

VERDICT FOR J. E. WATKINS

IT WAS DIRECTED BY JUDGE WEAND. He Decided That the Spring Brook Lumber Company Had No Legal Claim Against the Defendant—Case of Henry Singer Against the Scranton Railway Company Will Be Given to the Jury This Morning—Orphans' Court Doings—An Agreement.

Judge Weand yesterday afternoon gave binding instructions to the jury in the case of the Spring Brook Lumber company against James E. Watkins. The latter awarded a contract to Otto Saar and Thomas Rosser to erect a house at Taylor. The contract price was \$3,650, and it set forth in the contract that no mechanics' liens should be filed for material.

The Spring Brook Lumber company alleges that it would not give lumber to Saar and Rosser until they got Watkins to agree to secure the payment and they therefore want him to pay a bill of \$734.93 which the lumber company alleges the contractors have not paid. Watkins denies having made any agreement to pay the Spring Brook company, on the contrary he said he told them he had nothing to do with the purchase of the lumber. After the testimony was all in the judge decided that the whole question resolved itself into one of law, and believing that plaintiff had not established its right to collect from the defendant, directed a verdict for the plaintiff. Attorneys Joseph O'Brien and M. J. Martin appeared for the defendant, and Attorneys T. P. Wells and J. W. Carpenter for the plaintiff.

The case of Henry Singer against the Scranton Railway company was resumed before Judge Edwards yesterday morning and was not completed at adjourning hour. C. J. Newcomb, a conductor, with whom Singer rode back from Montreal to Scranton, testified that he saw Singer on the train, and that Singer told him that the injury to his eyes was caused by a flash of light from the wheels while he was watching them put the car back on the track.

Drs. W. K. Dolan and W. E. Connor testified that they examined Singer's eyes and found that the trouble he suffered was of a congenital origin. Other witnesses examined were W. J. McGarry, Anthony McHugh, John W. McGuire, L. M. Harris and Thomas Mullon. The closing addresses to the jury were made by Attorney C. P. McIlroy for the defendant, Attorney C. H. Soper for the plaintiff. The judge will charge the jury this morning.

The following cases were continued yesterday: Patrick Galpin against the Scranton Traction company, trespass; Nellie Johnson against Scranton Railway company, trespass; Edward J. Brown against Scranton Railway company, trespass; E. R. W. Searle, trustee, against Scottish Union and National Insurance company, assumption; Daniel Holland against W. S. Bartlett and others, trespass; John Brown against Scranton Railway company, trespass; S. C. Whitman against Agriculture Insurance company, appeal.

There was no appearance for the plaintiff in the case of Q. E. Stump & Co. against Peter Lipewicz, and a nonsuit was granted.

The Agreement Signed. Following is the agreement arrived at by the parties to the suit recited below:

Ambrase L. Spencer, plaintiff, vs. Frederick H. Emery and Thomas R. Hughes, defendants. In the Court of Common Pleas of Lackawanna county, Pa. In equity. And now, to wit, September 25th, 1902, for value received, this case is hereby settled and discontinued, the plaintiff to pay all court costs, except defendant's witnesses, the printing of their paper book and their appeal to the Supreme court. Also the cost of the existing litigation between the plaintiff and defendant, as set forth in the bill of complaint filed in this case, is hereby dissolved, the defendants to pay, and they hereby agree to pay, any and all debts and liabilities of said co-partnership, whether contracted in name of or recovered against Frederick H. Emery, or Thomas R. Hughes, or Emery Slate Picker company, or Duplex Slate Picker company, or Richardson (Coal) Separation company. And plaintiff and defendant further agree that all goods, etc., now in the hands of the receiver, if any, may be turned over to said defendants. And, for value received, the said Ambrase L. Spencer has transferred, sold, assigned and set over, and by these presents does sell, assign, transfer and set over unto the said Frederick H. Emery and Thomas R. Hughes, their heirs and assigns, all his right, title, claim and interest in and to said co-partnership and

GOOD LIVING

Quite often results in bad health, because what is termed "good living" is usually the gratification of the palate without reference to the nutrition of the body. When the good liver is a business man and rises from a full meal to plunge at once into work requiring mental effort the result is almost sure to be disastrous, because digestion draws upon the same nervous forces which are employed in thought. In time the stomach becomes diseased, the processes of digestion and nutrition are imperfectly performed and there is a physical breakdown. Dr. Pierce's Golden Medical Discovery cures diseases of the stomach and other organs of digestion and nutrition. It eliminates the effete poisonous matter which originates in the system as a consequence of imperfect digestion. It gives sound health to the whole body.

