and lots of light to match and compare the various combinations. Our salesmen have had many years' experience in this special line. When in need of Decorations to cover bare walls or old decorated walls, come in and see the best goods that are made.

WINDOW SHADES AND FIXINGS.

All sorts and sizes for residences, offices, stores, etc. Curtain Poles, Wall Mouldings, CHILDREN'S CARRIAGES

at surprising low prices Bicycles, Velocipedes. Tricycles Boys' Express Wagons, Carts, Barrows, at very interesting prices.

M. NORTON. 322 Lackawanna Avenue, Scranton. 32 South Main St., Wilkes-Barre.

# **ENTIRE**

OF THE

# **Best Quality**

WE WHOLESALE IT.

## The Weston Mill Co Scranton, Olyphant and Carbondale.

BEWARE OF COUNTERFEITS.

THE GENUINE

Have the initials G., B. & CO. impriat ed in each eigar.

GARNEY, BROWN & CO., MANUFACTURERS, COURT HOUSE SQ.

### PERSONAL.

E. H. Lynde is on a trip to Boston and Dr. J. J. Kelley, of Carbondale, was a Visitor to the city yesterday C. F. Foley, of Mahanoy City, is guest of Editor Judge, of the Index. Ex-City Treasurer Reese G. Brooks, who has been ill for some time is able to be

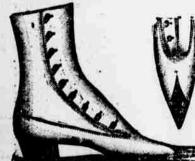
Mark Edgar leaves today for Pike coun-ty, to be on hand for the opening of the trout season Wednesday.

Mrs. H. B. Ware will entertain her friends at a tea Wednesday afternoon be-tween the hours of 4 and 6. Miss Grace Fair, of Bailey, Ia., who has been visiting friends during the past winter, will return home tomorrow. Miss Flo Simon, of Lock Haven, who has been seriously ill in Plymouth, will spend Thursday with Miss Wormser.

Bishop O'Hara, Bishop Hoban and Rev. J. J. B. Feeley left yesterday for Buffals to attend the funeral of the late Bishop Ryan, which occurs there today. Justice of the Peace T. J. Gilden, of Archbald, presented Charles F. Wagner, of the county commissioner's office, yes-terday with a valuable hunting dog. Rev. R. A. McAndrew, of Wilkes-Barre, and Dr. P. H. McAndrew, of this city, pave gone to St. Paul, Minn., where their brother, Lieutemant J. W. McAndrew, who was recently operated on for appendictis, is seriously III.

# New Spring Goods

Lace and Button and all the best colors for Ladies, Misses



### EASTER SHOES

Are the new things. You should see them before purchasing elsewhere

LOOK IN OUR SHOW WINDOWS.

410 Spruce Street

# CRIMINAL COURT BEGINS

Only One Defendant Tried Yesterday. The Others Pleaded Guilty.

SHOEMAKER NEE'S TROUBLES

Must Pay S8 a Month for Mrs. Nee's Suf port-John Lawson Will Spend Nine Months in Jail-The Arson Case.

Shoemaker Michael Nee, of the West Side, formerly of Minooka, was the first and only offender against the crimlist and only offender against the char-inal code tried in quarter sessions court justeriay. All of the other cases on the list, except two, were disposed of by the defendants pleading guilty. Nee by the defendants bleading guilty. Newwas first tried for aggravated assault and battery upon Thomas Stone. Of this charge he was acquitted and the costs were equally divided. Stone alleged that Nee struck him with an iron last on the head and nearly killed him with the blow. Nee said Stone was the aggressor and the last was used in soft defense.

self defense.

He was next put on trial for assault and battery on his wife. Mary Nee. The jury found him guilty and Judge Gun-ster called him up for sentence, which was a tine of \$5 and costs. There was a charge of desertion against him also and the court made an order direct ing Nee to pay \$8 a month to his wife, the payments to be made on the first of every month, and that a bond in the sum of \$200 be given for the faithful performance of this obligation.

