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The Scott Art Gallery. B. Scott, Jr., AUCTIONEER.

Corner of Adams Avenue and Linden Street.

Garney, Brown & Co's Building, SCRANTON, PA.

Now on Exhibition Day and Evening.

FIVE THOUSAND DOLLARS

Motion for a New Trial in the Munley Case.

VERDICT AGAINST THE CITY

Binding Instructions Given to the Jury in the Suit of Jones Against the City. Damage Suit Against Carbonade Traction Company.

In the trespass suit of Mrs. Ann Munley, of Jermy, whose husband, Patrick, died from injuries received on the night of Thanksgiving Day, 1883, by falling into the excavation on John L. Hull's lot on lower Lackawanna avenue, the jury yesterday morning rendered the substantial verdict of \$5,000. The suit was brought for \$20,000. This is the largest verdict recorded against the city of Scranton since it was incorporated.

Munley had fallen into the excavation on the night mentioned while he was running to catch a train on the Delaware and Hudson railroad. His widow sued John L. Hull, owner of the property, but Judge Archbald non-suited the case on the ground that Munley was drunk. In the trial just ended the testimony was not so positive and Judge Archbald let the case go to the jury.

Questions for the Jury. He framed for the jury six questions which he directed them to answer and render a special verdict aside from the general verdict. The questions and answers as they were answered by the jury are as follows:

- 1. Was the place of the accident so protected as to make it reasonably safe? Answer--No. 2. Was it so protected that a person by the use of ordinary care could have passed by on the sidewalk in safety? Answer--No. 3. If it was not reasonably safe in what respect was it unsafe or insufficiently protected? If the first question is answered "yes" the third question need not be answered. Answer--We do not think it was sufficiently guarded against the influence of liquor at the time of the accident? Answer--No. 4. If Patrick Munley was in an intoxicated condition at the time of the accident, was it on account of that condition that he fell and stumbled into the cellar? Answer--No. 5. If you answer the fifth or sixth question "no," state briefly how the accident happened. Answer--In reply to question fifth: To the best of our knowledge this accident to Patrick Munley was caused by the imperfect condition of the sidewalk and guard rail.

After the verdict was filed City Solicitor J. H. Torrey made a motion for a new trial and Judge Archbald granted a rule to show cause why a new trial should not be granted, returnable at argument court.

In the other suit against the city, that of Stephen Jones, who sued to dispossess the city of a certain lot of ground situated along North Washington avenue, which the city unjustly seized in opening said avenue, the court gave binding instructions to the jury and a verdict was rendered in favor of the plaintiff.

The jury that heard the case of the Hawley Glass company against Boller J. H. Davitt returned with a verdict amounting to \$74.04 in favor of the plaintiff.

Suit Against Winton Borough. In the suit of Michael Murray and his wife against the borough of Winton Judge Albright refused the motion for a non-suit. Errors in the declaration of the plaintiff were discovered and yesterday morning ex-Judge Stanton and Attorney Hulshander & Vosburg appeared in court with an amended declaration. Ex-Judge Jessup, of the counsel for the defendant, pleaded surprise, and court then withdrew a juror and continued the suit. Court also allowed the amended declaration to be filed in the case.

With the termination of these cases there was but one more on the list for the week, the trespass suit of William May against the Carbonade Traction Company. The case was put on trial before Judge Archbald in court room No. 1 and a jury drawn. All the other jurors for the week were discharged from further attendance.

OUR NATIVE HERBS

The Great Blood Purifier and Liver Regulator. 200 DAYS' TREATMENT, \$1.00 COMPOSED OF HERBS, BARKS, ROOTS. Rheumatism, Kidney Disorder, Liver Complaint, Sick and Nervous Headache, Neuralgia, Dyspepsia, Fever and Ague, Scrofula, Female Complaints, Erysipelas, Nervous Affections, Catarrh, and all Syphilitic Diseases. E. M. HETZEL, AGENT, 330 LACKAWANNA AVENUE. Call and Get Circulars.

Attorneys Major Everett Warren and I. H. Burns appeared as counsel for the plaintiff, and Attorneys S. B. Price and J. E. Burr for the defendant. H. B. Jadwin, treasurer of the Traction company, sat at the defendant's table and Mr. May occupied a seat alongside his lawyers.

The case was called before noon and after the jury was sworn the attorneys of the defense moved court to direct an order granting the defendant the right to take the jury to Carbonade to view the premises. Major Warren objected, stating as his reasons that the case had not progressed sufficiently to show whether there were proper grounds to ask the court that the jury be taken to Carbonade.

Jury Had a Railroad Trip. Judge Archbald overruled the objection and ordered the jury to be sent to view the premises, and the jury left on the 11 o'clock train, in charge of Tipstaff Keller. They returned about 3 o'clock and the case was resumed.

The plaintiff, William May, was put upon the witness stand. He lives with his family on Brooklyn street, Carbonade. In 1892 the Carbonade Traction company, in building its tracks along Brooklyn street cut away six feet of the roadway in front of his property. Before the construction of the road Mr. May valued his property at \$2,500, now the value of it was \$1,000, he alleges.