"I wish to say to the world that Dr. Pierce's Golden Medical Discovery has proved a great blessing to me," writes Mrs. Ellen E. Bacon of Slatersville, Franklin Co., Mass. "Prior to September, 1897, I had declared for my stomach trouble for several years, going through a course of treatment without any real benefit. In September, 1897, I had very sick spells and grew worse, could eat but little, a commotion in my stomach, and at last I could eat but little. I had gained twenty pounds in two months." FREE. Dr. Pierce's Common Sense Medical Adviser is sent free on receipt of stamps to pay expense of mailing only. Send at once stamps for the book in paper covers, or in cloth bound volume. Address Dr. R. V. Pierce, Buffalo, N. Y.

Cured of Asthma

After 35 years of Suffering. It will be gratifying to Asthmatic readers to learn that an absolute cure has at last been discovered by Dr. Schiffmann. That the remedy is an effective one cannot be doubted after perusal of such testimonials as that of C. W. Van Antwerp, Fulton, N. Y., who says: "Your remedy (Schiffmann's Asthma Cure) is the best I ever used. I bought a package of your drug and tried it and one box entirely cured me of Asthma, and I have not had it since. I can now go to bed and sleep all night with perfect comfort, which I have not done before for 35 years and I thank you for the benefit that I now enjoy. I hope that you will publish this letter, that others may learn of his wonderful virtues." Sold by all druggists at 50c and \$1.00. Send 2c stamp to Dr. R. Schiffmann, Box 891, St. Paul, Minn., for a free sample package.

In and to all patent and other rights, all monies due and owing thereto, and all property and property rights of any and every kind and nature belonging to said co-partnership, to collect, receive, have and hold the same unto them, their heirs and assigns forever. Witness our hands and seals to this agreement, made in duplicate, the day and year above written. Ambrase L. Spencer, F. H. Emery, T. R. Hughes.

In Orphans' Court.

Judge A. A. Vosburg in Orphans' court, yesterday, audited the account of W. A. Wilcox, executor of the estate of Isaac Everett, deceased, and ordered the following distribution to the heirs: Mary F. Kennard \$216.32; Hannah J. LaBarre (paid) 209.10; Isaac E. LaBarre (balance due) 16.32; Mary Moore 216.32; Hannah J. Westfall 216.32; Aurelia J. Middaugh 216.32; Daniel Everett 216.32; Robert Everett 216.32; C. E. Everett and J. E. Everett, executors of M. C. Everett 216.32; John E. Everett, executor of Mary E. Traxler 216.32; Patterson & Wilcox, for the following heirs—George E. Barlow, Mary J. Bolt, S. W. Everett, Robert Everett, Isaac Everett, John L. Everett, Edwin Everett and M. L. Everett (ready paid) 1,500.00; George E. Barlow (balance due) 28.82; Mary J. Bolt (balance due) 28.82; S. W. Everett (balance due) 28.82; Rachel Westfall (balance due) 28.82; Isaac Everett (balance due) 28.82; Robert Everett (balance due) 28.82; Edwin Everett (balance due) 28.82; M. L. Everett (balance due) 28.82. \$2,820.76.

The audit in the estate of George L. Preston, deceased, showed that there is \$215.59 in the hands of the administrator, and after certain claims against it are paid the balance goes to his wife and daughter, Mrs. Terrell. The audit list for November term was also made out and handed down. There will be a session of the Orphans' court on Saturday, at 10 a. m., in the Orphans' court room.

Want a Guardian Appointed.

There was a hearing before Judge Newcomb yesterday afternoon in chambers, in the matter of appointing a guardian for David C. Colcher, a man 83 years of age, who lives at Green Ridge. He is the owner of a valuable property at Money avenue and Delaware street, and is quite alone in the world, his wife and all of his children being dead. For the last six months his affairs have been looked after by Edward Laughlin, a neighbor, whom he gave power of attorney. A month ago Laughlin's power of attorney was revoked and Attorney Berthoff has since been acting for Colcher. At yesterday's hearing it was shown that a number of men and women, one of the latter a fortune teller, are now living in the house with Colcher, and it is desired that a guardian be appointed for him as he is too feeble to care for himself or his estate. The judge has not yet handed down his decision.

