

CLEVELAND'S

Breaking Powder

Does the work better Makes the cake sweeter Saves labor, time, health

DUFFIN CASE IS AGAIN ON

CALLED FOR ITS THIRD TRIAL YESTERDAY.

Celebrated Damage Suit, Which Nearly Caused a Couple of Personal Encounters at Its Previous Trial, Is Resumed Before Judge Gordon, of Clearfield County—One Jury Gave a Verdict of \$7,000 and Another Disagreed—Twenty-two of the Fifty Cases Disposed of.

Once more the celebrated trespass suit of Mary Duffin against the city of Scranton is on trial. It was called yesterday in court room No. 2, before Judge Cyrus Gordon, of Clearfield, who was called to assist in common pleas, this week, that Judge Edwards should divert his attention to urgent chambers matters.

This is the third trial of the case. It was first tried before Judge R. W. Archbald and resulted in a verdict for the plaintiff in the sum of \$7,000. A new trial was granted on the ground that the verdict was excessive. The case next came up before Judge Kelly and the jury disagreed. Four days were spent in each of the previous trials, and it is likely the present trial will extend over the same if not a greater period.

On the plaintiff's side are arranged, as counsel, Colonel T. B. Martin, ex-district attorney of Luzerne, who was her senior counsel in the preceding trials; Colonel F. J. Fitzsimmons, Mayor Everett Warren and Hon. C. E. O'Malley. The defense is looked after by City Solicitor George M. Watson and Assistant City Solicitor D. J. Davis. The jury selected to try the case is:

THE DUFFIN JURY.

H. R. Jones, farmer, Spring Brook.
John Burnett, machinist, Carbonado.
Morris H. Rhodes, farmer, North Abington.
John L. Jones, clerk, Scranton.
George E. Stevenson, civil engineer, Waverly.
E. F. Hoyt, store manager, Pockville.
Morris H. Rhodes, farmer, North Abington.
Jerome Thomas, contractor, Dillon.
H. W. Peck, bookkeeper, Winton.
Orlando Wells, farmer, Greenfield.
John Hart, farmer, Scranton.
Theodore Fuller, genl. servt., Scranton.

The suit grows out of an accident to Miss Duffin, which occurred November 4, 1895, on Adams avenue. She had apartments at the home of Miss Compton in the middle of the 200 block of Adams avenue on the right hand side going north. On the other side of the street, a little to the north of the Compton home, is Kelle's blacksmith shop, and adjoining the Keller property, on the north, was, at that time, a vacant lot owned by C. B. Scott, and used by him for storing machinery.

A large iron wheel or belt pulley, five feet in diameter, and eight inches wide at the rim and hub was for a long time resting against the outside of the fence in front of the Scott property.

The sidewalk on Adams avenue, between the city building and Joseph P. Phillips, is laid out at ten feet. All of the sidewalk, however, was not fully occupied by the flagstone walk. The flags were about four and one-half feet in width and their center line was at the center line of the ten-foot space laid out for a sidewalk.

THE WHEEL FELL.

The iron wheel, according to the plaintiff's story, fell down one day's work, and landed with not more than a foot of its rim extending over and on the ten-foot sidewalk space, and within a foot and a half of the edge of the flag-walk.

Saturday night, November 4, 1895, Miss Duffin left her apartment about 8 o'clock, to go to the drug store, on the corner of Adams avenue and Mulberry street. It was a dark night and raining hard. She crossed the street and was walking with an umbrella raised. In front of the Scott property, she encountered two other women, carrying raised umbrellas. She was on the inside of the flag-walk and in moving aside to let them pass, she stepped off the flags, collided with the rim of the wheel and fell across it striking on her head and side.

A long crescent-shaped gash was inflicted on her forehead, over the left eye, and according to her statement her side was bruised. As a result of these wounds, she alleges, her sight has been so impaired, she is almost blind, and internal derangements have resulted, which will make her an invalid for life.

The city alleges that the wheel was not on the sidewalk, and that at all events Miss Duffin's alleged permanent disabilities are not the result of the accident, but of chronic disorders.

A number of prominent physicians are witnesses in the case, among them Dr. E. G. Roos, who attended Miss

Duffin the night of the accident. He is a witness for the city. At the last trial of the case Dr. Roos and Dr. S. P. Longstreet flatly contradicted one another regarding an utterance alleged to have been made by the former and tending to show he had animosity against Miss Duffin, on account of a dispute regarding a bill. Other professional men engaged in the case were threatening each other with personal violence as a consequence of alleged insults, and all in all, it developed into one of the most celebrated civil suits ever tried here.

