



ITEMS CONDENSED.

THE DUCKS WERE TAME—Amos Short, who farms Hiponstalls Island in the Susquehanna river, had several tame ducks that he used as decoys for wild ducks. On Monday two young boys of Columbia made their first trip on the river for wild ducks. They came across Mr. Short's flock of tame ducks, which they mistook for wild ducks and banded into the bunch killing several of them. They brought the dead ones to town and were not aware of their mistake until told by several friends that what they bagged were tame ducks. They settled with the owner.

A ROYAL WELCOME—Employees of the Chadwick automobile works at Pottstown, expect to give Joe Waldron, one of the Walter Wellman's brave crew in the balloon America, a big reception if he ever comes back. Waldron was an expert mechanic at the plant until the strike there three months ago, and his fellow-workmen lost track of him until he turned up as one of Wellman's assistants. This is the second narrow escape with his life that Waldron had, as he was in the Iroquois theatre fire at Chicago.

HORSE IMPALED ON POST—One of the teams belonging to a contracting company in Pottsville, when coming down an incline, ran away. When the horses reached the bottom of the hill, they became so crazed with fright as to be reckless, and jumped upon an iron hitching post. The post had a sharp pointed top, and it went clear through the horse's stomach. The horse was shot a few minutes later to stop its misery.

WILD RASPBERRIES—G. J. Hisecknell, of Hayfield township, Crawford county, on Sunday picked almost a quart of wild raspberries, while walking over his farm. Mr. Hisecknell stated that to his knowledge this was the latest in the year that such berries had been gathered, and it is another illustration of the beautiful fall weather the State has been enjoying.

HUSKY WATCH—Last June John Shubert while planting potatoes in his lot at Martinsburg lost his watch. Wednesday he raised the potatoes and dug the watch out of the ground. The timepiece was wound and it began running and kept time as accurately as ever. Four months under the ground keeping company with a growing crop of potatoes did not in any way damage it.

MARRIED OVER AFTER ELEVEN YEARS—Eleven years ago Mrs. Thomas Woods, of Unadilla, N. Y., was divorced from her husband. Saturday the couple went to Scranton and obtaining a marriage license were married. Not a week passed during the eleven years of their separation that they did not see each other. Then came a second courtship and the wedding.

EXPLOSION OF LIME MAY COST EYES—Edgar B. Fisher, superintendent of the Westmoreland County court house at Greensburg, was endeavoring to blast away a portion of a concrete floor which had been found to be defective, when an explosion of lime occurred. The tiny particles were blown into his face and it is feared he may lose his eyesight.

THERE ARE WORSE PLACES—Two years ago Noah B. Gockley, of Lancaster, left the employ of a railroad because of the dangerous nature of the work. Shortly thereafter he had a jaw broken by the kick of a mule on a farm where he was working, and Saturday his left foot was so badly crushed in felling a tree that it had to be amputated.

STEER ESCAPES TO MOUNTAIN—A wild western steer escaped from a car at Shamokin and caused much excitement by rampaging up the main streets. Numerous men pursued the steer and it was shot at repeatedly but it finally escaped to the mountains, where it was later killed.

IT WASN'T SOLID—On the day after it was driven, marking the completion of the new Berwick-Nescopeck railway, the large gold spike that held the last two rails in position was stolen. It was not pure gold, and the thief is no doubt a disappointed man.

RECORD SALMON—A salmon 31 inches long and weighing six and three-quarters pounds, was caught in the Susquehanna river at Goldsboro, by Colonel W. H. Welsh, of York.

1,000 MILES TO MARRY—Miss Loretta L. Davis, of Philadelphia, has started on a 10,000 mile trip to Johannesburg, South Africa, where she will be married.

DANGEROUS TARGET SHOOTING—While practicing for the hunting season, Irwin Moore, of Shillington, shot at a beer glass with a rifle, from which the bullet rebounded, hitting him in the eye. His left eye was removed and his condition is serious.

