

BORDEN'S EAGLE BRAND CONDENSED MILK FOR NURSING AND GENERAL USE. SEND FOR BABIES' BOOK FOR MOTHERS.

SUIT LAY DORMANT FOR MANY YEARS

JUDGE ARCHBOLD GIVES NEW LIFE TO DEAN-WINTON CASE.

Because It Had Not Been Duly Prosecuted, in the Opinion of the Defendants, a Motion Was Made to Have It Dismissed—The Judge, However, Decides That It Shall Not Be So Summarily Disposed of—Fell Township Contest Likewise Refuses to Down.

In the long-standing equity suit of A. D. Dean, trustee, against W. W. Winton and others, Judge Archbold yesterday handed down an opinion, overruling the motion of the defendants to dismiss the bill for want of due prosecution.

The suit is a somewhat celebrated one, for the fact that it has been before the court for thirteen years and that much other litigation has grown out of it.

July 11, 1871, W. W. Winton, Joseph Church, Isaac Dean and Thomas Livey became the owners of the Griffin coal tract of fifty acres in the Second ward of Scranton. Mr. Winton took title and executed a declaration of trust to each of the others for a quarter interest.

The church interest was sold by the sheriff, September 8, 1877, and the plaintiff claims it was bought in by W. W. Winton for a nominal sum, under an agreement with Isaac Dean, the then creditor, that the proceeds should be applied to the liquidation of Church's debts. Isaac Dean being in debt as executor for the heirs of P. S. Dean, confessed judgment to Thomas Livey, as trustee for the heirs, and at the sheriff's sale the Dean quarter was bought in by Livey. A. D. Dean, the plaintiff in the present case, succeeded Livey as trustee, and in 1887 he instituted suit to secure an accounting to the Dean heirs, for the Dean and Church interests.

Winton denied the allegation in reference to the terms of the purchase of the church interest, and in defense of the failure to account for the proceeds from the Dean quarter set up the claim that he was willing to account, but could not do so because of the unwillingness of the plaintiffs to allow him anything for his services in managing the property for twenty-two years, during which time it had earned \$120,000.

The story of the litigation is told by Judge Archbold in the opinion:

The bill was filed July 25, 1887, and has been pending ever since. It is based on an alleged trust with regard to land, the purpose being to secure from the defendants an accounting for the proceeds. After an ineffectual effort to obtain a preliminary injunction restraining the disposal of the property the suit was allowed to lie dormant without any further action until June 15, 1900, when a rule was taken on the defendants to show cause or demur, in response to which an answer was put in July 21, following.

There was then another delay of seven months until February, 1899, when the case was put at issue by a replication, and referred by argument to W. W. Lathrop as examiner and master. This was the first time the case was on and we are now ready to dismiss it for want of due prosecution.

Notwithstanding the delay we are not prepared to say that it should be a summary dismissal of the bill. The rights involved in it are important, and ought to be disposed of only on due proof. At one time, as appears by the agreement of July 25, 1890, there seems to have been an effort to adjust them, and for the last four years they have been the subject of litigation in the orphans' court before the auditor appointed to distribute the effects in the hands of the executors of Catherine Winton, deceased. The auditor has disallowed the claim on the grounds that the trust asserted could be established by bill, the common plea, which is just what we have here.

A motion to dismiss for the reason urged is largely addressed to the discretion of the court, and it should not prevail in a judgment in the present instance. The delay is not chargeable to the plaintiffs alone. The defendants did not put in their answer until six years after the bill was filed and then in response to a ruling to do so, and nearly a year later they agreed to a reference to a master, thus recognizing the suit as still in force and admitting their responsibility to meet and defend it. Since then they could have set it down at any time for a hearing and if the plaintiff failed to put in his case the master would have been served. Mr. and Mrs. Battenberg left on the 10 o'clock train for Buffalo and will spend their honeymoon along the lakes.

Both the bride and groom are popular young people and enjoy the friendship of a large circle, whose wishes they have for a bright and happy future.

CONCERT THIS AFTERNOON.