John Lawson, the young West Side Swede, who was responsible for shoot-ing Charles Johnson and himself from the careless manner in which he was handling a revolver, plead guilty. Lawson had the pistol and was brandishing it. Johnson attempted to take it from him and in the encounter two bullets were discharged and each got one in the groin. It was expected for some days that the wounds would prove fatal

WEAPONS NOT NECESSARY. Judge Gunster in passing sentence informed Lawson that in this country

about with a dearly weapon concealed about his person; such a thing is not necessary for his protection, and with that brief notice to dispossess himself of firearms, Lawson was led away to erve nine months in the county jail. John Norcross plend guilty to steal-ing \$45 from the trunk of Frank Sylezos the North End and he was sentenced to spend five months atoning for it behind prison bars.

Johnny Green, a boy not over 15 years of age, plead guilty to stealing a horse and carriage of Owen Smith from in front of the Fleetville Baptist church. while Mr. Smith was attending an ice cream social. The juvenile thief trad-ed the horse for another and in this way was caught. He will be sentenced on Saturday morning.

John Tobobeskie admitted that he

stole pool balls from Leon Olshefski of the Flats. He will be senteced Sat-

urday.
George W. Porter entered a plea of guilty to embezzlement and false pre-tences, one charge of the former in which H. D. Hayden was prosecutor: and two of the latter in which the prosecutors were A. Rose and Frederick on Storch. Porter is the swindler who decamped from the city while he was in the employ of the Suburban Electric Light company, He was arrested a month later in Buffalo. The court will fix his punishment later.

Edward Morris admitted that he stole some bettles from Druggist D. W. Burr. He will be sentenced Saturday morn-

STOLE BEER AND HAMS.

Patrick Murphy was put on trial for stealing a keg of beer and some hams from a switch in the Delaware, Lacka-wanna and Western yard on West Lackawanna avenue. He was arrested commonwealth had no case against him and a nolle pros was entered. He was ready to plead his own case if it went on.

A verdict of not guilty was taken in he case of the commonwealth against John Langan charged with larceny and receiving in removing bar fixtures from a place in Olyphant owned by Patrick Jordan, of this city. Langan was tried before on the charge of larceny by baile for the same offense and was acquitted, therefore he could not be out in jeopardy twice. John Deinlein and Emil Korries were

charged with malicious mischief and assault and battery by Charles Back; Deinlein was separately charged with assault and battery on Dniel Scholl and Sothie Beck; and Korries was se-parately charged with assault and bat-tery on Scholl. They settled the cases outside of court. They are neighbors and Eve on the South Side.

Bernard McTighe, charged with assault and battery upon Patrick Hannick, did not respond; his bail was for feited absolutely and a capias was is-sued for him. William Bailey is his

bendsman.

The charge of attempt to commite arson against John S. Luce and W. G. Bateman will be put on trial as soon as the assumpsit suit of Daniel Williams against the Scrauton Stove works goes to the jury, which will be some time today.

### THEIR CHARGES REDUCED. udge Gunster Used the Pruning Knife on

Viewers' Fees. The supervisors of Carbondale township once upon a time filed a petition in court alleging that the boundary be-

who was recently operated on a dictits, is seriously iii.

John T. Watkins, the cell-known singer, will leave this city at 10 o'clock on Taesday April 21, for New York and on the following day will sail from that place on the City of Paris for England, He will proceed at once to London, where he will proceed at once to London, where he will become a pupil of the world-famous Dr. McKenzie, of the Royal Academy.

McKenzie, of the Royal Academy.

Tablian

Services.

The county commissioners filed exceptions to the fees of the viewers on the ground that they were excessive in-asmuch as they charged for their services as surveyors when they were appointed as viewers and on the ground that the costs ought to be paid by the petitioners and not the county. Judge Gumer decided that the county shall pay the costs but the other exception Gumeter decided that the county shall pay the costs but the other exception that the fees are excessive was sustained. The fees were retaxed as follows: B. R. Blair, 11 days as commissioner at \$3 a day, \$33; and 66 miles at 10 cents a mile, \$6.60; total \$39.60. W. H. Sturdevant. 9 days as commissioner at \$3 a day, \$27; and 140 miles at 10 cents a mile, \$14; total \$41. A. B. Dunning. jr., 14 days as commissioner and surveyor at \$5 a day, \$70; 132 miles at 10 cents a mile, \$13.20; total, \$83.20.

