

"Days of Auld Lang Syne,"

By author of "Bonnie Brier Bush,"
Ian MacLaren's new book
now ready. See it.

At Norton's.**THRACITE CULM DUMPS**

Compared with Niagara Falls
for electrical power,
by an expert New York engineer,
with Miss S. E. Dickinson's
interesting article
on the industries of Scranton,
illustrated by numerous engravings,
in Nov. issue Cassier's Magazine.
Price, 25 cents.

At NORTON'S

322 LACKAWANNA AVE.

A Foe to Dyspepsia

GOOD BREAD
USE THE

Snow White FLOUR

And Always Have
Good Bread.

MANUFACTURED AND FOR SALE
TO THE TRADE BY

The Weston Mill Co.**PERSONAL.**

John Bamford, formerly of the North
End, was married last Wednesday at Binghamton to Miss Minnie Brown, of the
City. A number of persons from this
city attended the wedding.

Arthur Frothingham has returned from
a business visit to New York city.
John H. Blackwood, of New York.

Mrs. L. S. Ross, of Tunkhannock, is visit-
ing Mrs. Fred Abrams, on North Main
avenue.

W. H. Hanley, Jr., spent Sunday with
his sister at Bryn Mawr.

J. D. Carpenter, of Tunkhannock, was
here yesterday.

W. E. Stibbs, of Wilkes-Barre, is in the
city.

Patrolman Thomas Mills, of the police
department, is on a vacation.

Rev. A. W. Cooper, of Waymart, was
here yesterday.

Del Lease, secretary of the Elmira Rail-
road Young Men's Christian association,
was here yesterday.

Mr. and Mrs. William Connell, Mr. and
Mrs. C. B. Penman and Colonel E. H. Rip-
ley are enroute for Atlanta with Governor
Hastings and staff and party.

Underwear.
Bargains for all in Men's Natural Wool,
Ladies' Union Suits, Children's Ribbed
Vests and Pants. We invite comparison.
Mears & Hagen.

HEAVY DEATH RATE.
Forty-Three Deaths Occurred in This City
During Last Week.

Forty-three deaths occurred in this
city last week which is an excep-
tionally high mortality rate, being only
four below the greatest number of
deaths ever reported in any one week.

There were six cases of typhoid fever,
with one death resultant therefrom;
four cases of scarlet fever, with two
deaths, and six cases of diphtheria,
with one death. There were also three
deaths from consumption.

RHEUMATISM is caused by lactic acid
in the blood. Hood's Sarsaparilla neu-
tralizes this acid and completely and per-
manently cures rheumatism. Be sure to
get only Hood's.

HOOD'S PILLS cure nausea, sick head-
ache, indigestion, biliousness, cold and
all druggists.

Edglish Capital for American Invest-
ment.

Important to Americans seeking Eng-
lish capital for new enterprises. A list
containing names and addresses of 250
successful promoters who have placed
over \$100,000,000 sterling in foreign invest-
ments within the last six years, and over
\$1,000,000 for the seven months of 1895.
Price \$5 or \$25, payable by postal order
to the London and Universal Bureau of
Investors, 20, Cheseldale, London, E. C.

Subscribers will be entitled, by arrange-
ment with the directors to receive either
personal or letters of introduction to any
of these successful promoters.

This list is first class in every respect,
and every man or firm whose name ap-
pears therein may be depended upon. For
pleasing the following it will be found in-
valuable—Bonds, Shares of Industrial,
Commercial and Financial Concerns,
Mortgage loans, Sale of Lands, Patents or
Mines.

Directors—SIR EDWARD C. ROSS,
HON. WALTER C. PEPYS,
CAPT. ARTHUR STIPPE.
Copyright.

NEW DEBUTES**IN SHOE LEATHER****\$4.00.**

Rich, lustrous Kid, with tips of
same or of Patent Leather; Half-
Scotch Edges; Regulation Military
Heels; Laced or Buttoned. An Ideal
"20th Century" Street Shoe.

Extreme Needle Toes, English
Derby Toes, both graceful and
comfortable. All Women's and
Young Girls' Sizes, 2 to 8, AH to EE.

THE PRICE IS \$4.00.

SCHANK & KOEHLER,
410 Spruce Street.

SMITH WOULD NOT STAY

After Court Refused a Change of Venue
He Left the Court Room.

JENNINGS CASE NON-SUITED

No One Present to Try Mr. Jennings' Sen-
sational Conspiracy Case—Mr. Smith
Says He Will Take an Appeal
to the Supreme Court.

Attorney Cornelius Smith and his
client, John G. Jennings, of Minooka,
were central figures in another court
episode yesterday. The November term
of common pleas court opened yester-
day morning with three judges on the
bench. Judge H. M. Edwards in the
main court room, Judge J. H. Stans-
bury in the court room, and Judge
McPherson, of the Dauphin county
courts, in No. 2 court room.

The first case on the trial list was the
troversy suit of John G. Jennings
against the Lehigh Valley Railroad
company, Judge R. W. Archibald, Judge
E. S. Williams, Major Everett Warren,
Attorney I. H. Burns, Attorney Lem-
uel Auerman, Prothonotary Clarence E.
Pryor, Deputy Prothonotary Myron
Kasson, and Detective Thomas E.
Reynolds, appeared for the damages in
the modest sum of \$100,000.

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for a continuance. This was refused
and he applied for a change of venue.

Attorney Davis opposed the change of
venue on the ground that the petition
for it came too late, that the plaintiff's
application should have been made last
week.

