



10th YEAR.--NO. 28

HONESDALE, WAYNE CO., PA., FRIDAY, APRIL 5, 1912.

PRICE 2 CENTS

JOSEPH MENNER IS AWARDED \$1580.08 DAMAGES BY JURY

Borough Council, Defendant, Likely to Appeal Case

BOROUGH OF HONESDALE FOUND NEGLIGENT IN NOT MAINTAINING PUBLIC STREET IN SAFE CONDITION FOR ORDINARY TRAVEL—JURY OUT LESS THAN AN HOUR ON THE CASE

We, the jury, find a verdict in favor of the plaintiff in the sum of \$1580.08.

(Signed),

JOHN WELSH, Foreman.

The town council has instructed its attorneys to take such steps as may be necessary to bring the matter before Judge Staples with the view of securing a new trial or setting aside the verdict rendered by the jury in the case. Should they be unsuccessful it is likely the case will be appealed to the higher courts.

The damage suit brought against the borough of Honesdale by Joseph Menner, came to trial on Tuesday afternoon before Judge A. B. Staples, of Stroudsburg, sitting in the courts of Wayne county. The borough is charged by Joseph Menner of negligence in not maintaining the public street at the corner of West and Fifteenth streets, where there was a ditch or gully cut across the road on West street, about 12 inches deep and several feet wide, for the purpose of conducting the water from the west to the east side of the street where it could be carried away by sewer. It appears that on July 11, 1911, Joseph Menner was driving the Menner & Co.'s delivery wagon and when at the corner of East and Fifteenth streets one of the horses kicked a leg over the tongue of the wagon and became excited and started to trot down Fifteenth street. At the corner of West and Fifteenth streets the wagon struck the ditch and overturned, breaking a hind wheel and werving the wagon against the curb on the opposite side of the street. Mr. Menner was precipitated out of the wagon which fell on top of him. This occurrence led to the suit for damages, the amount being placed at \$6,000, which was closed yesterday afternoon, the jury, after a few hours deliberation, finding a verdict in favor of the plaintiff for \$1580.08, that being the amount of his expenses, work he had missed up to this time, and they allowed him 25 cents per month for 3 years.

The case has occasioned considerable interest to people in and around Honesdale, for the reason that the suit was brought against the borough and many surmises and pinions have been advanced at different times concerning the outcome of the case and the probability of negligence on the part of the borough council in not putting in an iron pipe across the street at this place or a stone sluice. Either one of which would have been put in at nominal cost. Judge Staples ruled, however, that if Mr. Menner had control of his team and knew of the danger in going over this ditch, and failed to turn out to avoid the danger then he was guilty of contributory negligence and could not recover damages from the borough. If, however, he did not have control of the team and couldn't turn into another street, and went on to the point of danger, if the evidence showed that the ditch on West street was unsafe for ordinary travel, then he could recover for damages sustained at the time.

A gist of the testimony given by each witness is given below. The jurors drawn to try this case were George W. Stevens, H. E. Decker, Morris Hill, Ralph Shaffer, Frank Davis, Horace Taylor, John S. Welsh, Frank Dunning, Quinton Curs, Herbert Akers, Charles Shaffer, Curtis.

The plaintiff in the case was ably represented by Honesdale's poet-lawyer, Homer Greene, while the defendant was just as ably defended by attorneys C. A. McCarty, C. P. Earle and R. M. Salmon.

Homer Greene stated to the jury that he intended to prove that the borough of Honesdale was liable of negligence, and that such negligence was the cause of the injuries sustained by the plaintiff, who would be disabled for the rest of his life as a result of his accident.

The first witness sworn was Lawrence Weidner. He stated that he was a street commissioner of the borough and had been for four years. He had charge of the maintenance of the streets under the supervision of the town council.

George M. Genung was sworn. He stated that he was a member of the borough council in 1911 and had been a member 7 or 8 years and was also on the street committee.