The following programme will be rendered by Bauer's band at a concert to be held this afternoon at Nay Aug park:

- March, "The Man Behind the Gun".....Sons of America
March, "The Girl I Served".....The Glee Club
March, "The Home of the Brave".....The Glee Club
March, "The Home of the Brave".....The Glee Club
March, "The Home of the Brave".....The Glee Club

HENRY BELIN, JR., General Agent for the Wyoming District for

DUPONT'S POWDER.

Mining, Blasting, Sporting, Smokeless and the Repauno Chemical Company's

High Explosives.

Safety Fuse, Caps and Exploders. Room 491 Conell Building, Scranton.

AGENCIES: THOS. FORD, JOHN B. SMITH & SON, W. E. MULLIGAN

LIVE NEWS OF THE INDUSTRIAL WORLD

DILCHER WILL HAVE A POWERFUL INFLUENCE.

It is Believed That His Report of Conditions Here to the Executive Board of Mine Workers Union at Indianapolis Will Do Much to Determine Action About the Proposed Strike—Make-up of the D. L. & W. Board—Miners Did Not Present Their Demand.

Tomorrow is the day set for the meeting of the executive board of the United Mine Workers of America at Indianapolis, at which will be considered the application of the local unions to strike next Saturday, in case the operators refuse to make concessions, demanded by the Hazleton convention.

Fred Dilcher, who has been here directing the work of organizing the mine workers, left Monday evening to attend the session of the executive board, of which he is a member. The action of the board will be governed in no small measure, it is said, by Mr. Dilcher's reports of the conditions existing here.

Secretary Dempsey, when seen yesterday at the local headquarters, 215 Lackawanna avenue, said it was impossible to anticipate the action of the national board, but he felt assured that should the application for authority to strike be favored by the board, the strike will take place as scheduled on Saturday next.

His personal opinion was that no one or two companies or small number of operators could escape the strike by acceding to the miners' demands. If a strike comes, it will have to be a general one to be effective, Mr. Dempsey says, and, while he would not say so authoritatively, his own belief was that nothing but a reasonably general accession to the demands would avert the strike.

There is very little expectation that the operators will take any action, and consequently everything depends on the action of the executive board tomorrow.

D. L. & W. Board for Today.

Following is the make-up of the Delaware, Lackawanna and Western board:

- WILD CATS, SOUTH. 6:30 p. m.—McDonnell. 7:00 p. m.—Hennigan, Singer's min. 11 p. m.—Coblyn.

- WILD CATS, SOUTH. 12:30 a. m.—Hammit, with J. J. Duffy's men. 1 a. m.—Riding. 2 a. m.—Hull. 3 a. m.—Larkin. 4 a. m.—Henry Gilligan. 5 a. m.—E. M. Hallett. 6 a. m.—F. Stevens. 7 a. m.—J. B. Barry, with Van Vleet's men. 8 p. m.—E. J. Ennis. 9 p. m.—Moorer. 10 p. m.—Fitzpatrick. 11 p. m.—E. McAllister.

- SUMMITS. 7 a. m.—north—Frondecker. 10 a. m.—north—Nichols.

- PULLER. 10 a. m.—Singer. 5 a. m.—Hoguer. 11 a. m.—Moran. 7 p. m.—Murphy. 9 p. m.—M.

- PASSENGER ENGINE. 6:30 p. m.—Magover.

- WILD CATS, NORTH. 5 a. m.—S. Curdley. 7 a. m.—John Galagan. 10 a. m.—Curry. 11 p. m.—Stack, with Hammit's men. 12 p. m.—Devine. 2 p. m.—Masters. 4 p. m.—Wall. 5 p. m.—Henderson. 7 p. m.—Kinsley. 9 p. m.—S. Finnerty. 10 p. m.—Henderson.

NOTICE. J. H. McCann and crew, South, with two 900 class engines and three 700-class engines, at 6 p. m. to work at Summit from Scranton, Sept. 5. Brokenman Patrick Hennigan will go out with Henry Gilligan instead of James Decker.

No Conference Yesterday.

The committee from the Lackawanna union, which was expected to wait on Superintendent Loomis, of the coal department, yesterday, did not appear.

