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IN LOCAL THEATERS.

William Calder's company, in Sutton

of Life," will be given at the Academy

of Music on Friday evening. The play

was brought to these shores last season,

and upon its original production in

New York it achieved considerable suc-

first play to be presented outside of

his native land. The story is said to be

intensely English, the characters alto-

gether racy of the soil and sufficiently

varied to give interest to the play. It is

constructed on melo-dramatic lines.

The author wisely retains his principal

scene until the fourth act, reserving the

At the Academy of Music on Saturday

vening William Collier, the quaint

comedian, will appear in a role wholly

unlike the farce comedy parts that

have made him so great a public favor-

is a comedy drama in three acts, writ-

ten for him by Edward E. Kidder, au-

thor of "Peaceful Valley." "A Poor

one, and the scene is laid in an Ohio

village. Mr. Collier assumes a dual

thoroughly conscientious, and in these

brother, Shiftless Ike, is of a bibulous,

genial turn, and is out for fun or a

overthrow of vice, which presents sev-

On next Monday and Tuesday at the

first time in this city, "A Trip to

Turkey," a farcical operetta by J. W.

entertainment, enlivened by catchy,

sparkling music and refined specialties

besides ballet. The cast includes such

popular artists as Richard Gorman,

Harold Hartzell, Frank G. Mack, G. F.

Lynn and Misses Florence Ellis, the

fantastic danseuse; Donna Dean and little Irene Franklin, the phenamenal

"Blue Jeans," Joseph Arthur's great-

est play, has been given over 400 nights

in New York city, 108 in Chicago, and

was seen in those citles will it be seen

here at the Academy of Music next

Monday evening. The village band,

there to make music for those who at-

as will call out as large an audience

as this theater has seen in a very long

On Tuesday evening at the Academy

characterization in his extensive reper-

Mansfield's company numbers thirty-

for the production of "Beau Brummell."

This is the greatest event of the current

season, and early application should be

made for places. The advance sale of

seats commences Saturday morning at

Picture Framing at Griffin's new studio, 9 Wyoming avenue.

Auction sale every afternoon at 2.50

and 7.30 at Freeman's, corner Penn avenue and Spruce street. Col. L. M. McKee,

Griffin, photographer, removed to his new studio, 209 Wyoming avenue, ground floor.

Music Boxes Exclusively.

tunes. Gautschi & Sons, manufacturers, 1030 Chestnut street, Philadelphia. Won-

derful orchestral organs, only \$5 and \$10. derful orchestral organs, only Specialty: Old music boxes carefully re-

paired and improved with new tunes.

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

Best made. Play any desired number of

"The Rising Sun Roarers," will be

child artists.

leorge D. Melville, Maurice Hageman,

eral scenes of strength and pathos.

fifth act for the inevitable righting of

"The Span of Life" is its author's

This being the last week of our staying here, we men. Constable Philip Williams, of will sell all the Fine Rugs and Carpets at an exceed- of the Peace Cumming's office after the ingly low price. A chance to buy Fine Presents, at a low figure. Besides we have a fine line of Japanese yesterday morning to testify regarding Rugs and Carpets, which we intend to sell at any swore that he did not see anything like price to save us packing.

YARDUM BROTHERS & CO., Wyoming Avenue

PAPERS HAVE BEEN FILED

Contest for the Office of County Treasurer Formally Begun.

GROUNDS THAT ARE SPECIFIED It Is Alleged That Many Votes Cast for

Davies Were Counted for Schadt and That a Large Number of Illegal Votes Were Received.

The contest of Thomas D. Davies against Charles H. Schadt for the office all the wrongs that have characterized of County Treasurer was formally be- the preceding acts.