THE LIBRARIAN'S ANNUAL REPORT

During the last month as the season of long nights has approached the demand for books at the Thomas Beaver Free Library has increased. This institution has become indispensable to our citizens. Each year are added new volumes representing the best thought of the age and affording with the books already on hand a range of reading that finds but few parallels. Add to this the excellent care that is taken of the books and the courtesy that is shown to patrons and we have in the Thomas Beaver Free Library an institution that our town may justly feel proud of.

Following is the report of the librarian, Miss Bird, for the year embraced between July 1909 and July 1910:

The number of books circulated for the year, 27,923; number of books mended, 4,352.

New borrowers registered during the year, 159.

Number of new books received, catalogued, labelled, etc. 320.

Catalogue cards made and filed, 743.

Amount of fines received for the year, \$72.14; expenses, \$46.70; fines handed to secretary, \$25.44.

Magazines sent to the bindery to be bound or repaired, 102.

Covers are now removed from all the books and the entire library has been put under the Browne system of circulation.

FORMER RESIDENT DEAD

Word was received in this city yesterday of the death at Salt Lake City, Utah, on Tuesday, of William Park Alexander, a former resident of Danville. Death occurred suddenly following a stroke of paralysis received about two months ago.

Mr. Alexander was born on a farm near Mooresburg coming to this city when a boy. For several years he was connected with the Company Store, afterwards going into the grocery business. He continued in this business until he left for the west thirty years ago. After residing in a number of places he finally settled in Salt Lake City.

He is survived by his widow, formerly Miss Catharine Crossley, of this vicinity, two daughters, Mary and Martha, both at home, and four sisters, Miss Harriett Alexander, Mrs. L. Davis and Mrs. Mary Jones, of Berwick, and Mrs. C. H. Lotier, of this city.

TWO ARE HEROES

Fleming C. Bower, son of Mr. and Mrs. F. E. Bower, of Lewisburg, has been notified by the Carnegie Hero Commission that he has been awarded a silver medal and \$2,000 for saving the life of a boy who had fallen into the river near Milton, in January, 1909. Bower narrowly escaped losing his own life in saving the drowning boy.

COLUMBIA CO. HERO.

A Columbia countian, Benjamin George, of near Catawissa, aged 26, formerly employed in the Luzerne mines, was one of the 58 heroes named for recognition by the Carnegie Commission. He was awarded a bronze medal and \$1,000 for saving a fellow workman at Hildale, August 22, 1907.

TROLLEY CAR ORPHANS 14

YORK, Nov. 2. Thrown under a trolley car, Henry Duthiein, 60 years old, a Springfield township farmer and father of fourteen children, died in the York hospital in an hour.

Duthiein had driven to York with a load of truck to peddle from door to door, and was waiting upon several customers at a Princes street curb when the car approached and frightened his horses. The farmer ran to the heads of the animals, which became unmanageable and threw him directly under the car.

One leg was broken and his head was badly crushed. The horses were both badly injured.

Taft Expects to Vacate.

Washington, Nov. 2.—President Taft told a committee of women from Pittsburg today that he did not expect to be in the white house in 1914. The women, representing the Sisterhood of the Rodeph Shalom (Jewish) congregation of Pittsburg, called to invite the executive to a celebration in Pittsburg in 1914 to commemorate one hundred years of peace between English-speaking nations. The president told them he expected to be living in Cincinnati at that time.

Enjoying Vacation.

Post Master W. M. Gonger is enjoying his annual vacation. He expects to spend a few days hunting before he resumes his duties.

WILL BE MARRIED AT HIGH NOON

The Rev. William Kerr McKinney, pastor of the Grove Presbyterian church, and Miss Margaret G. Graham, of Newark, N. J., will be united in the bonds of holy matrimony at high noon today.