NERVITA PILLS. Restore Vitality, Lost Vigor and Manhood. Cure Impotency, Night Emissions, Loss of Memory, Nervousness, Headaches, etc.

NERVITA TABLETS EXTRA STRENGTH. Positively guaranteed cure for Loss of Power, Varicocele, Undeveloped or Shrunken Organs, Paralysis, Locomotor Ataxia, etc.

NERVITA MEDICAL CO. Clinton & Jackson Sts., Chicago, Ill. Sold by McGarrath & Thomas, Drugists, 209 Lackawanna ave., Scranton, Pa.

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partment, yesterday, in reference to making a demand for an increase of ten per cent. in the wages of all the employees of the company in and around the eighteen collieries, did not put in an appearance. Superintendent Loomis had not returned from his vacation, and is not expected until today. It was stated at the headquarters of the United Mine Workers of America, on Lackawanna avenue, that the committee would wait until Saturday before making their demand.

Firemen Promoted to Engineers.

The following firemen, who have passed the examinations, are now running engines on the Lackawanna railroad: Hallstead—Samuel Wells, A. McLeod, A. Slicker, P. Tingley, Elwood Edinger, Barney Phillips, Bert Maynard, Allen Ward, W. B. Ferguson.

Scranton—Samuel Pipher, Reuben Gillingham, Emory Setzer, Reuben Jones, Frank Stanton, William May, Josiah Richmond, David Bryant, William Washburn, James Robertson, P. Wilcox, M. Whitford, C. Peck, Henry Morgan, Thomas Durr, Frank Melick.

This and That.

Master Car Builder Canfield, of the Lackawanna railroad, is in Dayton, Ohio, on business for the company.

President Truesdale, Superintendent Clarke and Chief Engineer McFarlan, of the Lackawanna railroad, went to Buffalo yesterday on a tour of inspection.

Lackawanna division, No. 12, Order of Railway Conductors, will meet Friday afternoon to elect delegates to a union meeting to be held in Binghamton on Sunday next.

The Cayuga division of the Delaware, Lackawanna and Western company resumed operations yesterday morning, after an enforced idleness of two months, due to make necessary repairs and alterations.

M. R. Casey, chief clerk to Superintendent of Transportation J. M. Daly, is spending a few days in Louisville, Ky. During his absence Chief Car Accountant Robert Sproul is attending to Mr. Casey's duties.

The grievance committee from the Brotherhood of Railroad Trainmen on the main line division was in the city yesterday in consultation with the officials. The committeemen are J. Baxter, M. Sullivan and T. N. Wood.

Commencing at 12.01 a. m. September 20, 1900, and thereafter, the double track on the Bloomsburg branch on the Lackawanna railroad from Scranton to a point near Nanticoke will be operated the opposite to what it is now operated. After that date all trains will turn to the right instead of to the left.

WE ONLY WHOLESALE IT! SNOW WHITE FLOUR. He Don't Know But she does, that "Snow White" flour is the best all around flour sold in Scranton. All good grocers sell it. THE WESTON MILL CO. SCRANTON - CARBONATE - GUARANTEE

DR. DENSTEN. Physician and Surgeon, 311 Spruce St. Temple Court Building SCRANTON PA.

DR. DENSTEN. All acute and chronic diseases of men, women and children. GONORRHOEA, BRUISE AND WASTING DISEASES A SPECIALTY. All diseases of the Liver, Kidney, Bladder, Stomach, Intestines, etc.

DR. DENSTEN. WRITTEN GUARANTEE TO CURE. GONORRHOEA, BRUISE AND WASTING DISEASES A SPECIALTY. All diseases of the Liver, Kidney, Bladder, Stomach, Intestines, etc.

