local rooters in this innings Hine was responsible for both scores. The Bloomsburg pitcher hit Umlauf and Livengood sacrificed him to sec-ond Hine then hit Nipple and as Wagner struck out Nipple and Umlauf ex-248.24 ecuted a double steal and both scored

were left on base in the next five in- of the local members. nings. In the second the side was re-

where that break begins to get in its

The fourth was almost a repetition. one he made a still steal of second, Veith likewise struck out. Cook was given a pass. Kelly then drove his hot grounder to Hagenbuch for what developed to be the sensation play of the day. The drive should have been good for at least one score and possibly two but Hagenbuch dove for the ball caught it, and with rare quickness tug

In the fifth nothing worse happened than a base on balls given to Umlauf. The sixth, however, was another the "nearly scored" innings. W innings. With one down Hagy let Hine pass him. Veith hit to right field. While Mackert was getting his base on balls Hagy was caught stealing third, and Kelly opped a fly to Edgar.

third bag retiring Wagner and the side

In the seventh Danville scored its third run. With one down Umlauf drew a pass. Livengood hit to center. Nipple followed with a two bagger into left field that scored Umlauf. Wagner then drove one to second, which was fielded in time to catch Livengood at the plate. Hagy was

Continued on 2nd Page.

### R. S. AMMERMAN THE NOMINEE

P. C. Newbaker in the contest for the nomination for representative in the night and organized for the year 1910 general assembly at the primary election Saturday. For the nomination for senator in the general assembly Wil- Burns, Pursel, Fischer, Gibson, Heiss, liam T. Creasy won out in Montour as | Cole. well as in Columbia county, although during yesterday figures were no available to show with any degree of certainty who the nominee may be.

Public interest centered in the con tests for representative and for State senator on the Democratic ticket. The Bloomsburg a chance on Saturday to vote polled was probably above the average primary vote. The weather

#### AMMERMAN'S MAJORITY

Hon. R. S. Ammerman received 609 votes as against Dr. Newbaker's 445, which gives him a majority of 164. In each of the precincts Mr. Ammerman ran slightly ahead with the exception same time everybody hoped that the of the second and fourth wards of Danville and Valley township, where Dr. Newbaker received a majority. The heaviest vote was polled in the third ward, Danville, where Mr. Ammerman received 119 and Dr. Newbaker 88.

On the Republican ticket Ralph Kisner had no opposition for the nomi nation for representative in general assembly. He received 188 votes.

#### CREASY WINS IN MONTOUR

In Montour county for the Demo cratic nomination for senator in the general assembly William T. Creasy received 516 votes; Andrew L. Fritz 90, and Charles W. Sones 400. Clyde Charles Yetter, the Republican candidate for nomination, received 198 votes. Joseph H. B. Reese prohibition candidate, had no opposition.

#### McHENRY'S VOTE

For representative in congress John G. McHenry having no opposition reand two doubles beside issuing three passes in the first three innings, which combined with two errors and a pass. in a few of the districts John G. Mc the five runs, which, as it afterward Henry was voted for as a candidate for representative in congress.

William Hart as Prohibition candidceived the regular vote of that party.

#### THE DELEGATES

as G. Vincent, Democrat, John good old brand of steady base ball that R. M. Curry, Republican, and Franklin P. Johnson, Prohibitionist, win out as delegates to the State conven-

> As county chairmen the following Prohibition, Mahlon coupled with Hine's well John M. Kelso and William H. Maug

Jacob W. Renn, candidate for nomi were prevented at critical moments, ticket, in the third ward of Danville received two votes, which was the only tour county.

### **BAPTIST CONVENTION**

The annual Sunday School and B. Y. P. U. conventions of the Northumberland Baptist association will convene at the First Baptist church, this city, today and tomorrow. The district is a large one embracing the counties of Columbia, Montour, Northumberland, Lycoming, on Hagy's hit, the latter being caught | Clinton, with a total number of fortyseven churches. Between eighty and one hundred delegates are until the seventh, although six men They will be entertained at the homes

Three sessions will be held each day, a morning session at 10:30, an after The third was opened by Brannen noon session at 2:00 and an evening and Umlauf both hitting. Now here's session at 7:30. Officers will be elected, reports will be made and various -two on and none out. Liven. phases of Bible school and Young Peo good then struck out. Brannen's run. ples work discussed. Several importner got caught stealing third and Nipple flied out to second.

ant addresses will be made. The annual conventions in the past have been most successful and the local organiza-Wagner led off with a bingle into centre field, and after Hagy had struck make the present a most pleasant and make the present a most pleasant and

profitable one. wish to attend and a cordial invitation is extended to all.

