

WEBER SHAW PIANOS

IN GREAT VARIETY. No Fake Sale in Ours

We have better bargains every day in the year than so-called "bargain days," "clearing sales," and such well-known, worn-out, played-out schemes will afford. For real bargains in FIRST-CLASS NEW

PIANOS AND ORGANS SEE US.

EMERSON PIANOS Popular, reliable and within your reach.

HALLET & DAVIS PIANOS

Have taken over 100 first premiums in the past fifty years. Other makes of Pianos. Four makes of Organs in beautiful new designs. See our stock before buying. We have the goods. Our prices are right. Everything in the music line.

STELLE & SEELEY

154 Wyoming Ave., Scranton, Pa.

Beware of Counterfeits!

THE GENUINE POPULAR Punch Cigars

HAVE THE INITIALS G. B. & Co.,

Imprinted on Each Cigar.

Garney, Brown & Co. Mfr's. COURT HOUSE SQUARE

DR. WARE will be

in his office after January 3, 1894.

135 WYOMING AVE.

WANTS HIS STREET GRADED.

Property Owner on North Rebecca Avenue Voices a Complaint.

Editor of THE TRIBUNE:

Dear Sir—Will you kindly grant space in your valuable paper for a few lines concerning a matter of public interest.

The property owners of North Rebecca avenue have demanded of the city council the grading of the street, as the same is impassable and in a bad sanitary condition. Although an ordinance has passed the council for the work to be done, they now refuse to carry out the same, because it has been found that some people's property will not be benefited thereby and that such people may sue for damages.

I bought a lot, some time ago, on this street, with the idea of building myself a home as soon as I could do so.

The location of my lot was just right in relation to the proposed street. Having everything ready to begin building I applied to the city engineer for the grade of the street, which grade compelled me to build a foundation 12 feet high in front and 20 feet high in the rear. Vain was it for me to ask that the grade be lowered, or to ask our ward councilman to cause such to be lowered. I had to build my house according to the fixed grade.

Now some of us are in such a position that if the city does not grade the street we cannot make a decent home, either in appearance or convenience.

Some of us are poor miners or laborers and ought certainly not to be deprived of the benefits of our hard earned savings. On a recent occasion we were told by the city solicitor, amongst other things, the following: "I do not know why the people of the central city should pay damages on streets which are on the outskirts. We ask 'why do we pay taxes?' Many of us have paid heavy taxes for over ten years, and not one penny has ever been expended on our street, there not being even one light on the street. We do not own horses and carriages. The roads are worn by those who do, traders and others who derive their living partly from us, and why should not the care of the street come from their taxes?"

If these things are as they seem, viz., the poor man deprived of his rights and the supreme law of the state slighted, it is useless to look for the enlargement of the city, or to be patriotic and proud of our American citizenship. Your obedient servant,

FRANK NICHTER.

In Memoriam—George W. Miller.

For THE TRIBUNE.

Whereas, For the first time since the incorporation of 1864, of the Cemetery association of Dunmore, a vacancy has been caused in its board of trustees, by the removal of one of the members, from time to time to eternity.

We, the trustees now remaining, bow in humble submission to our Heavenly Father, who with inscrutable wisdom has taken from us our colleague and friend, George W. Miller, for whom we mourn; he was ever faithful in attendance, efficient in service and devoted to the best interests of the association.

We deplore the seemingly unfortunate condition that permitted only two of our number to be present at the funeral; but we tender sympathy to the widow of our departed friend in her great affliction.

Personally, we regret the loss to the community with which George W. Miller was more closely identified, during a period of more than forty years, and filling many elective positions of trust, but none of worldly profit; as one truly said of him, "He was a Christian citizen," and the good that he done on earth will be only known to those who shall meet him in heaven.

We hereby request the secretary to engrave the foregoing upon the minutes of the board, to send a copy thereof to the widow of the deceased and furnish copies for publication in two of the Scranton daily papers.

John B. Smith, William R. Stone, E. C. Fuller, Henry Boyce, Ambrose Muller.

Important to Business Men.

THE TRIBUNE will soon publish a carefully compiled and classified list of the leading wholesale, banking, manufacturing and professional interests of Scranton and vicinity. The edition will be bound in book form, beautifully illustrated with photographic views of our public buildings, business blocks, streets, etc. The circulation is on a plan that cannot fail of good results to those concerned as well as the city at large. Representatives of THE TRIBUNE will call upon those whose names are desired in this edition and explain its nature more fully. We trust our LIVE BUSINESS MEN will give it their hearty support.

Those desiring views of their residence, in this edition will please leave notes at the office.

New Bicycle.

A new bicycle worth \$75 will be sold for \$25. The machine is guaranteed and is a rare bargain. Machine may be seen at the Tribune office.

NEW TRIAL IS GRANTED

Jury Compromises, Judge Smith Thinks, Are Not Always Beneficial.

THE LARKIN VERDICT STANDS

City's Request for a New Trial Refused—Non-Suit Stricken Off in the Case of Mrs. Clayton Against Hill & Connell—A New Trial Granted in the Highfield Case.