Joseph Menner was sworn. He stated that he was the plaintiff in the case and lived on East street in the borough of Honesdale where he has lived for 67 years. He stated that he was employed by Menner & Co. as deliveryman and used a good substantial wagon and gentle team of horses in delivering goods for that firm. On July 11 he testified that he was out delivering and had parcels for Spring street and while rising up East street, by some cause unknown to him one of his horses kicked a leg over the tongue of the wagon near the corner of East street and Fifteenth street. The horse started on a three legged manner down Fifteenth street but he testified that he kept them in the center of the road and had control of them all the time. When they reached West street one of the wheels struck a ditch and fell to pieces, at the same time his head struck the side of the boxed-in wagon and he knew no more until he came to consciousness in Dr. Reed Burns' hospi-

tal in Scranton. When asked about the condition of West street at this point prior to the accident he stated that there was a big gutter there about 10 or 12 inches deep, stretching the entire width of West street and it had been there for some years. He testified that he had on previous occasions business which took him across this ditch on West street about every day. He told the jury that he had told Mr. Genung, a borough councilman, of the condition of the street at this place and that he always laughed at him. Mr. Menner stated that he had met Genung a few weeks prior to the accident in Menner & Co.'s store, and told him it was a bad place and ought to be attended to at once. He testified that he had been taken to Dr. Reed Burns' hospital in Scranton the same day and was there about a week. He was taken to the operating room where he was put under the influence of ether, while his shoulder was being operated on which was dislocated by the accident. The shoulder blade was severed from the breast bone in such a way that it was necessary to wire it together. He suffered great pain and after a week came home. He testified to other bruises and abrasions about the body, on the right arm, on the neck and also stated that his right foot was badly swollen and nearly all of his right side both up and down was bruised. His head was bruised and cut on the right side. After he came home from the hospital he stated that it was five weeks before he could sleep and he is yet unable to dress or care for himself. The use of his right arm was almost entirely lost and his accident rendered him unable to do any work. His health up to that time was very good and he had worked every day. He stated that he was obliged to pay out \$184.15 for treatment.

On cross-examination he stated that he had worked for Menner & Co. for 34 years and continuously up to the time of his disablement by the accident. He delivered his former testimony in about the same manner as above. He denied that his team was running away and stated that he had perfect control of them all the time. He stated that he received \$50 per month from Menner & Co. for his services. He said the team had been purchased two or three weeks before the accident of Joseph Jacobs and was a gentle team and that he had never had any difficulty with them. The wagon had just been rebuilt by Henry Herman and new wheels were put on the wagon. When asked what was the character of the ditch from his observation he stated that it looked like it had been built for a large sewer pipe and was ten to twelve inches deep. He stated that he never had occasion to go over the ditch faster than a walk, previous to the accident. When asked why he did not turn up Main street and avoid the ditch if he knew it was there he replied that he had packages to deliver on Spring street and straight ahead was the nearest way there.

Mrs. Joseph Menner was next called and testified to the fact that her husband was brought home unconscious. Dr. Powell was called and Mr. Menner was taken to the Scranton hospital. In stating of his condition when brought home she said that his shoulder was out of place, blood rushed from his ears, that there were bruises all over his body. She said that she went to Scranton the day after her husband was taken and remained there with him until he returned home. She testified that it was about five weeks before he could lie down and then he had to be propped up with pillows on account of his neck and shoulder. He was unable to dress himself and had no use of his right arm. In all other things as in these she corroborated her husband's testimony on the stand.

On cross-examination she told the same story Court adjourned at five o'clock on Tuesday evening.

On Wednesday morning Mrs. Menner was again called upon the stand and testified to the good health of her husband prior to the accident.

Dr. Reed Burns' testimony was read in court and attested to by an affidavit. He stated that he had known Mr. Menner about 30 years. He examined him on July 11, 1911, and found a complete separation of the shoulder blade from the collar bone. Treatment was made by operation when the bones were wired together. He stated that he found many bruises, cuts and abrasions. He said that in his opinion Mr. Menner would never be able to do more than light work.