The ceremony will take place at the home of the bride and will be performed by her father, the Rev. Robert T. Graham, pastor of the Tabernacle Mission Presbyterian church, of Newark, N. J., assisted by the Rev. Dr. A. H. McKinney, of New York City, cousin of the groom. Miss Lillian Graham, sister of the bride, will be maid of honor. The Rev. Z. M. Gibson, pastor of the Presbyterian church at Roxboro, Philadelphia, will be best man.

A wedding dinner will be served, after which the newly wedded couple will leave on a trip to Niagara Falls. On next Wednesday the Rev. Mr. McKinney and bride will arrive in Danville and will take up their residence in the manse of the Grove Presbyterian church, Bloom street.

TOKEN OF ESTEEM

The Rev. Mr. McKinney entered upon the pastorate of the Grove Presbyterian church, September 1st. He has already become very popular with the congregation, demonstrating marked ability and exemplifying sound Christian principles. To show its appreciation the congregation Saturday night on the eve of his departure from Danville presented Mr. McKinney with a purse of one hundred dollars. To assist him in preparing for house keeping he was also tendered a "kitchen shower" in which were comprised 133 useful articles.

On next Thursday, the 10th inst., the installation of the Rev. Mr. McKinney will take place at the Grove church, at 7:30 p. m.

On Friday following the 11th inst., the congregation will tender a reception to the pastor and his bride.

DIED IN FAR WEST

James Garfield Bateman a native of Danville and a son of James Bateman of Mt. Carmel died Saturday morning at New Westminster, British Columbia.

No particulars have been obtained by the family other than that the young man was admitted to a hospital on August 8th in a delirious condition. He never regained his health and death came on Saturday.

Mr. Bateman was a young man with a bright future. He was born at Danville Nov. 8, 1881. He was graduated from the Mount Carmel high school, from Phillips Exeter academy and from Cornell university. He was by occupation an electrical and mechanical engineer and an architect. Several years ago he went to the far West, and was prospering.

Survivors are the father, James Bateman, of Mt. Carmel; brothers, John M., of Chicago; William C., of Mt. Carmel; Joseph, of Sparland, Illinois; Alfred, of California; and sister, Margaret, of Mt. Carmel.

The body has been shipped east, and interment will take place in this city at a time to be announced later.

MARRIED 45 YEARS

Mr. and Mrs. Daniel Koehle celebrated their 45th wedding anniversary at their home at McKees Heights yesterday. A turkey dinner was provided by the children.

Among those present were the following in which are included four generations: Mr. and Mrs. Harvey Andrews and daughter Marguerite, of Montgomery; Mr. and Mrs. Robert Kisner, of Muncy; Mr. and Mrs. August Heidenreich and daughter Martha, of Strawberry Ridge, R. F. D.; Mr. and Mrs. George Sheldon, of Hughesville; Mr. and Mrs. Roscoe Moore, of Exchange; Mrs. Minnie Andrews and daughter Bernice and Bernadine, of Muncy; John Dewald, of Hughesville.

CAUGHT THEM—At the very beginning of Montgomery county teachers' institute Tuesday the teachers were trapped by the lecturer, Dr. N. V. O'Shea, of the University of Wisconsin. He was talking on anticipation of the mind, and pointed to several words on a chart and asked the teachers to repeat them. This was done with seeming correctness, but he soon convinced the teachers that the words were badly misspelled. He said that it was like the boy who said that a furlough was a donkey, because he had once seen a picture in which a soldier was riding a donkey, and the inscription beneath was: "A soldier riding home on a furlough."

Buried Yesterday.

The funeral of Mrs. Mary Keiner, whose death occurred Sunday night took place from the late residence, Hemlock street, yesterday morning. The pall bearers were: Edward Leamy, Felix Monahan, Michael Ryan, Michael Reilly, William Fallon, and Thomas Tooley.

GREETED BY TOWNSPEOPLE

Webster Grim and Thomas H. Green, candidate for Governor and Lieutenant Governor, respectively, on the Democratic ticket, accompanied by newspaper correspondents and leading Democrats of this section, paid a brief visit to Danville yesterday.