After Mr. May's testimony the evidence of Thomas Killen was heard. He claims to be a good judge of the value of real estate, and he swore that Mr. May's property before the street railway was built was fully worth \$2,500. "Now, for my part," he said, "I would not give \$500 for it."

P. G. McDonough, common councilman of the city of Carbonade, testified that Mr. May's property was damaged \$1,500. James Pidgeon, one of the city assessors of Carbonade, thought that the damage amounted to about \$1,000.

John J. Collins, a contractor, said that he made an estimate of the cost of the work required to be done around the place in order to put it back in a condition equal to what it was before the street railway was built, and his estimate is that it would cost \$1,300. In other words, it had been damaged to that extent. That is as far as the case was at adjournment.

Manicure sets, Davidov Bros. When your lady friends ask you about hair chains, have them call on Davidov Bros. Wedding rings 14k, 18k. All styles. All sizes. Davidov Bros.

LIFE WAS A BURDEN

A Pain-Racked Sufferer Tells an Interesting Story.

How He Was Tortured for Years and Finally Cured by Munyon's Remedy.

Charles Wark, of 14 North Twenty-fourth street, Philadelphia, has been a constant sufferer from rheumatism for years. He was cured by the use of Munyon's Rheumatism Cure. This is his story: "I was afflicted with rheumatism in the right shoulder and suffered the most excruciating agony. Sharp shooting pains darted through it so intense I could not sleep nights. Even the weight of the bedclothes was more than I could bear; neither could I lie on the right side or on my back. Life became a perfect burden to me. I could not raise my hand to my head, and when I attempted to put on my coat or any article of dress, the torture was enough to drive me wild. Many remedies were suggested and tried, but none did me the slightest good, and I began to despair of ever being able to obtain relief. Some time ago, however, I procured a bottle of Munyon's Rheumatism Cure. It afforded me relief after the first few doses, and by the time the little 25-cent bottle was gone I was entirely free from pain. I have had no return of my old enemy, and I feel satisfied I am permanently cured. It seems so wonderful I can hardly realize it, and can only show my appreciation of the merits of the cure by recommending it to other sufferers."

Munyon's Rheumatism Cure is guaranteed to cure rheumatism in any part of the body. Acute or muscular rheumatism cured in from one to five days. It never fails to cure sharp, shooting pains in the arms, legs, sides, back or breast, or soreness in any part of the body in from one to three hours. It is guaranteed to promptly cure lameness, stiff and swollen joints, stiff back, and all pains in the hips and loins. Chronic rheumatism, sciatica, lumbago or pain in the back are speedily cured. Munyon's Homeopathic Home Remedy company, of Philadelphia, put up specifics for nearly every disease, which are sold by all druggists, mostly for 25 cents a bottle.

Stone rings, Davidov Bros. Eight-day clocks, Black walnut or oak, Davidov Bros. Holiday headquarters, Davidov Bros. When baby was sick, we gave her Castoria. When she was a child, she cried for Castoria. When she became Miss, she clung to Castoria. When she had children, she gave them Castoria.

LETTERS FROM THE PEOPLE

(Under this heading short letters of interest will be published when accompanied for publication by the writer's name. The Tribune will not be held responsible for opinions here expressed.)

THOSE TYPHOID CASES.

Sir: Your issue of the 19th inst. contained an article written by James K. Bently, M. D., in which he disputes the correctness of my diagnosis of typhoid fever in the Fanning family. On Thursday evening, the 15th inst., Doctors Bently, Sullivan and myself discussed the symptoms of typhoid fever and bilious-remittent fevers, and differentiated between the two (2) diseases. Dr. Bently gave the history of a patient whose symptoms he said were those of bilious-remittent fever. I then detailed the symptoms of my cases in the Fanning family said: In my opinion they indicated typhoid fever. Dr. Bently then turned to me and said: "Doctor, I don't dispute your diagnosis in your cases."

Will the Doctor now be kind enough to inform me which of his two stories is the true one? The doctor also stated in the same article that I had been discharged from a case and he was called in. This case was that of a sick man whose wife became alarmed, called at my office, and not finding me there, took whom she could find, and that was Dr. Bently. The next morning, Nov. 5, I called, and finding Dr. Bently in charge of the case, I greeted him kindly, left him with the patient and walked toward the door. The wife of the sick man, following me, said: "Doctor, I want you to treat my husband." I turned to her and said: "No, you had better keep the doctor you have," and left her. I had not made a diagnosis in this case. This is the way I was discharged.

The doctor quotes from DaCosta, as follows: "A patient whose temperature rises during the first day's illness up to 105 or 106 degrees Fahrenheit, certainly does not suffer from typhus or typhoid fever." I quote from A. A. Stevens, M. D., Instructor of physical diagnosis in the University of Pennsylvania, as follows: "In some cases of typhoid fever, especially in the young, the temperature rises abruptly." Now the ages of my patients in the Fanning family range all the way from 1 to 8 years, I think they can be safely classed as young people.