On cross-examination, he stated that he had not examined Menner since the accident and stated that he would always suffer from pain and lameness in his right shoulder.

shoulder and body literally covered with bruises and abrasions. He had a bad cut above the right ear. "Mr. Menner was in bad general physical condition but his heart was good on my first visit after his return. It was evident that he was still suffering from the effect of the shock. His right arm was useless and the movement of the body was made difficult by his injuries. It was necessary to give him opiates several to ease his suffering. My treatment consisted of dressing wounds and also administering opiates to relieve his intense pain. The wound on shoulder was in a healthy condition but it was evident that the use of his arm was impaired. He stated that on Monday night Dr. Ely and himself examined Mr. Menner in the presence of Mrs. Menner for testimony in court. In his opinion Mr. Menner would never be able to use his right arm for manual labor as that term is applied.

Dr. Burns was cross-examined by Attorney McCarty but brought out the same points.

L. S. Collins was sworn and testified to being a surveyor and draughtsman, and Exhibit No. 1, a map, was produced, which he acknowledged drawing. It was a map of Fifteenth street across East street and West street up to Spring street. He testified to the grade on Fifteenth street, which starts at West and continues up to Spring street.

Charles Herman sworn. He testified that he lived in Honesdale and was a blacksmith and wagonmaker. He stated that he repaired Menner's wagon last spring, putting on a new box and repaired the wheels so that they were in first-class shape.

A. A. Grambs sworn. He stated that he lived on Fifteenth street about 14 feet from the scene of the accident. In telling of the occurrence he stated that it was about 12:25 and he had just about finished eating dinner when he heard a noise and rushed out of doors. He saw Mr. Menner come around the corner and the horses seemed to be going at a queer gallop but not running away. He said Mr. Menner had control of the team. When they reached West street the wagon struck the ditch and collapsed, the right hind wheel had every spoke broken and the wagon dragged and swerved in this manner to the east side of West street near the curb where Menner was pitched out and the wagon fell on top of him. They took him to Mr. Frier's residence. About the ditch he stated that it had been there for several years and testified that he had difficulty in driving over the ditch himself. His description of this ditch tallied to the other descriptions given. He stated that some kind of a ditch was necessary here but this one was very dangerous to ordinary travel.

W. A. Gaylord also testified to the ditch being unsafe for travel.

Jos. Jacobs was sworn. He stated that he was a liveryman and dealer in horses and had sold the team to Menner & Co. which Joseph Menner had used on the day of the accident and that he had had the team for 4 or 5 weeks and could testify to its gentleness and knew they were safe for driving.

E. H. Blake, Chas. Bussa, William Lillholt, Fred Coyne, Geo. Barrable, (Continued on Page Eight.)

AVIATOR ROGERS KILLED

Made Record of Coast to Coast Flight—Loses Control of Bi-plane.

(Special to The Citizen.) Long Beach, Cal., April 4.—Calbraith P. Rogers, the first man to cross the American continent in an aeroplane, was killed yesterday while making a demonstration. He fell 200 feet, breaking his neck and back.

Monday Evening is the Night.

The different committees on arrangement for the second annual ball and entertainment of Hoses company No. 1 have completed their plans and everything is in readiness for what promises to be one of the most successful events of the season. It will be remembered that Hoses Company No. 1 asks the public only once during the year for outside aid and we hope that the boys will receive liberal patronage, of which they are deserving. The receipts will apply toward equipment.

The entertainment and ball will be held Easter Monday evening in the armory, East Park street.

The following program, consisting of six numbers, will be rendered:

Opening overture, Orchestra.
Violin solo, Mrs. E. Canivan.
Address, Dr. J. W. Balta.
Mixed Quartette, F. A. Jenkins, J. A. Bodie, Jr., Miss Margaret Eberhardt, Miss Mae Robinson.
Piano solo, Miss Bessie Caulfield.
Whistling solo, William Riley.
Dancing will commence at 9:30. Freeman's orchestra, composed of 10 pieces will furnish music.
The supper will be in charge of Mrs. Emanuel Freeman.
Tickets, \$1.00. All go and have a good time.

ALLEN AND EDWARDS SHOT

Members of Outlaw Gang Reported Killed in the Mountains—Two Detectives Killed.

(Special to The Citizen.) Hillsville, W. Va., April 4.—Reports received here to-day state that Sidney Allen and Wesley Edwards, the last of the Allen gang, were killed in the mountains near here. A fierce battle ensued which resulted in the death of two detectives and two others in the party.