Attorneys Taylor & Lewis, representing Mr. Davies, presented a petition to Judge Edwards alleging that Mr. Davies was legally elected county treasurer at the election held on Nov. 6. Specifications charging that illegal ite. His new play, "A Back Number," votes were cast in every district in the county at the last election were also contained in the petition. Judge Edwards ordered it filed on record and fixed Dec. 22 as the time for the hear-

The petition asking for the contest is signed by: T. T. Morgan, Joseph D. schoolmaster, stern of purpose, Lloyd, R. H. Williams, John Hale, thoroughly conscientious and in these Williams, John H. Williams, hustling times "A Back Number." His D. M. Jones, Dr. J. J. Roberts, Robert Armstrong, Morgan J. Williams, William Deckelnick, Lewis Roberts, Elliah Dagger, Edward James, John J. Morgan, John S. Jones, Thomas M. Watkins, R. J. Protheroe, T. H. Jones, William Price, Edward T. Jones, John J. Davies, Daniel Moses, B. Hughes, Frank Nichter, Joseph T. Hughes, William S. Bynon, Thomas Marshall, William M. Davies, R. J. Hughes. John Moir, Daniel T. Morgan, Daniel J. Evans, A. B. Eynon, Evan P. Davies, J. J. Evans, Samuel Laville, Isaac R. Harris, D. D. Evans, John D. Phillips, Roger Evans, John F. James, William J. Jenkins, Daniel Boland, David M. Thomas, Richard Colan, Robert Salter, Richard Owens, David Jones, Thomas, Johns, John J. Evans, John Hendler, D. M. Jones, druggist; G. Powell, Daniel Williams, Joseph Reynolds, David Jones, J. E. Jones, Evan J. Evans, T. Ellsworth Davies,

Charges That Are Made. It sets forth that at the election on Nov. 6 Charles H. Shadt was returned as having received 13,153 votes, and Thomas D. Davies 13,132 votes. The computation, it is alleged, is a false one and the election undue and illegal. Mr. Schadt, the petition recites, did not receive more than 13,002 votes, while Mr. Davies received 13,258, giving the latter a plurality of 256.

It is further set forth that votes were received and counted for Mr. Schadt from persons not qualified voters, be cause they had either not resided in the state or election district long enough, had not paid a state or county tax within the time required by law, were not citizens of the United States, had not been assessed, were not legally registered, or made defective affidavits. It is charged that returns from election districts were not sworn to, that names were added to registry lists on day of election; that the election laws were disregarded and votes receive from persons without first making them submit the necessary proofs; that votes were cast by the same person in more than one election district; that votes casts for Mr. Davies were rejected and others cast for him were counted for Mr. Schadt. It is specifically set forth that in each of the 138 election districts of the county from five to fifty illegal votes were

Order by Judge Edwards. After considering the petition, Judge Edwards directed that it be filed of record and that a hearing be set down for Saturday, Dec. 22, at 9 a, m. Notice of the filing of the petition and a copy of it to be served on Mr. Schadt at least ten days before the time fixed for the hearing.

The affidavit was sworn to on Wednesday before Alderman Owen D. Jones, of the Fourth ward, by A. B. Eynon, David Jones, Thomas Johns, John J. Davies, R. J. Hughes, William Price, M. L. Blair, W. G. Powell, T. H. Jones, Daniel Williams, D. M. Jones, Joseph Reynolds, David Jones, Edward. T. Johns! Evan J. Evans, T. Ellsworth

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And will Positively dure all diseases arising from IMPURE BLOOD, SUCH AS

Rheumatism, Kidney Disorder, Liver Complaint, Sick and Nerv-ous Headache, Neuralgia, Dyspepsia, Fever and Ague, Scrofu-la, Female Complaints, Erysipe-las, Nervous Affections, Catarrh, and all Syphilitic Diseases.

E. M. HETZEL, AGENT, 330 LACKAWANNA AVENUE Call and Get Circulars.

CASE IN THE JURY'S HANDS

Twelve Men Are Now Deciding Pranz

WHAT WILL BE THE VERDICT?