Judge Smith was too ill to appear in court Saturday, and Judge Gunster handed down a batch of opinions for him. The opinions disposed of all the cases before Judge Smith, whose term of office expires today.

During the months that Judge Smith has been on the bench, he has proved himself a very capable judge, and has won much respect and admiration from members of the bar by his unflinching courtesy in the trial of cases.

One of the opinions handed down was written by Judge Smith in the case of Patrick Egan against the city of Scranton. Mr. Egan sued the city to recover damages for land taken from him in the widening of West Lackawanna avenue. The case was tried in October and a verdict of \$25 was returned for the plaintiff.

A new trial was at once applied for and Judge Smith in his opinion grants it. He accuses the jury for bringing in a verdict of \$25 that the verdict is based on the evidence," he declares. "The finding of the jury cannot be said to bear any reasonable relation to the evidence. If the plaintiff was entitled to any damages at all (and the weight of evidence, in the opinion of the court, showed that he was) the amount allowed by the jury is, under the evidence, clearly insufficient. The verdict is evidently the result of an effort to compromise, but while it is that of jurors to reconcile their differences and arrive at a satisfactory result, yet the finding, even of a compromise, must be predicated on the facts as disclosed by the testimony.

THE VERDICT UNSUSTAINED.

"There is not a scintilla of evidence upon which the verdict in this case can be sustained. It is rather in disregard of the evidence on both sides, not even sustainable on any intelligent theory of averaging the number of witnesses or the amounts mentioned by them, nor upon the testimony of one or more of the witnesses, that one or more was disqualified. A verdict based on such a palpable disregard of the evidence should not be allowed to stand. Rule for new trial is made absolute."

On the day following the trial of the Egan case the suit of Michael Larkin against the city arising also from the taking of land for the widening of West Lackawanna avenue, was tried and a verdict of \$1,400 returned. The city applied for a new trial, but in an opinion Judge Smith refused to grant one.

A non-suit was stricken off and a new trial allowed in the case of Mrs. Stella Clayton against Hill & Connell. A change of venue was refused in the ejectment suit of Isaac B. Feltz against the Delaware, Lackawanna & Western company and a new trial was allowed in the case of S. B. Mott against Henry Meyers. In the case of Jones against the Erie and Wyoming Valley Railroad company a new trial was also refused. The case has been tried twice in this county and was before the supreme court once. The injunction in the case of M. P. Kelly against the city of Scranton was continued.

EXCEPTIONS OVERRULED.

In the matter of exceptions to the report of viewers with regard to the grading of Delaware street Judge Smith overruled the following:

Second—The benefits assessed exceed the damages.

Third—That the report mingles in inextricable confusion two separate proceedings and is effective for neither.

Fourth—That no assessment for costs and expenses can be made till the contract for the work is made.

Fifth—That the viewers acted under misapprehension of the property owners' right to the natural grade.

The first objection is that the assessments were not made according to benefits but by feet front. The judge says the report is not as clear as it should be, and refers it back to the viewers for amendment in this respect.

A new trial was granted in the quarter sessions case of the commonwealth against George C. Highfield, charged with embezzlement.

ASSESSMENT WAS ILLEGAL.

Important Decision Handed Down by the Supreme Court.

In disposing of the appeal of Mrs. Alexander Chambers from the decision of the common pleas court of Allegheny county, Justice Green, of the supreme court, handed down an important opinion on Saturday in which he construes the act of 1891 relating to paving, grading, etc., of streets. The act applies to this city as well as Allegheny.

The case arose out of the report of a jury of view appointed to assess for the cost of grading, paving and curbing of a street in Allegheny county. Under this report the common pleas court of Allegheny county decided that not only proprietors abutting upon the street improved but others in adjoining streets should be charged with the costs of the improvement when such properties in adjoining streets are benefited by the improvements. The supreme court, in the most vigorous language, reverses this decision, holding it to be dangerous to the community, and also dismisses the petition of the city and all proceedings thereunder and sets them aside at the cost of the city, which sought to have the damages assessed upon adjoining properties.

"In this case," Justice Green says, "the authority for such an assessment is claimed to be found in the law of May 18, 1891. It is not at all clear that the legislature ever intended to confer such a power by the act in question."

Then follows an exhaustive review of the act of assembly mentioned. In the phraseology of this act, which refers to the assessing of costs for municipal improvements, are certain clauses which counsel contended must be assessed upon property in the neighborhood of the streets. In this connection Justice Green says that the interpretation that properties on adjoining streets to the improvement must be assessed thereon is extremely onerous and oppressive, and so destructive to property values, that we would not adopt such a construction by means of a mere implication. Noting but a clearly expressed legislative intent to the effect contended for would suffice to declare such a construction in this statute. Justice Green contends that the act does not express such an intention on the part of the legislature.

SPECIAL SALE OF HIS SWITCHES AT E. M. HASEL'S PARLOR, 330 LACKAWANNA AVENUE.

ACTORS LOOKING FOR MONEY.

Professionals Who Worked at the Eden Musee Did not Get Any Salary.