In the Register's Office.

The will of William Staph, late of this city, was admitted to probate yesterday and letters testamentary were granted to Hannah Staph. The will of Mary Wells, late of Greenfield township, was also admitted to probate and letters testamentary granted to Frank and Sheffield Wells. In the estate of Augusta Doud, late of Moosic, letters of administration were granted to G. B. W. Doud.

Marriage Licenses.

Joseph Walsh.....Minooka Elizabeth Cooke.....Minooka Thomas Sweeney.....Jessup Ellen Dahill.....Jessup

COURT HOUSE NEWS NOTES.

A veteran's license to peddle was granted yesterday to George K. Thompson, who served during the Civil war as a member of Company B, Twelfth Pennsylvania Reserve corps. Frank Julia and Mary Carmody sued the Wilkes-Barre and Scranton Railway company and the Scranton Steel company yesterday through Attorney A. A. Chase. They are some of the food sufferers. Nomination papers for the Anti-Machine party were yesterday filed in the office of the county commissioners. The candidates are: Congress, George Howell; orphans' court judge, M. F. Sandt; county commissioner, John J. Durkin; Victor Hirschell; mine inspector, P. J. Moore; Michael E. Gilmartin; Bernard J. Murphy; Joseph W. Wilce; S. S. Jones and John B. Shannon, voters in the case of John W. Aitken, William T. Colville and James H. Burr, executors and trustees under the will of Isabella Aitken, against the Belmont Water company yesterday filed their report in court. It allows the plaintiffs \$18.75.

GYMNASTIC RALLY.

Will Be Held This Evening in the Y. W. C. A. The Young Women's Christian association invites both gentlemen and ladies to the gymnastic rally, this evening at 8 o'clock, at Association rooms, 125 Washington avenue. A programme has been planned, which is as follows: Instrumental Solo.....Miss Bell Eastern Temple Drill. Vocal Solo.....Mrs. Margaret Coffin "Perdita"—A Statue Restoration. Miss Margaret Coffin Fancy Club Singing.....Miss Osland

LARCENY OF A PUSH CART.

Three Young Men Arrested, Charged with This Offense. E. S. Hazlett, John Murray and R. A. McShane, employees of the Pittsburgh Underground Cable company, were arrested yesterday by Marshall Preston, of the Republican office, charged with taking away a push cart from the rear of the building. The warrants were issued by Alderman Howe, and at the hearing yesterday morning, the defendants were held for a further hearing.

SOUTH SCRANTON THE MARKETS

MARRIAGE OF MISS LAMBERT AND JOHN TSCHOOP. Ceremony Was Performed in St. Mary's German Catholic Church and Was Preceded by a Nuptial Mass—Marriage of Miss Nora Howard to Daniel Day, in St. John's Church—South Side Bank Did a Big Business on Its First Day—Aldermanic Cases.

St. Mary's German Catholic church, on River street, was filled yesterday morning, when John Tschopp and Miss Marie Lambert were joined in wedlock. The bridal party entered the church at 9 o'clock, to the strains of the Mendelssohn wedding march, and a solemn nuptial mass preceded the ceremony. Rev. John E. Lambert, pastor of St. Mary's church at Hackensack, N. J., officiated at the mass, and was assisted by Rev. Father Straub, as deacon, and Father Christ, as sub-deacon.

John Tschopp, who is a cousin of the bride, afterwards performed and the wedding ceremony, after which a reception was held at the home of the bride's parents, 415 Willow street. Miss Helen Hoffman, of Hackensack, N. J., was maid of honor, and Pauline Lambert was bridesmaid. Like the bride, after which the couple left on a carriage and carried bouquets. The groomsmen were Frank Tschopp and Charles Lambert. Mr. Tschopp is employed as assistant foreman at the Delaware, Lackawanna and Western car shops. Miss Lambert is a charming young woman, and has lived on this side all her life, with the exception of three years, when she was housekeeper for her cousin, Father Lambert, at Hackensack.