Closing Day of the Notable Murder Trial Pleas of the Attorneys-Judge Edward's Clear, Unbiased Charge to the Jury Last Night.

low in the hands of the twelve jury-Olyphant, who took Bezek from Justice hearing to the county jail, was recalled to the witness stand when court opened the wounds on Bezek's chin and he a bullet wound but a small scratch was there. This closed the case and Attorney Colborn presented twenty-one law points to court and argued their admissability. The commonwealth never presents any law points, but District Attorney Kelly argued strongly on the points of the defense. Judge Edwards took the papers and passed upon them in his charge to the jury.

The entire day was consumed with the arguments of the attorneys. At 4.30 District Attorney Kelly closed his ane's realistic melodrama, "The Span address to the jury and court adjourned

An abstract of the law points, which take up ten pages of solid typewritten paper, is here given. The first one maintains that it must be proven beyond a reasonable doubt that the killing was willful, deliberate and premeditated. In the absence of any of these ingredients a verdict of murder in the first degree can not be justified. The second states that if the jury believes that the killing was done white the agent was in an unbalanced state of mind brought about by the persistent refusal of the girl to marry him, he could not form a premeditated intention and cannot be convicted of first degree. The third point suggests that the law has fixed the grade of murder at second degree wheretheact is proven not to have been done in the heat of passion, aroused by the woman's refusal to become his wife, or if there is a reasonable doubt that the murder was premeditated and wilful.

Question of Passion. The fourth says that the jury must Relation," etc. The story is a pastoral be convinced that the defendant did not commit the murder through the result of a sudden passion before murder in role. Benjamin Bennett is the village the first degree can be justified. If the jury finds that the killing was the resuit of a sudden passion, caused by a provocation, however slight, acting upon a mind unbalanced, the verdict must be for the lighter grade of second fight. In these two parts Mr. Collier degree. According to the fifth suddenshows the wide range of his talent as ness is opposed to premeditation, but a mirth-maker. There is a pretty love yet from the swiftness of human story of the reward of virtue and the thought there is no time too short for a wicked man to form a design to kill, still the jury must be convinced from the evidence that there was sufficient time to plan and premeditate. Sixth, Frothingham will be presented for the it rests upon the commonwealth to prove that homicide, though it may be a murder, is of the first degree. Kelly and Wayne Ellis, comprising over thirty artists. It is an extremely bright meditated manner must be proven which would indicate a deliberate in-

tention to kill. verdict of murder of first degree it must Incapable of a deliberate premeditation first to second by the law in homicide verdict based upon their consciences cases, if the jury believes that the de- and the evidence. Judge Edwards adfendant's mind was so clouded as to journed court until 7.30 o'clock in the render it impossible for him to complete evening. a design in his mind of deliberate mur-

life with a full and conscious knowledge just an hour. The court room was of the purpose to do so is the distinguishing criterion of murder in the first degree. By the twelfth point is quoted the statute which constitutes a first deseventy-five in Boston. Exactly as it gree homicide only when the act is and must be voluntary.

The Other Points. The thirteenth is a strong statement and says that the jury must reconcile the circumstances under which tend, and the mill hands' quartette will the killing took place with the prisoner's innocence of a deliberate and presing several songs. The coming of this meditated intent to kill, and they must play will be an event of such interest do so before they will be warranted in finding a verdict in the first degree. The fourteenth point was not presented. Fifteenth, the jury cannot find a first degree verdict if they believe of Music Richard Mansfield and his from all the evidence that the prisoner superb stock organization will appear was so much under the influence of frenzy as to be unable to form a prefor a brief engagement of one night. The mere announcement of Mr. Mansmeditated attempt. The sixteenth field's coming, is sufficient to fill the deals with the subject of partial insantheater at any time, but the announceity and states that if the defendant ment that he will present the greatest | was capable of distinguishing between right and wrong and yet laboring untoire cannot fail to arouse more than der the partial insanity hallucination passing curiosity. This character was or delusion which drove him to the Mr. Mansfield's first great success and commission of the deed he is not re-