### **SONES 1491--CREASY 1454**

With the vote from all districts in it now looks as though Charles W. ones, of Williamsport, will be th nominee for State Senator over William T. Creasy by a majority of 37 votes. The totals, part of which are al, but considered accurate, are as fol-

In Lycoming Sones has a majority 1325 and in Sullivan of 166 votes. In Montour county the official vote nows that Mr. Creasy has 519 votes, him a majority of 121 votes over Sones in the county, a gain of 5 over the un-

total of 1662 votes, while Mr. Sones has 329 votes, giving Mr. Creasy a maj- yesterday morning to undergo an opority of 1333 in the county, or 1454 eration and to have the fracture remajority in the two counties.

### OLD OFFICERS ARE RE-ELECTED

school district held a meeting Monday 11. The following members were present: Sechler, Orth, Sidler, Swarts,

The annual statement of reciepts and expenditures was read by the sec retary and on motion it was accepted and the officers were instructed to affix their signatures, forwarding the document at once to the department of education at Harrisburg.

On motion of Mr. Burns it was ordered that the annual statement be printed in the Morning News and the Montour Democrat at last year's price On motion of Mr. Sidler it was ord-

ered that proper officers be instructed to arrest boys who deface the fourth ward school building.

The high school report was read before the board and on [motion was accepted and ordered to be signed and forwarded to Harrisburg.

At 8:25 o'clock the school board adjourned sine die. The annual statement and the high school report were signed by the proper officers, after which the new board went into se The retiring members in the first, third and fourth wards were reelected at the last election and thus succeeded themselves at the meeting. Samuel Marks, who succeeds Harry H. Redding, of the second ward, was the only new member admitted to the

Jacob Fischer was chosen temporary president and J. Newton Pursel temporary secretary. The certificates of election were read, after which the oath was administered to the direct-

ed permanent president and W. H. Orth permanent secretary. M. H. Schram was elected treasurer and Ralph Kisner, Esq., solicitor. On motion of Mr. Pursel the salaries of secretary, treasurer and solicitor were fixed the same as last year.
On motion of Mr. Fischer it was

ordered that the tax rate be fixed the same as last year—6½ mills for school purposes and 1/2 mill for building pur-

On motion it was ordered that the schools open on Spetember 6th and that the term be one of nine months. time children be required to attend

school be the same as last year-75 per | by Prothonotary Vincent. cent. of the time belonged.

The following bills	were approved
for payment:	
Borough auditors	\$ 6.00
Standard Gas Co	
William Miller	3.00
C. L. Eggert	
A. G. Harris	1.70
F. C. Henrie	
Friendship Fire Co	9.50
D. K. Pensyl	
H. S. Reppert	7.50
Chas. Mottern	1.25
P. A. Winters	
J. W. Griffis	
Mrs. Kate Hauck	9.00
LAID TO R	EST

Mrs. Henry F. Giove, whose death were called into the box. place from Trinity Methodist Episcopal church at 2 o'clock, the Rev. Charles Cameron Snavely, the pastor, officiat

The pall bearers were: David Roderick, Robert Williams, Ralph Hodge, Edward Gibson, David Gibson and John R. Hughes.