The opening of the plaintiff was made yesterday afternoon by Colonel Fitzsimmons. It was a brief, concise, but very complete review of what constitutes the plaintiff's case. He said:

The action you are sworn to try is brought by Mary Duffin against the city of Scranton. It was instituted to recover damages for injuries which she received through negligence of the city, November 4, 1895. The accident occurred on Adams avenue. The plaintiff was walking on the sidewalk and was carrying a raised umbrella, the weather being very stormy. It was at night, and when she got near Keller's wagon works, between Linden and Mulberry streets, she stepped to the inside of the sidewalk to let pass some persons who were coming from the opposite direction. As she did so, her foot caught in a large iron wheel, which caused her to fall with great force on the wheel, striking her head, face and body on it. The fall resulted in inflicting the several injuries—little less than those that occasioned death. She was carried to her apartments at the home of Mrs. Compton. Medical aid was given her, and her wounds dressed. One of them, which was across her forehead over her left eye, consisted of a gash or cut in which fourteen stitches were placed. She also incurred internal injuries, the nature of which she does not know, but which resulted in great physical pain and mental agony, but also in making her an invalid.

Her contention is that the wheel, which caused her to fall, was where it should not have been, and that the city of Scranton was negligent in having it there, and that, under the circumstances, she should be compensated for the great loss she has suffered and is suffering and will continue to suffer, yet she shall ask you to make her life endurable by giving her a permanent and most distressing character. The fall was a most violent one and resulted, not only in great physical pain and mental agony, but also in making her an invalid.

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Only one other case was tried yesterday in common pleas, that of W. G. Bateman against M. T. Keller. Bateman sued for twenty days' wages, at \$1.50 a day. Mr. Keller's defense was not made. Not a single man on either the West End or Bicycle club teams had a 500 score and several, notably Foley, "fell down" lamentably. The Bicycle club five won the second game by a narrow margin and the third by only two pins. The score:

WEST END.
West-kesser 102 436
Yost 123 481
Carr 134 150
Hummer 179 159
Davis 141 183

High average—Gold, 161 1/2.
The members of the Electric City Wheelmen's team made their first appearance in a match game on their own alleys last night and though they lost two games, made a splendid showing against the strong Green Ridge team. The team's total was larger than the total of either of the teams rolling in Wilkes-Barre.

The opening of the plaintiff was made yesterday afternoon by Colonel Fitzsimmons. It was a brief, concise, but very complete review of what constitutes the plaintiff's case. He said:

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OPENING OF SECOND SERIES

BOWLING TEAMS IN ACTIVE TRIM ONCE MORE.

The Bicycle Club Five Took Two Games from the West End Wheelmen's Team by Narrow Margins, Both Sides Rolling Very Poorly. Electric City Wheelmen's Team Made a Most Creditable Showing Against the Green Riders—Backus-Elks Game Postponed.

Four of the teams in the Northeastern Pennsylvania Bowling league opened up the second series of games last night. The Scranton Bicycle club five took two games from the West End Wheelmen's team by narrow margins, while the Electric City Wheelmen's team won two out of three games from the newly organized team representing the Electric City Wheelmen.

The games rolled on the West End alleys in Wilkes-Barre were remarkable principally for the scores that were not made. Not a single man on either the West End or Bicycle club teams had a 500 score and several, notably Foley, "fell down" lamentably. The Bicycle club five won the second game by a narrow margin and the third by only two pins. The score:

SCRANTON BICYCLE CLUB.

Name	1	2	3	Total
Wardell	117	180	145	442
O'Connell	99	136	124	359
Mitchell	138	159	181	478
Gorman	142	153	184	479
.....	104	129	157	472
.....	669	774	785	2228

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at the Lyceum theater tonight. It will be a splendid attraction for law actors enjoy a great and sincere personal popularity. He will appear as Don Cesar de Bazom, in Du Maurier's romantic play, "A Royal Rival," in which he has recently achieved a triumph and secured 100 nights at the Criterion theater, New York.

"Brother Officers," reflecting in a sentimental as well as romantic way, a lofty type of military hero, is one of the most successful plays of his kind ever presented in New York. The engagement of Joseph Gould, in connection with no little pleasure since his interpretation of the manly friend and devoted lover, is creditably declared to be an altogether capable one.

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The performance of "Brother Officers," in every way adequate, Mr. Gould's appearance in this city will be at the Lyceum Wednesday, matinee and night. Seats now on sale.

Sousa's Great Band.
The first opportunity of hearing Sousa and his great band since their really remarkable success in Great Britain will occur on Jan. 28, when the "March King" will appear at the Lyceum. He will be assisted by Mand Ross-Davies, soprano; Dorothy Myle, violinist, and Arthur Pryor, trombone, all of whom shared in the English success of the band.

ANNUAL MEETING OF
BOARD OF TRADE
[Concluded from Page 5.]
a conflict between duty and preference as when I felt compelled to choose the hard and trying one of duty to you and the board, against my strong desire to receive the triple honor which you affectionately conferred upon me.

Next came the secretary's review of the year's work which follows:
The President and Members of the Scranton Board of Trade.

Gentlemen: I had hoped ere this to receive from the census department, at Washington, the complete 1900 industrial census of Scranton, and to submit at this meeting a comparison with the census of 1890, which I am sure would make interesting reading, and give valuable information. In the absence of this I have seen fit to youth, largely instructed by the statistics in this report as at the best they would be incomplete, incorrect, and therefore misleading. I hope soon to be able to submit a report, which will be complete and correct, and of some intrinsic value to the members and public at large.