Mr. Smith argued that no notice had
been served upon him that the case had
been set down for trial at the head of
the list, and, therefore, he had not suffi-
cient time to lay ground for a change
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Judge Cunster refused to grant the
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without any further delay. Judge Ed-
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nature as to require speedy action. Mr.
Smith evidently knew that it was on
the list and that is the reason why the
court refused the continuance. The
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change in venue.

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him to produce witnesses for his appeal
for a change of venue and that he
would be glad to go to trial tomorrow if
he could. In answer to this statement
Major Warren said:

"Your Honor, I desire to say that the
application is based on the fourth para-
graph in the act relating to change of
venue in court. It is provided that 'if it
appear by the oath of the plaintiff that
local prejudice exists and that a fair
trial cannot be had,' the change of
venue shall be granted. In this case,
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involves the integrity of the officials of
this county, and of the members of this
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scandalous accusation against the living
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him come here and show it now. Let
us have something by the court that
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ask your Honor in the name of justice
and out of respect to this court and to
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case heard at once. If his accusations
are true give him a change of venue. If
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Jennings on the Stand.

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for a change of venue and unless other
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of the case we direct the trial to proceed
before Judge Archibald, of the court
of common pleas, of Dauphin county."

Mr. Smith handed the following paper
up to the court, then went to the clothes
rack, put on his overcoat and silk hat,
turned his back to the court and strode
out.

"Now, Nov. 12, 1895, the plaintiff pre-
sented to the court a petition praying
for a change of venue. The court grant-

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should not be changed to the county of
Scranton. Afterwards, on request of de-
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APPEAL WAS DISMISSED

Opinion Handed Down in the Famous
Nichols' Will Contest.

APPELLANT HAD NO EVIDENCE

James Nichols Was Unable to Prove That
His Mother Made a Will, Although
He Had Several Oppor-
tunities to Do So.

From the orphans' court of this coun-
ty an opinion by Judge Archibald in the
famous Nichols' will contest was yes-
terday handed down, dismissing the ap-
pel of James Nichols, the appellant,
with an order that he pay the costs of
the proceedings.

In March, 1885, the decedent, Mrs.
Sarah Nichols, died, and on May 21, 1892,
seven years afterward, the appellant,
James Nichols, her son, presented his
petition to the register of wills, alleging
that she died testate, and that her will
was in possession of Asa A. Nichols,
another son, and Flora A. Nichols, his
wife. Upon this petition issued re-
turnable June 6, following, to which an
answer was duly made by the parties
cited, denying that they had posses-
sion of any such will and affirming
that they never saw or heard of any
such will. The hearing on the citation was
continued by the register to June 13, and
the petitioner not appearing, the pro-
ceedings were dismissed.

On June 28 on a plea of surprise and
presentation of a new petition, the re-
gister allowed a rehearing and issued
a second citation returnable July 25.
A new party was brought into these
second proceedings, Mary Davis, a
daughter of the deceased; but the cita-
tion was not served in time, and an
alias had to issue to Aug. 1 following.

Unable to Furnish Proof.

This came to a final hearing on Sept.
9, 1892, when counsel for the petitioner
stated they had no further evidence,
and that they were unable to prove that
the alleged will of Mrs. Nichols was in
possession of the parties cited, where-
upon the proceedings were again dis-
missed at the cost of the petitioner.

Nothing further was done until May
17, 1895, when the same party again pre-
sented his petition to the register, al-
leging upon newly discovered evidence
that there was a will, and that it was in
the possession of the said Mary Davis,
and praying for a rehearing. The re-
gister entertained the application so far
as to award a citation to Mary Davis,
and A. Nichols, to appear on June 8
following and show cause why the will
should not be produced and proved.

But after considering the testimony
produced in support of the petition, the
register decided there was not enough
to warrant a rehearing and, therefore,
dismissed the petition with costs. It
was upon this record that the appeal
was taken. The opinion says:

"At the return of the rule entered, ac-
cording to our practice on the respond-
ents to show cause why the appeal
should be entertained, it was urged
upon us that the appellant is conclud-
ed by the decision of the register made
in September, 1892, which the last pro-
ceedings have finally reversed, and that
the appeal ought therefore to be dis-
missed.

Must Be Made Within Three Years.

"While an appeal to the orphans' court
is allowed by the statute from all
judicial acts and decisions of the re-
gister, yet it is expressly provided
that all such appeals must be made
within three years. It is very clear
therefore that it is now too late to ask
review of the decision dismissing the
appellant's petition, which was made
Sept. 9, 1892, the present appeal not
having been lodged in this court until
Sept. 22, 1895.

"Is the appeal any more effective
because of the intervening proceedings
which have been taken? We think not.
If the present register, after hearing
the appellant, had reversed the deci-
sion of his predecessor, assuming he had
the right to do so, and had held that
the possession by the respondents of a
will the decedent had made, and which
was established, this would have been a
new judgment, from which the parties
aggrieved could have taken their ap-
peal to this court. But that was not
what was done. The register merely
reopened the case far enough to see
whether there was any occasion for
reconsidering the former ruling of the
office, and not being satisfied that there
was, refused to do so.

It is a Matter of Grace.

"A hearing in such a case is a matter
of grace and not of right, and rests in
the sound discretion of the register.
Assuming that the case is for the time
reopened by the fact that the register
entertained the petition and cites the
parties to appear and answer it, still
when the proceedings are dismissed
without other action than to confirm
the former decision, what