### KANE SENT TO JAIL.

Hearing Yesterday Was a Merc Matter of Form William Kane, the burgler captured

william Kane, the burgler captured red-handed in the act of robbing L. W. Tisdale's gun shop, was committed to the county jail yesterday by Alderman Fuller in default of \$500 bail.

Kane gave his home as Brooklyn, N. Y., and stated that he has been in this city about a year, Of late he says he city about a year. Of late, he says, he has been driving team for Oram Spen-

cer. He is 22 years of age, but looks to be older. The only damage which Mr. Tisdel sustained was the loss of a camera which Kane broke open, thinking it was a package of some kind.

Funeral of George Stark.

Yesterday afternoon the funeral of George Stark took place from his late home in Lee court. It was attended

Why let your home and business be destroyed through strong drink or morphine when you can be cured in four weeks at the Keeley institute, 728 Madison avenue Scranton, Pa. The Cure Will Bear investigation.

### DEMURRER IS SUSTAINED

by a large number of his friends. The pall-bearers were Division Superin-tendents Du Bols and Fowell, Conduc-tor Frank Brown and Motorman Pat-rick Lynch, of the Scranton Traction company, by whom Mr. Stark was em-ployed. Interment was made in Forest Hill cemetery. Opinion of Judge Buffington in Boyer Trespass Suit.

### IT'S A REAL MELODRAMA. WHY THE ACTION WAS BROUGHT The Wanderers" Now the Attraction at

While the sun was making things hot outside a deep-dyed melodrama at-tended to the inside work at Davis' It Is Alleged That Members of the Boyer Family Died Because of the Unsantheater yesterday afternoon. The plays theater yesterday afternoon. The play is called "The Wanderers." W. H. Rightmire is the author. He is also the leading actor in the performance. itary Condition of the House They Lived in.

Davis' Theater.

There is an interesting story in the

OLYPHANT LIGHT MUDDLE.

hald with Reference to It.

plant were let to bidders whose price was excessive; that the council was

practically throwing away the old plant

which, according to the complainants, was worth \$3,000 and good enough for

The court granted a preliminary in-

junction to restrain the work from proressing. The injunction was contin-ted upon a hearing on the ground that

the improvement was not authorized by

an ordinance. The defendants on March 26 last, by their attorneys.

Major Everett Warren and Hon, C. P. O'Malley, asked that the injunction be

dissolved, setting forth that the council in the meanwhile had passed an ordinance and compiled with all the

BONDS WERE FLOATED.

After passing the ordinance bonds were floated to pay for the improve-

ment, and it was the intention not to

take any cognizance of the equity suit at all as the thing on which the court

granted the injunction was because no ordinance had been passed. The New York firm that took the bonds wanted

o have the record in this court cleared of the injunction proceedings. That is

why the application was made to have

the injunction dissolved.

It was here discovered that Mr

Burns had judgment entered against the defendants because they had not

filed an answer within fourteen days.

minion yesterday dissolving the pre

iminary injunction and in it he says:

ANSWERS HAS NOW COME IN.

manner.

That which was wanting in this respect has been now, as it would seem, supplied, and if this appears at the final hearing, as it now appears by the answer, only a conditional decree or one without prejudice would at the most be entered. The pendency of the bill will sufficiently protect the rights of the plaintiffs meanwhile. The rule is made absolute and the preliminary injunction is dissolved.

TONIGHT'S CONCERT.

Be Given in College Hall

Women's Keeley League. A concert will be given this evening under the auspices of the Women's Keeley league in College hall, in which

tollowing programme will be rendered:
PART 1.