The party took dinner at the Heddens House, where later the two candidates met a large number of Danville people. An hour or more was spent in hand shaking. It was 12:30 o'clock when Mr. Grim and party arrived at Danville. At 2:15 they departed, proceeding to Lewisburg, where a short stop was made. From Lewisburg they went to Shamokin, where last night a Democratic mass meeting was held.

FOUR AUTOMOBILES

The party, which travelled in four automobiles, besides the candidates for Governor and Lieutenant Governor, contained the following: R. L. McPray, correspondent of the Philadelphia Record; George D. Herbert of Harrisburg, also a newspaper correspondent; Hon. John G. McHenry, Percy Brewington, Will Lesher, of Benton; James H. Mercer, W. C. Johnston, William Chrisman, D. Beneshoff, J. W. Wright, C. B. Ent and E. L. Dentler of Bloomsburg.

About a hundred people shook hands with the candidates during their brief stay in Danville. Mr. Grim as well as Mr. Greevy made a very favorable impression. He is a man of about middle life and of fine presence, which, with a frank, open countenance and unaffected cordiality, had the unmistakable effect of attracting people. As he shook hands with the party leaders here he made inquiries concerning the political outlook but no addresses were delivered by any of the party.

CONDITION OF THE RIVER.

The condition of the river water Sunday was intolerably bad. Upon being boiled it was hardly fit for use, possessing an odor and taste that is hard to describe, although to many it suggested the presence of chemicals. Several persons about town claim that they were rendered sick by the water. No one seems to be able to explain what causes the river water to go bad in this way periodically. The theory entertained by the mass of people, however, is that the water is impregnated with chemicals from the hospital for the insane. The idea of drinking water treated with chloride of lime is repugnant to many people and they are very suspicious as to its effects.

It happened that among those who discovered that the water was bad and unfit for use Sunday was a member of the board of trustees of the hospital for the insane. The gentleman, however, is by no means convinced that the source of the pollution lies at the hospital.

He quotes a learned article appearing in the "Municipal Journal and Engineer" for September setting forth the advantages of the hypochlorite disinfection or of what might be more familiarly described as the chloride of lime treatment for purifying water.

According to this article no injury or unpleasant effects can result from the chloride of lime used in purifying the effluent at the sewage disposal plant at the hospital. Professor G. A. Heulett is quoted to show "that giving all possible credence to injurious action, if ten pounds of chloride of lime or bleaching powder per million were added to the water, it is theoretically possible that there should be present in the water after treatment free chlorine to the extent of 6.4 parts in a trillion parts of water. Admitting this, to obtain a medicinal dose of free chlorine as large as has been administered in cases of typhoid fever it would be necessary for an adult to drink a gallon of water so treated each day for 7,180 years."

So much for theories. What chiefly concerns the people of Danville is the fact that the river water is periodically, if not all the time, bad. It should not be a difficult matter to ascertain the cause, if a thorough investigation were set on foot. The remedy is another matter.

U. OF P. GRADUATES

The graduates of the University of Pennsylvania residing in the Northumberland district will hold their annual banquet in Sunbury tomorrow.

Dr. J. B. Cornett of the University faculty who will address a meeting of the medical society will be the guest of the evening.

Among those who will attend the banquet are the following from Danville: Drs. E. A. Curry, H. B. Meredith, J. E. Robbins, W. H. Krickbaum, G. F. Free, J. B. Gearhart, L. H. Jennings, C. R. Herrington, A. B. Vastine, W. V. Oglesby, Esq., and Hon. R. S. Ammerman.

THE COAL DIRT CASE ON TRIAL

Court convened at 10 o'clock yesterday morning with President Judge C. C. Evans and Associates Hlee and Welliver on the bench. The case of Sophie G. Eckman vs. the Lehigh and Wilkes-Barre Coal company, an action in trespass, immediately went on trial.