Among those from out of town that attended the funeral were: Mr. and Mrs. William Grove, Mr. and Mrs. Harry Grove, Mr. and Mrs. E. C Rogers and Mr. and Mrs. Thomas Killian of Sunbury; Mr. and Mrs. William Grove, Frank Grove and Mr. and Mrs. William Birt of Berwick: Mr. and Mrs. John Grove of Wilkes-Barre; Mrs. Rachel Ruch of Atlantic City Mr. and Mrs. William Sarba, Mr. and Mrs. William Housel, Mr. and Mrs William Evans, of Williamsport; Mr. and Mrs. Samuel Evans and son William and Mrs. Albert Beyers, of Milton; Mrs. J. B. Scott of Northumber

#### Blew Nose--Broke Leg. Sylvester Meserovich, proprietor of

the Mt. Carmel House at Mt. Carmel, met with a peculiar accident Tuesday afternoon when he broke his right le while blowing his nose. Sylvester was sitting on an easy chair on the porch of his home when he decided to relieve the pressure upon his nasal ap pendage, said pressure being resultant while Sones has 398 votes. This gives from a severe cold. He walked to the curb and as he leaned forward to accomplish the operation he lost his balance and fell headlong into the gutter, Columbia county gives Mr. Creasy a breaking the limb near the ankle. was removed to the Miners' Hospital duced.

# ONE CASE FOR **GRAND JURY**

10 o'clock Monday morning with President Judge Charles C. Evans and Associates Blee and Welliver on the

The grand jury being called Lloyd Bomboy was appointed foreman and Wesley Jackson tipstaff. District Attorney Gearhart explained that there time the jurors had filed into the box was but one case to go before the and the attorneys had taken their grand jury.

The constables being sworn presented their returns. The only violation reported was in West Hemlock town-ship where the road leading from Crossley's farm buildings to Jersey town was described as in a deplorable condition-badly washed out and almost impassable. The court ordered the district attorney to take the matter up with the supervisors. Before discharging the constables Judge Evans explained that at the next term of court they will be obliged to report whether the loose stones have all been picked off the roads in their repsective districts.

The civil list was gone over, all the cases being continued with the exception of the Pursell case.

Ralph Heim, who pleaded guilty of malicious mischief to the property of a livery stable keeper, was called before court. In answer to a question he explained that he had been in jail three weeks following his arrest. He gave his age as nineteen years. He explained how the accident-in which the buggy and harness were broken-occurred, admitting that both himself and companion has been drinking. The estate to William R. and John G. Purliquor was obtained in Sunbury at some place which he could not locate

Judge Evans in view of the length of time in which the defendant had been in jail decided to suspend sentence. Heim was ordered to pay the costs and the sum of twenty-five dollars to the livery stable keeper to reimburse him for his loss. Judge Evans warned the defendant that he will be obliged to fully carry out the order, otherwise a bench warrant will be issued for him and he will be brought into court to answer for his neglect.

Henry Moulter, Cross street, a native of Germany, who has been in this country since 1893 was admitted to citizenship yesterday. He very satisfactorily answered all the questions out to the Pennsylvania Iron company, propounded to him, after which the oath of citizenship was administered

In the case of Commonwealth vs. Wilfred Hullihen a nol. pros. was al-

pay the costs. The case of Commonwealth vs. Wiltion and non-support, was heard by the court. Several witnesses were examined, when the court brought pro-ceedings to a close by ordering Mrs.

posed of, about three o'clock in the afternoon the civil list was attached. Daniel Pursel and wife to Waterman Twenty jurors for the Pursell case against the Reading Iron company

til tomorrow morning.

### OPINION HANDED DOWN.

'In re road in Limestone township Judge Evans handed down an opinion sur exceptions to report of viewers 'These exceptions refer to the fifth

of a certain public road in Limestone set aside by opinions of the court. The fourth set of viewers appoint

ed the same day the report of the third set of viewers was set aside, reported in favor of vacating and relaying a portion of said road. There were no exceptions filed to the report of the fourth set of viewers.

"January 22, 1909, eleven days after the final confirmation of the report the fifth set of re-viewers were appointed, which June 7, 1909, reported against the proposed changes of the said road.

'Counsel in requesting the appointment of re-viewers, the fifth set, on Jan. 22, 1909, undoubtedly overlooked and lost sight of the fact that a fourth set of viewers had been appointed August 8, 1908, who had qualified and reported and whose report had been nfirmed prior to the appointment made January 22, 1909.

"The appointment of re-viewers Jan. 22, 1909, upon the petition filed May 25, 1908, to await disposition of exceptions was erroneous. There was pointment was aimed. 'The first, third, fourth, fifth, sixth

and eighth exceptions are sustained and the report of the reviewers filed June 7, 1909, is accordingly set aside.

By the Court, CHARLES C. EVANS, P. J.