1. "The Radiant Morn Hath Passed
Away" Woodward
Elm Park Church quartette.
2. Violin solo, Nocturno Panofka
Miss Dickson.
2. Bass solo, "The Cavalier" Parker
Mr. Thomas.
4. Violin solo, (a) Nocturno Chopin
(b) Perpetual Motion Ries
Mr. Kopff.
5. Recitation, "Light from Over the
Range,"
Mr. Colborn.

Mr. Colborn.

For a Nerve Tonic Use Horsford's Acid Phosphate. Dr. H. M. Harlow, Augusta, Me., says: "I regard it as one of the best remedies in all cases in which the system re-quires an acid and a nerve tonic."

When Baby was sick, we gave her Castoria,

When she was a Child, she cried for Casteria, When she became Miss, she clung to Castoria,

When she had Children, she gave them Castoria.

following programme will be rendered:

egal requirements necessary

the town.

City Solicitor Torrey yesterday re-ceived an opinion from Judge Buffing-ton of the United States circuit court in which the defendant's demurrer in play.

The hero is frequently applauded for his timely rescues and the brave sentithe trespass suit of Harriet L. Boyer and others agains: W. Gibson Jones, of this city, and Colonel Meredith L. Jones, of New York, is sustained.

The Boyer family occupied a house rented from the defendants. The father of the family died of typhoid fever; the methas died some afterward and ments he voices. Specialties are also introduced. Any one who wishes to see a play which thrills can be accommodated at the Davis for the first three days of the week. Matinees and even-ing performances will be given. the mother died soon afterward, and one or two of the children also suc-cumbed to the dread disease. It was ai-Opinion Handed Down by Judge Archleged that the unsanitary condition of the premises had all to do with breed-ing disease and a suit for large dam-ages was brought against the defend-ants. Attorney L. P. Wedeman repre-sented the Boyer children, City Solic-Last August J. M. Schenck, R. J. Gallagher and Dominick Howard, three citizens of Olyphant by their attor-neys, I. H. Burns and T. J. Duggan, began an action in equity to restrain the burgess and town council from making any further progress with the work of itor Torrey represented the defendants and incidentally the city and he filed a demerrer to the declaration of the plaintiff. The opinion of Judge Buf-fington sustaining the demurrer is as constructing a new electric light plant. The ground on which the action was taken alleged that no ordinance had been passed permitting the improvement: that the contracts for the new

THE JUDGE'S OPINION.

"This is a demurrer to the plaintiffs' declaration on three grounds. First, that the ordinances of the city of Scranton and the rules of the board of health are not properly pleaded; sec-ondly, assuming they are properly pleaded, they do not sustain plaintiff's case; and lastly, that plaintiff's decla-ration does not set forth a valid cause of action.

The grounds upon which plaintiffs seek to recover are not set forth in the declaration with clearness; possibly they may be inferred or gathered from It to be that defendants owned a house and lot at Scranton which they leased to plaintiffs' parents as a dwelling; that there was a privy vault on the prem-ises; that by the ordinances and health rules of the city of Scranton a connection was required between the vault and the city sewer; that no such con-nection existed and defendants leased the premises to plaintins' parents, who were ignorant of the lack of such a connection; that by reason of the negli-gence of the defendants in failing to connect with the sewer and by maintaining and keeping a privy vault with a discharge and leakage on the prem-ises, the father of the plaintiffs sickened and died on the premises during

his occupancy,
"Walving for present purposes all
question as to the ordinances being
properly pleaded and considering them as before us in extenso, we still think the demurrer must be sustained. NOT OF ITSELF UNLAWFUL.

and that from the time of the bringing of the bill in equity he had not moved in the matter at all but allowed it to rest. Judge Archbald handed down an "A cess pool upon a city lot is not in tself unlawful, Philadelphia vs. Provident Trust Co., 132 Pa. St. 224, Wunder vs. McLean, 134 Pa. St. 339; improper liminary injunction and in it he says:

It was intimated at the argument of this rule that the defendants were entitled to have the preliminary injunction dissolved for want of a due prosecution of the suit. The plaintiffs' counsel thereupon, behind the backs of every ledy, entered an order in the prothonolary's office to have the bill taken pro confesse for want of an answer. We have already expressed our opinion on the character of this practice, and we will say rething further here. As the case steed at the return of the rule the defendants were entitled to have the preliminary injunction dissolved. Plaintiffs, after obtaining it had, tain by for seven months, content to have the injunction hold down their opponents athough nothing more was to be expected of themselves. This may be the conception of equility which some have, but it is not that which prevails in the breast of a chancellor. The awarding of a preliminary injunction is an extraordinary remedy and is interlocutory merely, and the want of due difference in bringing the case to an issue is a well recognized. use of it is what gives it an unlawful character. The ordinances in question do not prohibit their use texcept in cer-tain locations not pertinent to the present case) but simply provide for their regulation under certain conditions. We regulation under certain conditions. We have been referred to no ordinance which makes a sewer connection for the cess pool on the premises now concerned obligatory. There was, therefore, no breach per se of law or duty on the landlord's part in renting the premises with the cess pool upon them. The lease executed provides that the lessee shall keep the premises in good repair, remove from them all accounts. repair, remove from them all accumu-lations of filth of every kind and keep the privy neat and clean during the term. Such being the case, the duty rested upon the tenant, as between him and the landlord, of keeping the vault in proper order. And apart from his contract this would seem to be his implied duty as well. Fow vs. Roberts, 108 Pa. St. 492. If, therefore, the sick-ANSWERS HAS NOW COME IN.

In addition to this the answer has now come in, the pro-confesso order having been set aside to allow of it. In it the defendants dery all the charges made in the bill, except the one with regard to the action of the council being by resolution instead of by ordinance. While it is conceded by this that no ordinance wis originally passed, it is now asserted that this defect has been remedied and proper action taken. If that be true, while the bringing of the bill and the issuing of the preliminary injunction based upon it, may have been justified, there is no longer occasion for staying the hands of the municipal authorities in this summary manner. ness and death of plaintiffs' father re-sulted from the contents of the vault flowing out upon the surface, the injury was the result of a failure on his part to perform his bounden duty of seeing that the vault was cleaned out and did not overflow.

ARE VAGUE AND GENERAL.

"While the declaration alleges the ase was 'fraudulently and deceitfully' made, these allegations are of such a vague and general nature and there is such an absence of specific fact and detail that as bearing on the question of fraud we are justified in disregard-ing them. Beech's Modern Equity. Practice sec. 107; Ambler vs. Chotean 107 U. S. 590. "That no injustice is done the plain-

tiff by this construction will appear from the fact which was stated by counsel at bar that the lease was originally made in the fall and after the family lived in the house until the first of April following, the premises were again released by the instrument of which a copy was filed. Manifestly, if there had been any fraud or deceit in the first lease, plaintiffs would have discovered it before the second was en

Keley league in College hall, in which the following well-known artists will take part: Elm Park Church quartette. Miss Winifred Sullivan, so-prano; Miss Elsie Van Dervoort, contralio; Alfred Wooler, tenor; Richard Thomas, basso, and Miss Mary Dickson, violinist; F. F. Kopff, violinist; Mr. and Mrs. J. Alfred Pennington, planists; A. J. Colborn, reader. The following programme will be rendered. tered into.
"In addition thereto the second lease contained no stipulation that the premises were in a tenantable condition and there is no implied covenant at common law by the landlord that such is the case. Doyle vs. Union Pacific R. R. 147 U. S. 408, Moore vs. Weber, 71 Pa.

430; Hazlett vs. Powell, 30 Pa. St. On the whole we are of opinion the third ground of demurrer is well taken and must be sustained."

### HURT IN STORRS' SHAFT.

Miner and Laborer Injured by the Premature Explosion of a Blast. Richard Walden and John McDon-nell, miner and laborer respectively, were severely injured in Storrs' shaft yesterday afternoon by the premature explosion of a blast. Walden's collar bone was broken and he was cut and bruised. McDonnell did not sustain any broken teach but a many broken teach any broken bones, but is suffering from lacerations of the flesh.