> as these coupled with the power of vs. Moster from the use of a deadly weapon the

when the act was committed. was premeditated, and that the ab- ing it to other sufferers." sence of such intent arises from the circumstances under which the killing anteed to cure rheumstism in any part ant for the purpose of taking his own pains in the arms, legs, sides, back or life, and if the murder was committed breast, or soreness in any part of the in the attempt of the defendant to body in from one to three hours. It is

one pointing to his innocence,

The twenty-first and last states, if the jury in their deliberation find evidence that would create a reasonable doubt of defendant's gullt, they are bound to give the defendant the benefit of the doubt. Or if from any and reasonable doubt of the defendant's guilt is raised, either as to the degree of crime or the commission of the crime itself, he should have the bene-

fit of the doubt. On these points Attorney Colborn and District Attorney Kelly argued before court, after which Attorney Watson addressed the jury for the defense. He closed his argument at noon and when court convened in the afternoon Attor-Murderer Franz Bezek's fate rests ney Colborn began addressing the jury in behalf of the defense

Attorney Colborn's Plea. If the jury was not convinced by the Bezek they could not help but be Colborn's eloquence. He reviewed the testimony of Mrs. Kramer and said she had perjured herself on the witness stand in order to shed the blood of an Innocent man. Bezek bought the revolver to kill himself; the evidence of the bullet marks on his chin, the testimony of Dr. Parke, and the statements of the defendant himself, all agree on that point. These facts could not but raise a reasonable doubt in the minds

of the jury. It is not a case, he said, where malice or prejudice should bias a verdict; although the defendant sat as one dumb through the trial not understanding a word of English, away from his home, parents and friends and without a cent of money in his pocket. He did not ask for mercy, but justice, and a verdict less than that of first degree would not compromise truth or sacrifice jus-God in creating man hesitated, but Mercy down upon bended knees, said. "God, make man," and God having fellow-man." If public opinion and idle curiosity in a court of justice demand your consciences will dictate in justice the commonwealth of Pennsylvania. District Attorney Kelly took up the

lated the court, jury and all connected murder in the first degree. with the case that its termination was approaching. He then began slowly, conclusively and logically to draw from the evidence in the case a seemingly unbreakable chain of guilt around the defendant. He pictured how the heart of Bezek became filled with malice when he first was told that Mary would

not marry him. Malice made him decide to do some thing desperate and he bought a revolver. If the defendant was insane or not in his right mind, impelled to destroy himself by (Mary's refusal to marry him, why did he haggle with Hardwareman Lally over the price of the revolver. Mr. Kelly read the law of murder in the first degree to the jury and explained the different passages. He lashed the attorneys for the de fense for their assumption that Mrs. Kramer and other witnesses of the commonwealth perfured themselves,

Bullets All Accounted For. Two bullets were found in the revolet from the floor, the other evidence in the case that the mind of to discredit Dr. Parke's testimony, but the defendant was not so affected, thus he may have been mistaken in his opinunbalancing his mind as to render him | ion that the wound was from a bullet. Mr. Kelly used this argument to show as is necessary to constitute murder in that Bezek had at no time attempted the first degree. The ninth avers that or intended suicide. If Bezek is insane to constitute proof beyond a reasonable the verdict should be acquittal but indoubt such as will justify a first degree samity is the only haven of refuge when verdict that the evidence must produce all other avenues of escape are shut off. in the minds of the jury an abiding con- Bezek had sanity enough to drive a viction backed up by a moral certainty hard bargain for the weapon and Mr that the defendant's mind was suffi- Lally, who sold it to him, testified that clently clear and not at the time cloud-ed by temporary insanity. The tenth Mr. Kelly told the jurors to give the says that the degree is reduced from case their consideration and arrive at a

The closing chapter in the trial was Judge Edwards' charge to the jury be-Eleventh says that the intent to take ginning at 7.30 last night and lasting

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 Twentyfourth 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