It is to be regretted, that owing to circumstances beyond our control, the board of trade had no control, we are unable to report the location of a single new industry during the past year. We are pleased, however, to note the creation, completion and operation of one industry, secured by the board, the latter part of 1901, namely the Timmes & Heat Rolling Mill and Silesy factory, employing in the neighborhood of 100 hands.

It is also gratifying to note the erection of substantial additions to the following prosperous concerns: The Scranton Bell and Nut company, the Allis-Chalmers company, the Scranton Pump company, the Knickerbocker Ice and Piano company, the Scranton Sewing works, the Carucci Cut Stone company, the Delaware, Lactawanna and Western company, and P. S. Barker & Co.'s brass and iron works, largely increasing the capacity of these plants and as the number of hands employed. Plans for the McClave, Brooks & Co.'s new plant are completed, and ready for building operations. It is gratifying to note the completion of the Merchants and Mechanics bank building, the Ladies' Catholic seminary, the addition to the Central building, and the proposed new First National bank building, the Title and Trust company buildings, plans for both of which have been adopted, all going to emphasize the stability of Scranton's enterprises, and the vitality of the business organization of the city. What is crying and winning over his cherished hopes of Scranton's downfall. Building permits issued during the year are as follows:

Value—

Month	Value
January	57,511
February	29,119
March	40,235
April	42,383
May	60,511
June	70,688
July	48,335
August	55,252
September	40,571
October	41,125
November	42,446
December	42,713
Total	545,565

The removal to Buffalo of the works of the Lactawanna River and Railway company has progressed steadily during the greater part of the year. The abandonment of the plant has been so gradual that there is no perceptible effect upon the business of the city. What was at first thought would be an almost irreconcilable blow to our industrial life, has, if done rationally can be relied upon, proved a blessing in disguise. It is an undoubted fact, that for the past ten years these works have for some unaccountable reason been operated to the detriment of the city of Scranton. The removal of the works, and keeping its vast army of men on the ragged edge of expectancy, and at the very doors of poverty.

It is therefore with more than the ordinary degree of anticipation that we welcome the new enterprise that is soon to take possession of the greater part of the plot vacated by the steel company. On the very best authority it is believed that the Buffalo Transit Railway company will erect tower plants, passenger and freight depots and shops, and that the Westinghouse company will build large factories for the manufacture of electrical apparatus, which will employ this as well as other workmen in the city. Full details of this new enterprise cannot now be given out, but the public can be assured that the removal of the steel works, and the erection of the new Buffalo Transit Railway, and the fact that Scranton is just now passing through its most trying period, its resources and possibilities are such that they are a favorable thing for the city, and that, therefore, that forebodes bright and prosperous future for our city. Merit failures in Scranton for the years 1900-1901 are as follows:

Compiled by W. H. Logan, manager R. G. Dun & Co.

Year	Amount
1900	190,130
1901	37,815
Liabilities	829,742
Assets to Liabilities	412,575

Report of the Scranton Clearing House Association.
Clearing for 1901.....\$68,007.00
Clearings for 1900.....50,868.07
Increase in 1901.....\$17,138.93
Largest clearing of any month in 1901.....\$1,000,479.91
There was not a single clearing in 1901 that exceeded its corresponding month in 1900 by a good sized margin.

The board held ten regular and four special meetings during the year and took up and discussed the usual local and broader questions of the day. By an almost unanimous vote of the members, the hour for holding the meetings of the board was changed from 8 p. m. to 10 p. m. The first monthly meeting was held in April, followed by a light lunch, served by Caterer Hargreaves in the assembly room. This monthly meeting and luncheon have been continued to the present time, and have proved very popular. The attendance has increased four-fold, and with us

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OUR GROSSING OUT SALE OFFERS Wonderful Shoe Bargains



Increased attendance has come an equal increase in interest. Financially, the board is in a prosperous condition, as the following report of the treasurer will show. Cash on hand, beginning of fiscal year, \$1,102.05. Received from sale of buildings, 4,254.75. Received from D. B. Atherton, secretary, 4,254.75.

FINANCIAL STATEMENT.

Item	Amount
On hand Jan. 21, 1902	\$5,454.81
Disbursements as per voucher, No. 164
To No. 266, inclusive
Balance cash on hand	\$1,170.72

PAID TREASURER.
Remitted statements of disbursements is as follows:
Salaries.....\$2,160.00
Rent.....604.92
Printing.....163.05
Light.....57.37
Postage.....57.87
R. G. Dun & Co.....250.00
Sundry expenses.....1,350.88

THE ELECTION.
These reports were referred to the publication committee and the election of officers was taken up. As Vice-President Dickson was a candidate for president he called James H. Torrey to the chair. Mr. Dickson was the only candidate for president and was chosen by unanimous vote. For vice-president there were two candidates, W. H. Taylor and John T. Porter. The latter received 28 votes and the former 22.