A wedding supper was served at the family residence, on Willow street, last evening, after which the couple left on the Delaware, Lackawanna and Western train at midnight for an extended wedding trip. Day-Howard Wedding. Miss Nora Howard and Daniel Day were made man and wife at St. John's church, yesterday, the ceremony taking place at 4 p. m. The church was crowded with friends and contracting parties, and the ceremony was performed by Rev. E. J. Meloy. Miss Mary Duffy was bridesmaid, and Anthony McDonald was best man. After the wedding a short reception was held at the home of the bride's parents, on Cedar avenue, after which a drive around the city was enjoyed by the wedding party. A reception and social took place in the evening at Pharmacy hall, which was largely attended. An enjoyable evening was spent and refreshments were served.

A Big Business.

The South Side bank opened at 9 o'clock yesterday for business, and the officials were kept busy until the closing hour, the results being a pleasant surprise to the promoters. The first day's deposits astonished even the most sanguine, the sum being over \$45,000. School Controller Otto Robinson made the first deposit, and the rush which followed was remarkable, so much so that the officers scarcely had time to get a lunch.

Aldermanic Doings.

Jacob Hafner, who was reported, as missing yesterday, appears to have got himself in trouble. His wife appeared before Alderman Lentes yesterday with two small children, and related a pitiable story of cruelty and abuse. She said he had a habit of coming home drunk and amusing himself by beating her and using the vilest language. Her face, hands and body bore evidence of the treatment she received, and a warrant for Hafner's arrest was issued. He evidently learned of the action his wife had taken, and disappeared. He did not take the child with him, however, as reported in an afternoon paper, because the little one is being cared for by relatives, and it is believed he is still in the city. Michael Weber, who has boarded for several years with Marcus Zoller, of 825 Elm street, was arrested for defrauding Zoller out of a board bill. The defendant made a satisfactory explanation to the alderman yesterday, and was discharged on payment of costs.

NUBS OF NEWS.

The Junger Muennerchor has received a disinvitation from Professor Schilling, inviting them to participate in a benefit for the striking miners, to take place in the near future. They have agreed to take part and will sing "Gruss an die Heimat." A well attended monthly meeting of the Germania Beneficial society was held last evening in Mertz hall on Pittston avenue. Miss Marie McGowan, of Avoca, is visiting Miss Mary Murray, of Crown avenue. Dr. Schley's Lung Healing Balm is guaranteed to cure all coughs. "No cure, no pay." For sale by all dealers. A special meeting of the Fourteen Friends is called for tonight, and all members are urged to attend. A regular monthly meeting of the Star Social club will be held tomorrow evening. A postponed eucharist social will be held in St. John's hall this evening.

ARLINGTONS VICTORIOUS.

Defeated the Newly-Organized Independents Last Night. The newly-organized Independents, who will roll on the Elks' alleys under the captaincy of Fred Waldner, rolled against the Arlingtons on the latter's alleys last night and were defeated by 145 pins in the three games. The scores were as follows:

Table with 2 columns: Name and Score. Includes names like J. Keifer, Jones, C. Keifer, Roll, Meister and scores like 168, 145, 121-41, 129, 140-54, 155, 153-53, 900, 874, 693-247.

INDEPENDENTS.

Table with 2 columns: Name and Score. Includes names like Haan, Ridgeway, Murphy, Johnson, Waldner and scores like 211, 147, 121-47, 108, 179, 153-49, 153, 153, 147-48, 149, 130, 132-42, 776, 792, 714-2282.

High score—Haan, 714. High average—Meister, 184 1/2.

FINANCIAL

THIRD NATIONAL BANK OF SCRANTON.

Capital, \$200,000 SURPLUS (Earned) \$600,000 Pays 3% interest on savings accounts whether large or small. Open Saturday evenings from 7.30 to 8.30.

Spencer Trask & Co. BANKERS 27 & 29 Pine Street, New York Members New York Stock Exchange.

BOODY, McLELLAN & CO. BANKERS, No 57 Broadway, New York City. MEMBERS NEW YORK STOCK EXCHANGE. STOCKS, BONDS AND INVESTMENTS ORDERS EXECUTED FOR INVESTMENT OR ON MARGIN

Table of market prices for various commodities like Amal. Copper, Am. C. & P., Am. Locomotive, Am. Loco., Am. Sugar, etc.