The case has brought out a most notable array of legal talent. The plaintiff is represented by Hon. H. M. Hinckley, Edward Sayre Gearhart and L. C. Mensch. At the defendant's table are seated former Judge F. W. Wheaton and A. L. Williams, of Luzerne county; Daniel W. Kaebler, of Pottsville and William Kase West of this city. Seated at the table also is H. C. Mason, land agent of the Lehigh & Wilkes-Barre Coal Co.

Among others representing the defendant present at the trial is Edward J. Newbaker, superintendent of the Lehigh & Wilkes-Barre mines.

The first witness called was Sophie G. Eckman, the plaintiff. She is the widow of Col. C. W. Eckman and owner of the farm described in the statement of the case. She purchased the farm in 1883 and the year following moved on to the place.

Lying between the railroad and the river is about twenty-five acres of land, which before the alleged injury yielded fine crops. In December 1901, in February 1902, and again in 1904, heavy floods occurred, which left a deep deposit of coal dirt on the greater part of the tract, raising the soil and making it impossible to raise anything like a full crop. F. W. Wheaton conducted the cross examination. There are 130 acres in the farm. The witness was born and raised on the farm and she recalled several great floods on the North branch. Principal among these were the floods of 1855 and 1873. The flood of February, 1902, was higher than the one in December preceding. The flood of 1904 brought the highest water. It was the last three floods which, it was alleged, brought down the coal dirt and ruined the tract of lowland between the railroad and the river.

The second witness called was William G. Yetter of Catawissa, surveyor and engineer, who on July 19, 1906, made a survey, which was reduced to a blue print and offered in evidence yesterday. The tract alleged to be damaged contains 19 six-tenths acres.

J. C. Brown of Bloomsburg, surveyor and engineer, was the next witness. On October 28, 1910, he made a survey, which was later reduced to a blue print. The latter was also offered in evidence. Mr. Brown's survey in part was based on the one made by Mr. Yetter.

Clarence Cleaver, formerly assessor of Mayberry township, was an important witness. He explained that while at some spots on the tract there seemed to be no coal dirt at other places it lay six inches deep. At still other places, where hollows occurred, the deposit of culm was a foot or more in thickness. The witness testified as to the value of land before and after the floods occurred, which, it is alleged, deposited the coal dirt. The assessor's books were offered in evidence.

Tuesday's Proceedings.

Two days have already been occupied by the plaintiff's side of the coal dirt case brought against the Lehigh and Wilkes-Barre Coal company by Mrs. Sophie G. Eckman, and when court adjourned yesterday afternoon one witness still remained to be heard.

It was 3:30 o'clock when, on proceeding to call an important witness, and the only one for the plaintiff that remained to be heard, it was discovered that he was not on hand. A consultation followed, when it was agreed that court should adjourn that upon reconvening, at 9 o'clock this morning, the remaining witness should be heard, after which the defendant should open its case.

A large number of witnesses were examined yesterday. The attorneys for the defendant were very vigilant and the witnesses were held down to what was relevant and material. The cross-examination in the main was conducted by former judge Wheaton and was very searching. The testimony adduced was as follows:

Thomas Elmes, who in 1897 farmed on shares the tract on the Eckman farm alleged to be damaged by coal dirt, testified as to the falling off in fertility. He fixed the depreciation as it affects the whole farm at \$3500.

Jonathan Loreman, who owns a farm adjoining the plaintiff's, was the next witness, confirming preceding testimony.

William Vastine testified as to the depreciation of property due to the presence of coal dirt. Previous to 1901 the average yield of crops per acre was as follows: wheat 25 bushels; corn, 100 bushels; oats, 40 bushels; hay, 1 1/2 tons. Following 1901 the average yield per acre is put down as follows: corn, 15 bushels; rye, 10 bushels; buckwheat, 10 bushels. The witness estimated the depreciation at \$4,000.