"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 still remains his most popular one. Mr. sponsible for the commission of the act, I could bear; neither could I lie on the right side or on my back. Life became sories and embellishments are carried wrong is an excuse for crime. That raise my hand to my head, and when I point is an extract from an opinion of attempted to put on my coat or any Chief Justice Gibson, commonwealth article of dress, the torture was enough to drive me wild. Many remedies were The seventeenth says that the pre- suggested and tried, but none did me sumption of law where death results the slightest good, and I began to de spair of ever being able to obtain re grade rises no higher than second de- lief. Some time ago, however, I progree and that to make it first degree cured a bottle of Munyon's Rheumathe commonwealth must show by testi- tism Cure. It afforded me relief after mony so clear and conclusive beyond a the first few doses, and by the time the reasonable doubt that all the essentials little 25-cent bottle was gone I was of murder in the first degree had an entirely free from pain. I have had no existence in the mind of the defendant | return of my old enemy, and I feel satisfied I am permanently cured. It seems Eighteenth, That no positive evi- so wonderful I can hardly realize it dence has been produced by the com- and can only show my appreciation of monwealth to prove that the killing the merits of the cure by recommend-

> Munyon's Rheumatism Cure is guar took place. The jury is asked under of the body. Acute or muscular rheuthe nineteenth to decide whether the matism cured in from one to five days. revolver was purchased by the defend- It never fails to cure sharp, shooting carry into execution that purpose, he guaranteed to promptly cure lameness

cents a bottle.

crowded densely and during the charge of the court there was not a whisper. ant alleges insanity, either partial or judge's lips was listened to with breathless attention. The charge included every available circumstance that all the evidence taken together, a tended to cast a reasonable doubt around premeditation of the murder.

Law Points Passed Upon. In passing upon the law Judge Edwards afflirmed all but three, fifteenth, seventeenth and third and fourth eighteenth. The points he qualified so far as the evidence bore upon them, which was a question for the jury. After giving the case into the hands of the jury Judge Edwards said there would be no court this afternoon because of the funeral of the late D. W. Connolly, However, he would be in court at 8.30 and if they had agreed upon a verdict court would arguments for clemency in behalf of receive it. After that there would be no chance for them to render their charmed by the irresistable flow of Mr. verdict, if they shall have agreed upon it, before 1.30 this afternoon. The decision of the jury will be awaited eagerly. In beginning Judge Edwards quoted the law of Pennsylvania on the different grades of murder, after which he spoke in part as follows in reviewing the testimony of the case;

"Gentlemen of the jury, you will find two important facts that cannot be disputed. That Mary Kerzic received a pistol wound from the hands of the defendant, which caused her death; and that the revolver was purchased by him the morning of the shooting. The representative of the commonwealth contends that the circumstances surrounding the shooting justify you in finding only one verdict, that of murder of the first degree. It is shown that the defendant, when disappointed on account of the refusal of the woman to marry him and her determination to marry another man, became inspired with the spirit of revenge; that he prepared himself deliberately to carry out made man, said, "Go; you are a child of a murderous purpose and went to Mercy and deal likewise with your Lally's store on Monday evening to purchase a revolver and hesitated only on account of a difference of a dollar an innocent man's blood it is not, he and a half in price; that he went back said, the province of the twelve men to Kramer's house, slept there Monday to pay heed and shape a verdict on night, arose Tuesday morning, purthat plea. The defendant's life is in chased the revolver and loaded it with your hands and let your verdict be what cartridges and within the space of an hour's time went back to the house and between the prisoner at the bar and on being refused marriage again by the girl, shot and killed her. The commonwealth contends that the circum remainder of the afternoon on behalf stances of the shooting are consisten of the commonwealth. He congratu- with no other hypothesis than that of

Claims of the Defense.