A Picture In a Frame

Is a picture complete. If it's a good picture then give it a good frame. This does not necessarily mean an expensive frame, but it will be the best for the money if you buy it here. All kinds and styles of frames from a neat simple moulding to beautiful frame made of bark from our Southern forests, and the glass is always clear. Not a single piece of defective glass is allowed in our workshop. If you are interested in frames or pictures, a visit to our shop will repay you.

CHICAGO GRAIN & PRODUCE

Table of Chicago grain and produce prices for Wheat, Corn, Oats, etc.

NEW YORK COTTON

Table of New York cotton prices for October, December, etc.

Scranton Board of Trade Exchange

Table of Scranton Board of Trade Exchange quotations for various commodities.

Scranton Wholesale Market.

(Corrected by H. G. Dale, 25 Lacka. Ave.) Flour—40. Butter—Fresh creamery, 24c; fresh dairy, 22c. Cheese—11 1/2c; western, 21c. Marrow Beans—Per bushel, \$2.52-40. Green Peas—Per bushel, \$2.25. Onions—Per bushel, 90c. New Potatoes—65c per bushel.

New York Grain and Produce Market

New York, Oct. 1.—Flour—Fairly active. Wheat—No. 2 red, 74 1/2c; No. 1 northern, 74 1/2c; No. 1 northern, 74 1/2c; No. 1 northern, 74 1/2c. Corn—No. 2 yellow, 62c; No. 2 white, 62c. Oats—No. 2, 45c. Hay—No. 1, 12c. Cattle—No. 1, 12c. Hogs—No. 1, 12c.

Chicago Grain Market.

Chicago, Oct. 1.—Higher prices ruled on the board of trade today, with provisions especially strong. October pork made 14 1/2c; December, 14 1/2c. Corn—No. 2 yellow, 62c; No. 2 white, 62c. Oats—No. 2, 45c. Hay—No. 1, 12c. Cattle—No. 1, 12c. Hogs—No. 1, 12c.

Jonas Long's Sons

The Interest Keeps Up in Spite of the Rainy Weather. Yesterday's attendance at the Millinery Opening was surprisingly large. Today will see a larger gathering at this.

Fashionable Millinery Center

Come and See. Scores of Untrimmed Hats. In countless shapes, for Miss and older persons are displayed on the tables. The Best Markets of this country have been searched. The result a record-breaking quantity and quality. The lace trimmed hats are a delight and are symbols of daintiness, attractiveness and exclusiveness.

A Very Noticeable Hat

Displayed in the handsome show case is called the Rooster Hat. It's a round Turban, made of beaver cloth and red velvet, with a rooster posed artistically on the side.

Another Hat That Is a Favorite

Is a Chrysanthemum Hat, made from taffeta silk; style is round with a bunch of Heckle Poppans on side, long bow and tassels in back, in all a beauty of the first type.

A Very Handsome Hat

is a Round Beaver Hat, trimmed with a beautiful cream lace scarf, draped about the edge. It has two rows of small tea roses encircling the top. It will not do to forget the many Fashionable Dress Goods and Silk Weaves are receiving many attentions. Quantity and Quality are here. Or the Beautiful Laces that are being displayed at the Lace Counter are jewels from the artists in lace making.

A Shoe For Service...

This is one of our new medium priced shoes that is exceptionally well made from material that will withstand the hard service which this season of the year forces upon Footwear. This is the kind of a shoe we like to advertise, the kind we like to show, and the kind you can wear if you buy here. BOY CALF. VICI KID OR ENAMEL. Ladies'...\$2.00, \$2.50, \$3.00. Misses'...\$1.25, \$2.50. Children's...75c, \$1.00. Ladies'...\$2.00, \$2.50, \$3.00. Our Special School Shoe for the Boy sells at \$1.00.

LEWIS, RUDDY, DAVIES & MURPHY.

330 Lackawanna Avenue. Next Door to new First National Bank Building.

Green Valley Rye, "The Velvety Whiskey."

Is not a bit better than it should be. It's old enough. \$1.25 a quart bottle, at. Old 'Phone 2162. New 'Phone 2974. CASEY BROS. SALES DEPARTMENT 216 LACKAWANNA AVENUE, SCRANTON.

E. Robinson's Sons Lager Beer.

Manufacturers of Old Stock PILSNER Scranton, Pa. Brewed at 435 to 453 N. Seventh St. Old 'Phone, 2331. New 'Phone, 2933.