The actors, actresses and all other attaches of the Eden Musee which has been running on Lackawanna avenue since the opening of the fall season held an indignation meeting in the theater at a late hour Saturday night. Some two months ago Zimmerman & Snyder took hold of the museum and began to run a burlesque show. Since then the house has made a great deal of money. Saturday night when the last show was over and the employees called at the office, they found that Manager Snyder was not around and that he had not been seen since the box office closed.

It was announced last night that the effects will be levied upon on the first thing this morning and that the professionals will run a commonwealth show this week.

SOUTH SIDE YOU PROBABLY

don't know it, but it is a fact. We have the largest line of medium priced DINNER, TEA AND TOILET SETS in the city. We sell no goods but what we guarantee.

SILVERWARE, CUT GLASS, BRIG-A-BRAC.

CHINA HALL WEICHEL & MILLAR 116 Wyoming Avenue.

Injured While at Work

Patrick Campbell, residing on Stone avenue, in the Twentieth ward, was seriously injured yesterday while in the discharge of his duties. He is employed as a trimmer by the Electric Light and Heat company and the lights in the South works are in his territory. While trimming the last light he fell a distance of twelve feet, striking on his left side. He was badly injured about the hip and knee, but, notwithstanding his injuries, he refused the use of a conveyance to take him home lest his family might be alarmed.

THE NEW POLISH CHURCH.

The remodelled church of the Sacred Heart of Jesus and Mary is rapidly nearing completion. It will be ready for occupancy some time this month. There were nearly 300 votes polled, which is about one-third of the regular vote of the ward.

Shorter Paragraphs.

If you have any leisure moments this afternoon, drop down to the rooms of the Young Women's Christian Association on Cedar avenue and attend the New Year's reception. It will be informal, you are cordially invited, and a delightful time is guaranteed. There will be refreshments and music by an orchestra as well as vocal selections.

C. J. Scheuer, of Pottsville, is spending New Year's with his family on Cedar avenue.

Mrs. George Panman, of Pittsburg, is spending the holidays with her sister, Mrs. Warren Dunning, of Brook street.

The Union Dancing class is the name of an organization that meets every Friday evening at Columbia hall on South Wyoming avenue. John Mul-larky is instructor.

Williams' City Directory, 1894.

The canvasser for patronage for the above work is meeting with more than the usual success, in spite of the opposition threatened by the old reliable work by outside parties who have had no experience in this difficult branch of work.

Williams' City Directory for the past seven years has given good satisfaction. In 1886, at the request of the Scranton board of trade, Mr. Williams came to Scranton to publish the city directory. At that time it was a book of less than 500 pages, now it has nearly 900 pages, and the 1894 work will contain over 200 pages. Previous to his advent the directory was printed in New York; ever since it has been done in this city, and all the money expended in this difficult branch of work has been here. Among the new features to be added this year are a new colored map of the city, and an improved system of Street Directory, giving the numbers at which each street crosses this making it much easier to locate any house or street in the city. We hope the enterprising publisher, Mr. Williams, will be encouraged by the business men of our city in his effort to furnish us with a directory ahead of any in the commonwealth.

Lehigh Valley Railroad Co., Notice to the Public.

Commencing Monday, January 1st, 1894, passenger trains of this company to and from New York, Jersey City and Newark will run over the Lehigh Valley tracks between that point and Jersey City. Passengers will therefore on and after the above date take the Lehigh Valley train from the foot of Courtland and Desbrosses streets, New York city, instead of the Liberty Street ferry of the Central Railroad of New Jersey. Passengers from Newark will take the Lehigh Valley train at the Market Street station of the Pennsylvania railroad. Slight change in time.

REMINGTON Typewriters and Edison Photographs for rent or sale. Copying work executed. Photographs rented for an evening's entertainment. Telephone 2343. Edw. Gunster, Jr., 435 Spruce street.

Readlestone & Woer's and Ballantines' Ales are the best. E. J. WALSH, agent, 33 Lackawanna avenue.

Anheuser Busch Beer. Louis Lothman's, 323 Spruce St.

A Bicycle for \$35. A youth's bicycle will be sold at \$35, worth \$75. Call at Tribune office.

COUNCILMAN ROBERTS RESIGNS.

Special Meeting of Common Council Called for the Purpose.

S. W. Roberts, county commissioner, resigned his position as common councilman from the Eighth ward on Saturday evening.

A special meeting was called for the purpose. Members Browning, Duhig and Moir made complimentary addresses, and Mr. Roberts thanked council for its many courtesies.

DIED.

COLEMAN—In Scranton, December 31, at 4 a. m., Mrs. Catherine H. Coleman, aged 71 years and 9 months. Funeral at 2 p. m. tomorrow from residence of A. H. Coleman, 625 Jefferson avenue. Interment private.

CUT THIS OUT.

"TRIP AROUND THE WORLD" Portfolio of Photographs

COUPON.

January 1, 1894

Send or bring in 2 Coupons of different dates, together with 5 cents, and receive this Album of rare Photographs.

THE TRIBUNE, Cor. Penn Ave. and Spruce St.

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BOY'S ULSTER We have them from \$3.50 to \$10.00.

Martin & Delany

Coal Exchange Building. 132 Wyoming Ave.

THE COLUMBUS MUSIC HOUSE