### **EXAMINATION** OF WITNESSES

The case of William R. Pursel, surviving administrator of Daniel Pursel, deceased, now Blanche E. Pursel, substituted plaintiff, vs. the Reading Iron company, constituting one of the most important civil actions ever instituted in this county, went on trial yesterday morning before his honor, Judge Evans.

Court convened at 10 o'clock. By the places the auditorium was pretty well filled with witnesses and others who were present as spectators, attracted

by the importance of the case.

In addition to W. J. Baldy, of this city, senior counsel, the plaintiff is represented by Albert W. Johnson and Fred C. Bower, of Lewisburg; A. S. Ashbridge, James Mercer and J. War-ren Davis, of Philadelphia. At the defendant's table are seated Hon. Grant Herring, of Sunbury; Jefferson Snyder, of Reading, and Ralph Kisner, of this city. Collectively the attorneys constitute an imposing array of legal talent, the like of which has very rarely been identified with any

trial in Montour county.

The case was opened by Albert W. Johnson, who spoke briefly but clearly, outlining the plaintiff's case. In 1863 Daniel Pursel was the owner of a farm of 148 acres in Valley township, which contained large quantities of iron ore. On June 27, 1862, Daniel Pursel and his wife made a deed to Waterman & Beaver, conveying to them the right to mine the iron ore on the farm. In 1868 Daniel Pursel died. In 1869 letters of administration were granted on his sel. In 1896 John G. Pursel died. In 1909 William R. Pursel died and his daughter Blanche was substituted, who is now the active plaintiff.
The deed made by Daniel Pursel and

wife in 1862 conveyed all the ore in the farm-a tract of 148 acres-to Waterman and Beaver. In the contract Waterman & Beaver were to mine as least, 5000 tons of ore each year until the ore became exhausted or the cost of mining became equal to the value of the ore taken out of the ground. The consideration for the ore was the amount of royalty at the rate of seventy-five cents per ton.

Waterman & Beaver operated the mine until about 1880, when they sold which stepped into the shoes of Waterman & Beaver and were bound by the deed which bound the latter.

Later the Pennsylvania Iron com-Wilfred Hullihen a nol. pros. was allowed by the court, the defendant to Montour Iron & Steel company, which took up all the rights arising out of the deed until 1889, when it made the liam Gething, the charge being deser- last payment and ceased mining iron

In 1896, the property passed into the hands of the Reading Iron company, the defendant, which in turn stepped Gething "to go and live" with her husband, and the latter, the defendant, it is held, is liable for all their agreements. The Reading Iron Co. has The commonwealth cases being dis- mined no ore and there is due the plaintiff under the deed made by & Beaver, in 1862, 75 cents for 5000 tons of ore, annually, from 1889 to the present time. The plaintiff also holds that the Reading Iron company since occurred Monday,was consigned to the grave in Odd Fellows' cemetery yesterday afternoon. The funeral took the case, however, will not begin unright of ownership on the Pursel farm

> The plaintiff offered letters of administration granted to William R. and John G. Pursel on the estate of Daniel Pursel; also letters of administration, D. B. N .. 7, 1909, on the estate of Daniel Pursel to Blanche Pursel, who gave bond with sufficient surety.

The plaintiff offered in evidence the deed transferring the tract in 1841 from Daniel Pursel, Sr., to Daniel Pursel, Jr.

It also proposed to offer in evidence the original deed set forth in the plaintiff's declaration to Waterman & Beaver for the ore, with all the covenants referred to and on which the ease rests-for the purpose of showing the liability of the defendant to pay royalties agreed upon in deed to Waterman & Beaver.

At this point Mr. Herring for the efendant objected to the admission of the original deed made to & Beaver unless the plaintiff agreed to follow it with a subsequent made between the heirs of Daniel Pursel and the Montour Iron company, which absolutely modifies and changes

The plaintiff's attorneys replied tha e time had not yet arrived for the admission of any subsequent deed. This being the case Mr. Herring formally objected to the admission of the original deed, which objection was

overruled by the court.

The deed transferring the property from the Pennsylvania Iron company to the Montour Iron company was admitted as evidence and read.
Finally the sheriff's deed was ad-

Continued on 4th Page.