ERIE'S NOTES AUTHORIZED

Improvements May Include Cut-off Through Wayne County—Would Mean Lighter Grade and Less Miles.

(Special to The Citizen.)

Albany, April 4.—The public service commission has authorized the Erie railroad company to issue \$10,000,000 in three-year five per cent. gold notes. The proceeds are to be used for double-track construction and grade reduction.

The announcement of the above issue of notes would lead the reader to believe that something good might be in store for Honesdale and Wayne county. The Erie proposes to make a number of changes in its road between New York City and Chicago, several, however, having been made in Ohio and on the New York division. The big issue will in a measure improve its western divisions, but it is claimed that possibly there will be enough left in the treasury to make the long-talked-of cutoff through Wayne county.

The Delaware, Lackawanna and Western and other railroads have, by recent cut-offs, shortened their routes between the Metropolis and the Windy City, several miles. In order to compete with these roads the Erie must eventually come through Wayne county. The P. R. Van Frank survey made in 1863 of which the late Charles Avery was surveyor, cuts the distance down about 17 miles over the present route by coming through this county. Mr. Van Frank was chief engineer for the Erie at the time under whose direction the survey was made. According to Mr. Van Frank's survey the distance between Lackawanna, where the Honesdale branch of the Erie leaves the main line and the Starline viaduct, going across Wayne county, was a fraction over 83 miles. From Lackawanna to Starline via the main line, it is about 80 miles.

Not only the cut-off of 17 miles would be a big item in coming through Wayne county, but the grade would be much lighter. Mr. Avery, in a letter on the subject to The Citizen, stated that the grade was cut down more than one-half between Susquehanna and Tallman Summit, near Lakewood. From another source, it is claimed that the grade is only 40 feet to the mile between Honesdale and to within five miles of Ararat and only 54 feet to the mile from the summit to the Starline viaduct.

Mr. Avery said: "The survey was made during the spring and summer of 1863, from May to August. A route was surveyed from the head waters of Johnson Creek, down Johnson Creek to the Lackawanna, thence down the Lackawanna by Aldenville, Prompton, Honesdale, to Hawley, to connect with the Hawley branch which was then building. A return survey was made by Honesdale and up the Dyberry by Tanners Falls, crossing the head waters of the Dyberry and Equinunk creeks, passing near Amos O. Sherwood's and a mile pond to where Lakewood now stands. Thence down the Shadagee and Starline creeks to Susquehanna, connecting with the Erie at the west end of the Starline viaduct where the Jefferson branch now connects with the Erie."

The Honesdale Branch has been built and occupies part of the route between Honesdale and Hawley while the Jefferson Branch is on the survey, certainly as far as Brandy. Taking all this into consideration it would seem that it would pay to investigate this route before going to very great expense to change the present route of the Erie.

Honesdale is one-third the distance between New York City and Buffalo. In the event that the cut-off is made Honesdale would without a doubt be the end of the New York division. Operating expenses would also be cut down, which is an important item in railroading. Should the change be made the Erie would undoubtedly do away with one less terminal, cutting out Port Jervis and Susquehanna and centering upon Honesdale as the end of the first or New York division terminal.

Another story ripe is that the Erie may strike in on the cut-off at Mast Hope, leaving the main line at that point, coming through Wayne to Honesdale, cutting out Hawley and other towns south and east of Honesdale.

In all events Honesdale's future is bright. The town will live to see its best days and that, too, before many years will have passed away. Here's to a Greater Honesdale.

CARIO INUNDATED

Two Levees Broke and Many Persons Escape With Their Lives—President Taft Sent Rations.

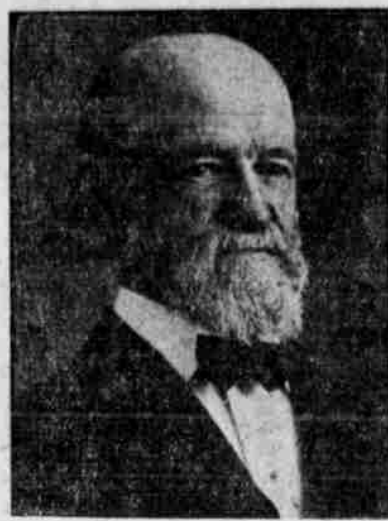
(Special to The Citizen.)