They were brought to the Moses Tay-

for hospital, and last night they were resting comfortably. It will be about two weeks before they will be around.

VALUABLE COAL PROPERTY.

Parchased by William Connell and Dr. 1 N. Rice from the Lee Coal Company. William Connell and Dr. J. N. Rice, of this city, yesterday purchased the Lee colliery at Newport, Luzerne county, from the Lee Coal company, the principal stockholders in which are Reese G. Brooks and Thomas H. Dale. It is a new opening and comparative-little coal has yet been taken from it. The breaker was built about one year ago, and can prepare 1,000 tons of coal a day for market. Between five and six million tons of coal underly the property of which Mr. Connell and

Dr. Rice yesterday became the owners. RHEUMATISM is caused by lactic acid in the blood, Hood's Sarsaparilla neutralizes this acid and completely and permanently cures rheumatism. Be sure to get only Hood's.

HOOD'S PH.I.S cure nausea, sick head-ache, indigestion, biliousness. Sold by all druggists.

### A Beautiful Store

That's what every one tells. Glad you like it. If you were not among the thousands that were in yesterday, try and come today. Flow-ers still here,

Now for Business.

### Jewelry

A thousand new things to show you, don't know what to mention first. Oh! Here's a special bargain in Sterling Silver Shirt Waist Sets, pretty and new; ought to be \$1; here for you

Got a lot of Decorated China Clocks, Dresden style; movement in them that we can warrant right and the price-not \$2.50, but \$1.48

# Tooth Brushes

A thousand; bought them for half; take them for same; 25c. ones for

REXFORD, Lacka. Av.

won't pay you to shop around, buy odd pieces here and there. foot up what you have paid and you find it cost you more for a job lot than you would have to pay us for a neat, decorated, open stock pattern that you can match at any time. You don't have to buy the whole set at one time. A few pieces now, a few pieces another time and you have a complete set at no extra cost. Others find it pays: you will if you try it.

Toilet Sets, Cut Glass, Silverware, Etc.

WEICHEL & MILLAR,

134 WYOMING AVERUE Walk in and look around.

# THE KNOX

Now Open

For Spring.

# McCANN,

205 Wyoming Avenue.

Our stock is replete with the most desirable patterns in every grade of Floor Cover-

We are not making "Special Prices" or "Great Reducfirst, last and all the time.

It will pay you to increased trade. make comparisons.



TAKE CARE and your eyes will take care of you. If you are troubled with head-ache or nervousness and have your eyes examined free. We have reduced prices and are the lowest in the cky. Nickel spectacles from S1 to S2; gold from 34 to 36. 433 Spruce Street, Scranton, Pa.

# NEW DRESS GOODS.

We are showing a large variety of Printed Warp Persian and Dresden Effects in

and Lustereens. Also all wool, 54-inch Illuminated Coverts for two-piece Suits and Separate Skirts. Actual value, \$1.

OUR PRICE, 69 CENTS.

# MEARS & HAGEN

415, 417 Lackawanna Avenue, Scranton, Pa.

An elegant assortment at prices that are very low considering the quality, make-up, etc., is being shown at our store. If you are thinking of buying a Spring Suit call in and look at our stock-it will do you good, and us, too, of course. We are almost sure you will buy-cannot resist.

### **OUR HAT AND FURNISHING GOODS DEPT**

Is replete with everything that is new and stylish; all the latest styles and colors. Call in and be convinced.



# We Have On Hand

THE BEST STOCK IN THE CITY . .

CLOCKS IN ALL FASHIONABLE STYLES

Porcelain, Onyx, Etc Silver Novelties in Infinite Variety.

Jewelry, Watches, Diamonds.

A. E. ROGERS,

eweler and Watchmaker. 215 Lackawanna Ava.



No Greek about it. Prices are plain. All can read them. The day is past when prices are marked in hieroglyphics. We have goods marked so. tions." We simply sell ev- that buyers know they are erything at the lowest price, getting full value for their money. Our prices make our