In disputing my diagnosis the doctor states that "The Fanning family primarily did not have typhoid fever, but from the length of time that has elapsed since stricken down the disease may have drifted into typho-malaria or relapsing fever, which are first cousins to typhoid fever." Fortunately, after I had sent in my report of typhoid fever to the board of health I called council, later the Fannings also called in a doctor (a regular practitioner)--both able physicians--and the diagnosis of both was typhoid fever, pure and simple. It was neither typhus nor typho-malaria, but was first, second or third cousin to typho-malaria.

Now the relation that typho-malaria bears to typhoid fever is about the same as that of a white man blackened bears to a true negro. You can no more get a typhoid fever from a malaria germ than you can get a monkey stock from a clover seed, because each germ is distinct in itself, and gives rise to a fever peculiar to itself.

The absurdity of the whole affair is this: Dr. Bently, accompanied by Thomas Shotten, went to the house of the Fannings, inspected the cesspool in the back yard, which I reported, then went into the house, upstairs, looked at the coats; not even did he feel a pulse, take a temperature, percuss an abdomen nor ask questions concerning the patients; left the house, has not been there since, and disputes my diagnosis. What a wonderful knowledge this man has. Doctors St. Clair, Smith and Loomis, of New York; A. A. Stevens and Da Costa, of Philadelphia, have no such knowledge, "No, not one."

In conclusion I will add: I have not come out to fight, nor shall I enter into any more controversy. I merely ask you to publish these few lines in order that I may defend myself. I have come to Providence to stay, and mean to treat all comers courteously, be they doctors or lay.

Respectfully, Theo. Sureth, M. D., 107 W. Market street. Scranton, Nov. 22.

We have an elegant line of genuine tortoise shell hair pins and combs, Davidov Bros.

Tortoise shell hair pins. Large assortment and neat designs. Davidov Bros. When your watch needs repairing remember that Davidov Bros employ none but skilled workmen.

SALT RHEUM often appears in cold weather, attacking the palms of the hands and other parts of the body. Hood's Sarsaparilla, the great blood purifier, cures salt rheum.

HOOD'S PILLS are the best after-dinner pills, assist digestion, cure headache, etc. It will pay you to inspect Davidov Bros. elegant line of holiday goods.

Inspect the handsome line of holiday goods at Davidov Bros. Ladies, when out shopping do not forget to call on Davidov Bros.

The \$30,000 School House for Columbia avenue has been let and will be commenced immediately. There are still a few more lots left at a low price. Arthur Frothingham, Office, Theater Lobby. 187 Rogers Bros. triple plated table-spoons, \$1.00 a set. Davidov Bros. Davidov Bros. have received an elegant line of sulphur stone goods: Have you seen our vases? Call and ask to see them. Davidov Bros.

DEEDS RECORDED IN COURT.

Sheriff Fahy Submitted Thirteen Documents Representing Sheriff Sales. Yesterday morning in open court the following deeds were read and acknowledged before Judge Archbald: The United Security Life Insurance and Trust company, lot of land in the Nineteenth ward, Scranton, sold as the property of Adam Killian; consideration, \$43.50. Dr. B. H. Throop, lot of land in the Twenty-first ward, Scranton, sold as the Ann Davis, administratrix; consideration, \$59.65. Patrick Donnelly, lot of land in the city of Scranton, sold as the property of Michael Crompton; consideration, \$28.25. Thomas Maloney, lot of land in the borough of Dunmore, sold as the property of Michael Maloney, administrator; consideration, \$32. G. M. Watson, lot of land in the Seventh ward, Scranton, sold as the property of Alexander Hay and Amanda Hay; consideration, \$60.75. J. S. Miller, lot of land in the city of Scranton, sold as the property of Sarah Ann Davis, administratrix; consideration, \$48.16. H. C. Penman, lot of land in the Eleventh ward, Scranton, sold as the property of R. B. Penman, administrator; consideration, \$30.25. The United Security Life Insurance and Trust company, lot of land in the Nineteenth ward, Scranton, sold as the property of Jacob Broschart; consideration, \$48.16. David R. Jones, lot of land in the Fifteenth ward, Scranton, sold as the property of Mary Ann Whytemeyer; consideration, \$49.25. Daniel Williams, lot of land in the borough of Dunmore, sold as the property of James Holden; consideration, \$44.25. H. L. Taylor, lot of land in Lackawanna township, sold as the property of Benjamin J. Evans and Elizabeth Evans; consideration, \$51.34. Mary Brown, lot of land in borough of Dunmore, sold as the property of Caroline and William Stone; consideration, \$47.46. Suburban Building and Loan association, lot of land in borough of Olyphant, sold as the property of P. L. Swift; consideration, \$47.75.

Music Boxes Exclusively. Best made. Play any desired number of tunes. Gausch & Sons, manufacturers, 1209 Chestnut street, Philadelphia. Wonderful orchestral organs, only \$5 and \$10. Specialty: Old music boxes carefully repaired and improved with new tunes. Have you seen our 419 mantel clocks? They are dandies. Davidov Bros. Sulphur stone rings, Davidov Bros. Mantel clocks, cathedral gong, half-hour strike. Guaranteed a perfect time-keeper. \$4.19. Davidov Bros.

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