Cario, Ill., April 4.—Two levees along the Mississippi broke last night and the town is now under water. The damage done is estimated at \$5,000,000. Four hundred men employed in the lowlands narrowly escaped with their lives. A steamer rescued several. President Taft has sent relief to the people. The situation is critical. Memphis and other cities and towns along the river are affected by the extremely high water.

HAWLEY.

Hawley, April 4. Fred Igler, of Bucknell University, Lewisburg, will preach in the Baptist church at this place on Easter Sunday. Special music by the choir. The public is especially invited to be present.

BIRTHDAY GREETINGS.



E. A. PENNIMAN.

The Citizen extends birthday and the season's greetings to him. Thursday, April 4, being his 76th birthday.

DELAWARE TO BE CONVERTED INTO RESERVOIRS

At Narrowsburg a Sixty-Foot Dam Will be Built and Cochection Village Will be Entirely Wiped Off the Map.

One of the greatest undertakings ever attempted by any State in history is the proposed conservation of water on the various waterways in the State of New York. Nearly every river in the State is to be used in this conservation idea and a rough estimate of the cost has been placed at \$500,000,000.

The Delaware river is to have four dams built in it at Mongaup, Shohola, Narrowsburg and Cannonsville. The one at Narrowsburg alone, if built according to the specifications already drawn, will cost in the neighborhood of \$200,000,000, if not more.

The State, under the supervision of the State Water Supply Commission, started to make surveys of all the proposed reservoirs in 1908 and complete maps and specifications were made at about \$200,000. These maps are very elaborate, even to the minutest details and give the depths and width of the rivers at all points and the lands which will be under water.

The idea of the State Water Supply Commission in building these reservoirs is to build hydro-electric power stations at all the dams and may contract to furnish any municipality in the State, power, energy, electricity or water for the purpose of lighting public streets, highways, public and private buildings, and for heat and power; so that any municipality entering into such contract "and the citizens thereof shall secure at cost the benefits derived from the utilization of said power and water." It is estimated that the price for power will be about \$15 per horse power per year.

If this scheme materializes, which it eventually will, it is proposed to build a 60-foot dam at Narrowsburg just above the bridge with a power station just below the bridge fed by a sluiceway from the dam. Large concrete wings will extend out from each side of the dam to protect the village and the cemetery. The water will back up to a mile above Cochection and at various places will be from a quarter to a half mile wide. About eleven miles of Erie tracks, from Narrowsburg to Cochection, will have to be placed at a higher level. All the present part of the village of Cochection now located on the flats will have to be moved to a higher level as also will that part of Damascus now located at the foot of the hill. The village of Milanville, including the acid factory, is also doomed to destruction unless moved to higher ground.

New York parties who were tipped off to the scheme, have been all along the river buying property that would be affected should the reservoirs be built. At Narrowsburg they have secured options on all the land near the proposed dam.

On Wednesday the Senate passed the Conservation bill permitting the State to develop and sell hydro-electric power, by a vote of 27 to 22. It is doubtful, though, if the bill will pass the Assembly as it is said that Speaker Merritt is opposed to the measure on the ground that it would conflict with property which he owns, and as the Republicans will probably stand by him it will be bottled up in the Rules Committee. Nevertheless it must come sometime, although a good estimate would be about five years before a start is made to build.

UTICA UNDER MARTIAL LAW.

State Militia Called Out to Quiet Strikers of Textile Workers.

(Special to The Citizen.)

Utica, N. Y., April 4.—Two local companies of the State militia were called out today as the result of disorderly conduct of the strikers in a textile works. Several Polish women attacked the deputy sheriff and threw red pepper in his eyes. This caused a riot. The town is now under martial law.

LANGAN ELECTROCUTED

Thomas Langan, a motorman was electrocuted last night at Throop on the Scranton Traction company, while endeavoring to repair a broken cable.

ALDENVILLE PASTOR RESIRES FROM ACTIVE SERVICE

Rev. James Rainey, Pastor for Many Years of the Aldenville Baptist Church, Completes Pastorate and Delivers Farewell Sermon.