Mr. Vastine's testimony, which considerable light on the "Mud Fishery," which exists in the river at the farm of the plaintiff and which has been repeatedly alluded to in connection with the damage alleged to have been done by the coal dirt. The "Mud Fishery" is a survival of the days when shad were caught in the North branch of the Susquehanna. The witness described a natural eddy of wide scope occasioned by the peculiar formation of the river bed at that point. At low water the eddy is still discernible. As the river rises it grows in scope and velocity until high water mark is reached, when its wide sweep embraces the submerged low land. The rotary motion of the water, which in the olden day brought in the shad, it is alleged, under present conditions is just as efficacious in drawing in the culm and depositing it on the land.

L. C. Mensch, one of the attorneys in the case, was called to the stand. Since December 1901, the river along the southern shore below Catawissa creek has contained deposits of coal dirt. Above the mouth of the Catawissa creek on the other hand, it is alleged, very little coal dirt is seen on the southern shore. The current above Catawissa, the witness explained, is thrown over to the northern side of the river by a bend in the stream. The Catawissa creek is subject to great floods during the winter season. Following each of these floods the river at the mouth of the creek contains great deposits of coal dirt.

William Getty, who was employed on the plaintiff's farm in 1904 and occupied the tenant house, was a witness. He described the failure of crops and the deposit of coal dirt on the tract, which, he said, came from the river. He estimated the depreciation at \$5000. Some of the culm, the witness said, came down the Catawissa creek. Prior to 1904 he observed coal dirt in the river and along the edge of the stream.

The witness was on the Eckman farm when the big ice gorge broke. Culm was frozen fast to the bottom of the ice cakes deposited on the land, and when the ice melted the culm remained on the tract.

William Rishel was the next witness. Since last spring he has lived at Rupert. Prior to that time he occupied his farm on the high ground opposite Catawissa, where he had an unobstructed view up and down the river. He described a curve in the stream above Catawissa and its effect on the current. He has observed the deposits of coal dirt in Catawissa creek. During the past summer during low water he took a boat from Catawissa to Rupert; he saw no coal dirt in the river between the two places—"while the bottom of Catawissa creek looked like a coal bank."

Boyd Trescott, engineer & surveyor, representing the plaintiff, who accompanied the jury on its tour of the coal field was examined at length.

From the mouth of the Catawissa creek to No. 5 colliery of the defendant coal company, the distance, he said is thirty-five miles. The entire water shed embraced in this distance is one hundred and thirty-five square miles. At intervals along the course of the creek are deposits of coal dirt, not only in the bed of the stream but also on the land along shore submerged during high water.

At the No. 5 coal works are enormous deposits of culm so situated with reference to the headwaters of the creek as to be washed into the channel with every heavy rain. Witness described the stream and the lay of the land adjacent, the slope and surface features of the latter being such, it was alleged, as to favor sudden rise of water accompanied with a swift strong current. With every rise of the creek, he said, large quantities of culm are engulfed and carried down the stream.

In cross examination Mr. Trescott was referred to a point on the North Branch and asked to describe conditions. In the vicinity of Nanticoke, he said, there is culm in the river. Between Berwick and Beach Haven the channel is clear of coal dirt. This is due, it was explained, to the presence of the dam at Nanticoke which intercepts the culm.

George Ross was called to the stand. While hunting muskrats he passed over the lowland of the Eckman farm. He testified as to the depth of the deposits of coal dirt, which at some places "were up to his boot tops."

M. Geary and William Berninger, formerly proprietors of grist mills on the Catawissa creek, testified as to the accumulation of culm in their respective mill dams. At Mr. Berninger's mill since 1901 the deposit has grown until it is "three or four" feet deep and has filled up the dam two-thirds of the way across the stream. On cross examination the witness admitted that the coal dirt was mixed with sand.

Wednesday's Proceedings.

The defendant in the famous "coal dirt" case of Sophie G. Eckman vs. the Lehigh & Wilkes-Barre Coal company, now on trial, opened its case yesterday forenoon. Immediately after convening in the morning Daniel Huber, of Catawissa, a witness for the plaintiff, absent Tuesday after-

noon, was examined, after which the plaintiff rested.