SPECIAL SHOE BARGAINS. 46 pairs Ladies' Russet Shoes, worth \$2 to \$3, at 98c and \$1.49. 68 pairs Ladies' Fine Dongola Button and Lace Shoes, worth \$2.50, at \$1.49. 72 pairs Ladies' Vici Kid Lace and Button Fine Shoes, worth \$3.00, at \$1.98. 200 pairs of odd sizes of Ladies' Shoes, worth \$2.00 to \$2.50, at 98c and \$1.49. Men's Shoes—68 pairs Men's Russia Calf hand-sewed \$3 Shoes at \$1.98; 140 pairs Men's Vici Kid and Calf Heavy Sole Shoes, worth \$2.50, at \$1.69 and \$1.98. 200 pairs Men's Russet and Black Shoes at 98c and \$1.29. Boys' School Shoes at 99c, \$1.29 and \$1.49. Misses' School Shoes at 75c, 98c, \$1.29 and \$1.49. Children's Shoes at 25c to \$1.00. Ladies' Slippers at 49c. Ladies' Oxfords at 49c, 98c and \$1.29.

CONNOLLY and WALLACE. SCRANTON'S SHOPPING CENTER.

French Flannels

The most complete and comprehensive assortment shown in Scranton and at the lowest prices.

Plain colored twilled French Flannels in twenty-eight of the leading and most wanted shades, of the very best quality and strictly All Wool. Price, yard, 60c

A special lot of Silk Stripe French Flannels is also shown in various leading colors, a popular fabric for waists. Price, yard, 65c

The finest quality of All Wool French Flannels, in the various colors, in polka dot effects, small, medium and large dots; an exceptional fine lot of goods, suitable for waists and house gowns. Price, yard, 75c

Twenty-five different combinations of the same grade of Flannel in silk embroidered effects, very new and stylish, positively correct. Price, yard, \$1.00

The Saturday Half Holiday Season is over. We will be open Saturdays as usual, until 9.30 p. m.

CONNOLLY & WALLACE, 127 AND 129 WASHINGTON AVENUE

THIRD NATIONAL BANK OF SCRANTON. ORGANIZED 1872. DEPOSITORY OF THE UNITED STATES. CAPITAL \$200,000. SURPLUS 600,000. WM. CONNELL, President. HENRY BELIN, Jr., Vice-Pres. WILLIAM H. PECK, Cashier.

Burglar Sale. It is the custom now-a-days to have all kinds of sales, such as fire sales, clearing sales, smoke sales, boat sales, etc., but we have a few show cases, counters, desks, etc., that the burglars did not carry off. Also a very complete line of Cameras, Kodaks, Bicycles, Guns, Fishing Tackles, Athletic Goods, etc., that we are selling at very popular prices. In our repair shop we have the benches, lathe motor and a few tools, and as our repair men fortunately were not on duty at the time of the robbery they are left to us to do any repairing that may come our way. Do not miss this great sale. Florey & Brooks, 211 Washington Ave.

MOUNT PLEASANT COAL. At Retail.

RUGS CARPETS RUGS. We want you to see the new arrivals in our Carpet Department. We believe we have the most complete stock in Northeastern Pennsylvania, and know that, quality considered, we can give you value and a selection, not to be had this side of New York. A superb line of

MOUNT PLEASANT COAL CO. \$25 \$50 DAILY. EASILY MADE BY LIVE AGENTS. Men of Worth and Character. Selling the best quality, Waterproof Campaign Neckties. Goods entirely new and patterns. And a complete line of unlimited. What others do, you can do. This is the only place in Scranton where you can get the best quality, Waterproof Campaign Neckties. Write today and receive a free catalogue. Address: MOUNT PLEASANT COAL CO., Scranton, Pa.

WILLIAMS & McANULTY, 129 Wyoming Avenue. THE MOOSIC POWDER CO. Rooms 1 and 2, Com'lth B'l'd'g. SCRANTON, PA. Mining and Blasting POWDER. Make at Moosic and Lush Lake Works. LAPLIN & RAND POWDER CO.'S ORANGE GUN POWDER. Electric Batteries, Electric Exploders, Exploding Blasts, Safety Fuse and Repauno Chemical Co.'s EXPLOSIVES. BUY THE GENUINE SYRUP OF FIGS. MANUFACTURED BY CALIFORNIA FIG SYRUP CO. NOTE THE NAME.

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