On Sunday, March 31, Rev. James Rainey, the popular Baptist minister, delivered his farewell sermon at the charges of Aldenville, Clinton, Seneca and Riverdale. He was greeted by large congregations at each of these places, where he has been associated as pastor for many years. His sermons were of unusual high order and were appreciated by all who attended, and were listened to by the closest attention.

Rev. James Rainey was ordained on August 3, 1871, and since that time he has served the following churches: Tunkhannock, Wyoming Association, four years; Manatowha, Philadelphia county, two years; Bradford County association, evangelistic work, three months; Mehoopany, Wyoming Association, six years and three months; Jackson, Susquehanna county, six years; Lanesville, Wyoming county, ten years. After that he took a vacation of two years, after which he took up the regular work again and then served this charge four years more, making in all fourteen years; Aldenville, six years, and six months. In all he has been in active ministry for over forty years.

Rev. Jas. Rainey located in Aldenville on October 1, 1905, and since that time he has labored zealously for the church and as a result he has baptized about fifty persons into membership with the church there. He is a splendid speaker, a fearless worker in the discharge of his duty to God and always a ready helper in time of need. As a citizen he is probably one of the most favorably known and highly respected in this section of the state. In Mrs. Rainey the pastor has an able and efficient helper in all branches of church work and particularly in W. C. T. U. work.

Rev. and Mrs. Rainey have reared a splendid family of children which consist of the following: Paul M., an electrician in New York City; Punderson, also an electrician in Altoona; Miss Rose E., of Scranton, director of domestic science in the Y. M. C. A. there; Everett, of Pittsburgh, inspector of telegraph iron work; Stanley, now attending the Keystone Academy at Factoryville.

Rev. Rainey, though past the allotted three score years and ten, is still young, being remarkably well preserved in all the faculties, and while he has given up the active service of the church, he will undoubtedly be heard from in many lines of Christian advancement.

The home of David Hopkins, at Aldenville, on Wednesday evening, was the scene of a large gathering of friends of the pastor who came to bid him a farewell. The gathering was in the nature of a farewell party. Expressions of regret were heard on all sides over the loss of this well-known and beloved family to the community.

In returning to their former home in Tunkhannock Rev. Mr. Rainey will carry with him the assurance of high esteem in which he is held at Aldenville and the knowledge of faithful service well performed.

LAKEVILLE MINISTER TO REMAIN ON OTHER SIDE.

Rev. H. T. Purkiss, Former Wayne County Pastor to Remain in England.

Lakeville, Pa., April 4.—Rev. H. T. Purkiss, the former pastor of the M. E. church at this place, who since his departure for England on a vacation last December has met with a series of misfortunes, has decided to remain in that country owing to poor health. All the household goods of Rev. and Mrs. Purkiss remaining in the parsonage in this place were sold by the trustees of the church last Tuesday and the proceeds have been forwarded to Rev. Mr. Purkiss at Rochester, Eng., where he is staying.

It will be remembered that Mr. Purkiss was found on a transatlantic boat bound for this country early in January without money or tickets and was compelled to disembark while only two weeks ago work was received from Rochester, Eng., stating that he had mysteriously disappeared. Now it is announced that Mr. Purkiss' health has failed to such an extent that he is unable to return to America.

DUNMORE WITHDRAWS FROM CONTEST

Dunmore school has withdrawn from the tri-annual literary contest for various reasons known best to themselves. The contest, however, will probably be held in Honesdale on the 19th as previously announced.

Mrs. Percy Cole is in Deposit, N. Y. She will accompany her little nephew, William Heft, Jr., to Honesdale, where he will spend Easter.

Giles Greene and friend, G. F. Corder of Jersey City, both of whom are attending Columbia University, arrived Wednesday evening to spend their Easter vacation at the former's home.

—Moving? Please report change of address promptly to the Citizen or notify carrier, or by postal or telephone. Old as well as new addresses should be given.

—The many friends of Earl Hurlburt were pleased to see him out on the street the first of the week. He is compelled to walk on crutches but is slowly improving.