Hon. F. W. Wheaton immediately moved for a compulsory non suit, citing authorities to show that in such cases the burden rests upon the plaintiff to prove what proportion of the damage sustained by the plaintiff's land has been caused by culm from the defendant's collieries.

The case, being tried, he said, was susceptible of some evidence to show to what extent the defendant company was responsible, yet no testimony had been adduced that would go beyond the merest "guess." He claimed that the plaintiff by her testimony had shown that other people beside the Lehigh & Wilkes-Barre Coal company contributed to the culm that came down the river; the burden remained with her, he insisted, to show how much of the culm deposited on her land came from the defendant's coal operations. Without such evidence the jury would not be able to ascertain the proportionate share of the damage to be borne by the defendant.

HINCKLEY'S ARGUMENT

Hon. H. M. Hinckley argued strenuously to overthrow the motion for non suit. He contended that all the evidence possible had been adduced to show the extent to which the defendant company was responsible for the damage sustained by reason of coal dirt on the plaintiff's farm. He dwelt upon the testimony of Mr. Mensch to show that the condition of the culm banks in 1909 was the same as in 1903, "only they were larger." Evidence adduced had shown that the culm banks from 1901 to 1907 were built down to the banks of the stream, which with every rise washed away large quantities of culm.

The plaintiff claims that the land was damaged by culm that came down the Catawissa creek. Mr. Hinckley contended that it was not necessary for it to prove just what fraction of coal dirt each of the five collieries at the headwaters of the Catawissa creek contributed. Quoting Judge Henderson in a parallel case he affirmed that the proportion of damage can't be found to mathematical exactness, but that it is a guess at best. It is the duty of the jury after hearing the evidence to determine the proportion of damages.

NON SUIT REFUSED

Judge Evans refused to grant the motion for a compulsory non suit and at 10:45 o'clock Hon. F. W. Wheaton opened for the defendant, addressing the jury for about half an hour.

He said that no depreciation of the land had been claimed by the plaintiff until after the big flood accompanying the breaking of the ice gorge in 1904. The ice cakes deposited on the lowland contained coal dirt and when they melted the culm remained on the land. The masses of ice came down the North Branch and the coal dirt that did the damage was gathered up at various points. The burden, Mr. Wheaton said, is on the plaintiff to prove that all the culm on her land came from the defendant's coal works and nowhere else.

On the Nescopeck creek are collieries and these from a time prior to 1902 have been sending quantities of culm down into the river; up the North Branch and up the Lackawanna river are collieries from which culm is swept into the river. In all there are from 150 to 200 collieries up the river that contribute to the coal dirt in the stream. Many of these have been in operation for twenty years or more.

OTHER COLLIERIES

Mr. Wheaton defied any man to stand on the river bank at this point or elsewhere and surveying the deposits of coal and coal dirt say from which mines any of it came. In view of the great number of collieries contributing he thought the chances are exceedingly slim that any appreciable quantity of it had come from the defendant's collieries thirty-five miles up the Catawissa creek.

There were also offered in evidence declaration of the plaintiff in similar suits brought against the Cross creek Coal Co., the Lehigh Valley Coal Co., the Susquehanna Coal Co., the Scranton Coal, the Delaware and Hudson Coal Co., the Scranton Coal company's works and the Delaware and Hudson company's mines on the Lackawanna river and Mr. Wheaton emphasized the fact that in all the cases the declaration of the plaintiff is identical with the one relating to the case against the Lehigh and Wilkes-Barre coal company now on trial—alleging damage done by coal dirt which came down from the mines of the defendant companies and was deposited on her land.

Among the witnesses who testified for the defendant yesterday were C. Clyde Moore, A. E. Manning and W. F. Dodge, all mining engineers. W. H. Dodge, a chemist, was also on the stand. The latter witness produced an analysis of coal dirt, showing that among its constituents there are no elements that should work injury to growing crops.

OTHER SUITS

It was learned yesterday that several more experts are to testify.