"I will now call your attention to the testimony for the defense. The defendant by himself and counsel admits the purchase of the revolver and that Mary Kerzig came to her death by means of a shot fired from this revolver in the hands of the defendant. The defense is two-fold. It is contended that the firing of the fatal shot was accidental; that while he was about to commit suicide and had the revolver under his chin, the girl took hold of his IS POSITIVE, arm and that in the scuffle that ensued the shots were fired and Mary was killed. The defendant also contends that the condition of his mind was such that he was not responsible for his acts that his mind was unhinged and that he did not know the consequences of his

The question will naturally recur to you, was the shooting and killing of Mary Kerzig an accident, as claimed by the defendant? If it was, then the ver, one was found by Coroner Kelly defendant cannot be convicted under Seventh, Before the jury can find a in the dead girl's brain, and two were this indictment. The evidence on this found imbedded in the wall, one five part of the case is in the main that of I need not repeat it to doubt that the defendant meditated eighteen inches. These completed the you. If you find that the killing was upon the thought and then proceeded five bullets in the revolver, and the not the result of accident, then was the you. If you find that the killing was upon a deliberately formed determina- question is, where is the bullet that is defendant insane when he committed tion to commit the act. Upon the supposed to have wounded Bezek's the act, and unable to distinguish beeighth point the jury must be satisfied chin, which would have struck the tween right and wrong? The law prebeyond a reasonable doubt from the ceiling? Mr. Kelly said he did not want sumes every man to be sane. Sanity is

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ROOF THINING AND SOLDERING carry into execution that purpose, he cannot be convicted of a higher grade than involuntary manslaughter.

Twentieth, If in their deliberation the jury finds two theories, and one, if followed, would tend to convict the defendant, the other, if followed, although not so clear, would point to his innocence, they are bound to adapt the or pound. Contracts taken by ANTONIO HARTMANN, 537 Birch St.

a man's normal condition.' If a defend-Every sentence that fell from the general, as an excuse for crime, the jury must be satisfied from the evidence that the allegation is true.

"If you believe that the killing was not the result of accident and that the defendant was of sound mind when he committed the act, then your next consideration will be as to the degree of his offence under the indictment now before us.

What Must Be Done. "The commnwealth must prove Its case beyond a reasonable doubt. This reasonable doubt is such as remains in your minds after a full and careful consideration of all the evidence. The defendant is entitled to the benefit of this reasonable doubt, and he is en titled to it on every essential elemen of the commonwealth's case. If you entertain a reasonable doubt as to his guilt under either count of the indictment, he should be acquitted generally and if you should have a reasonable doubt as to the degree of murder of which he guilty, he is entitled to the benefit of i But, as I have said before, that doubt must arise from the evidence.

"I am now about to submit the cas to your final determination. I commend you for the patient attention you have given it from the beginning. Do your duty manfully, fearlessly and con-scientiously. Do not allow pity, fear, indignation or passion to cloud your judgment or to swerve you from a just verdict. Do not let the cons quences of your verdict prevent you from doing your duty. You do not make nor execute the law. Follow the evidence wherever it leads you, and of whatever degree of crime you find the defendant guilty or whether you find him not guilty of any crime, say so by your verdict-such a verdict as will receive the commendation of your own conscience.

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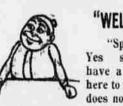


AS I WAS.

I give the following statement unasked. I have been a sufferer for so long a time and have spent so much money with so-called specialists and each time have been disappointed and misled, that it was with a good deal of doubt that I called on DR. HACKER. But knowing of some of the cures he made in this city four years ago, and the confidence of the people of Scranton in him then, I resolved to try him. It was a lucky move for me. I was troubled with dizziness, spots floating before my eyes, bad dreams, melancholy, easily startled when spoken to, no desire to exert myself and tired on the least exertion, especially in the morning; had no pleasure in company; very nervous and altogether was a complete wreck. But thanks to DR. HACKER, I am today a well man. I would advise all young men suffering as I did to call immediately; in 45 days I gained in flesh 18 pounds. For obvious reasons I prefer to withhold my name, but if any who suffer will call on DR. HACKER at the Lackawanna Medical Institute, he will furnish my name and address.

NO CURE, NO PAY. AS I WAS.

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