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Good Oats on this crop.
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OLD CLEAN OATS

Higher in price but
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THE GENUINE

POPULAR PUNCH CIGARS

Have the initials G. B. & CO. imprinted
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MANUFACTURERS, COURT HOUSE SQ.

DR. C. D. SHUMWAY.

Diseases of the Lower Bowel a
Specialty. 308 Washington Ave.
Opp. Tribune Building.

OFFICE HOURS—9 TO 2, 2 TO 5.

PERSONAL.

Permanent Man J. W. Lisk, of the Gen-
eral Planning Engine company, is on his
vacation.

Deputy Register of Wills J. H. Hopkins
returned to his desk yesterday after a trip
to Denver.

Mrs. T. A. Patten is home from a visit
with friends and relatives at Philadel-
phia and Atlantic City.

H. W. Dushinber, of Green Ridge, re-
turned home Friday after a three week
stay at Fair Haven, N. J.

Phillip Daniels, of Elmwood street, started
yesterday for Exeter, N. H., to resume his
studies at Phillips academy.

John P. Dugan went to St. Bonaven-
ture's college at Allegany, N. Y., yester-
day to pursue a course of study.

Edgar O. Rudd, of Waverly, and Miss
Ella Simpson, of this city, were married
yesterday morning by Alderman Howe.

Mrs. M. E. Tompkins and son, of Peru,
Pa., who have been the guests of Mrs.
H. W. Dushinber, of Green Ridge, left
for home yesterday afternoon.

William P. Sheehan, of this city, was
yesterday admitted to practice in the
courts of this county. He studied law in
the office of Warren & Kump.

J. Frey Gilroy was admitted to practice
yesterday as a member of the Lackawanna
county courts. He was graduated from
Dickinson Law school at Carlisle.

Dr. George Blanchard, of the Lackawanna
hospital, left yesterday for his home
in Hudson, N. H., to spend two
weeks on vacation. Dr. Fish will be as-
sisted at the hospital by L. C. Kennedy,
of Green Ridge, until Dr. Blanchard's
return.

This evening at 7:30 o'clock the enter-
tainment committee of the State Chris-
tian Endeavor convention will meet in the
Young Men's Christian association hall.
The executive committee of the city union
will meet at 8 o'clock and officers for the
year be chosen. Thursday evening the
committee of '96 will have a regular meet-
ing in the Young Men's Christian associa-
tion. The entire reception committee will
have a meeting in the First Presbyterian
church at 8 o'clock the same evening.

SHANK'S
SHAPELY
SHOES

\$3.00

THE PAIR.

In all the best styles for
fall wear.

SHANK & SPENCER,
410 Spruce St.

**EXPECTED LAWSUIT
IS NOW AT HAND**

**Prof. McClosky Refuses to Remain
Sapinely Submissive.**

HE SENDS AN INTERLINEAR LETTER

**Board of Control Reads Between the
Lines, Recognizes the Import of the
Communication and Refers It to Its
Solicitor, That He May Be Prepared
for the Fray-Square Questions and
Square Answers.**

Prof. A. L. McClosky, who was
elected a member of the High school
fraternity and then ruthlessly deposed,
evidently means not to stay deposed
without a struggle. The following letter
received by the board of control at the
regular meeting last night would
indicate that he proposes to make a
legal fight against what he no doubt
feels is a great injustice:

Scranton, Pa., Sept. 8, 1896.

To the Members of the Scranton Board of
Control:

Gentlemen: Having been duly elected
by the Scranton board of control an as-
sistant teacher in the Scranton high
school on July 15, 1896, I hereby give notice
that I am ready to assume the responsi-
bilities of the position and to perform all
the duties that may be required of me as
an assistant teacher.

A. L. McClosky,
312 Adams avenue.

The board merely referred the com-
munication to its solicitor, Hon. H. A.
Knapp. The customary bill was be-
tween Chairman Mitchell and Mr. Noz
last night. It followed the report of
the high school committee on the text
books adopted for the new curriculum.
Mr. Noz wanted to know what the
books would cost. Mr. Wormser,
chairman of the committee, told him
that the committee could not give him
the desired information as it did not
have it at hand.

ASKED A SQUARE QUESTION.

"Now, I've asked a square question
and I want a square answer. What
will those books cost a year?"

"You got a square answer, Mr. Noz,"
said Chairman Mitchell.

"I got no square answer. There was
a time, too, when I got a square an-
swer, you wouldn't be where you are."
This turned the laugh on Mr. Mitchell
but he took it good naturedly, attribut-
ing Mr. Noz' jealousy to his usual
inert mood.

A little later in his harangue Mr.
Noz charged that "just because a
book agent's name was Mitchell he
could get the whole order." This met
Chairman Mitchell somewhat and in
very pointed tones he addressed Mr.
Noz with "speaking of square an-
swers, Mr. Noz, had you made a square
answer to something you wouldn't be
where you are; and you won't be there
long if you keep on."

The "square answer" episode ended
the meeting.

Mr. Wormser for the High school
committee reported that the new build-
ing will be formally opened Thursday,
Sept. 24. Appropriate exercises, the
programme of which will be published
later, will take place in the auditori-
um commencing at 2 o'clock. Admis-
sion will be by ticket. The committee
will distribute the great bulk of the
tickets and what is left after its needs
are supplied will be distributed share
and share alike among the directors.

TWENTY-FIVE FOR EACH.

This last arrangement does not meet
with the approval of some of the mem-
bers and on motion of Mr. Jennings
it was decided that each committee-
man should receive at least twenty-five
tickets. Mr. Gibbons thought that in-
asmuch as the auditorium would seat
only about 1,000 persons, the exercises
should be repeated on Friday and Sat-
urday. The committee would not hear
to this, however. The building will be
open for public inspection for three
days, when anyone may enter. The
exercises will, however, be confined to
these holding invitations. Mr. Noz
argued against excluding anybody at
any time. The doors ought to be
thrown open to the general public and
such like.

Messrs. Welsh and Wormser voted
against the building committee's recom-
mendation that two Johnson ten-
perature regulators be purchased for
No. 16 No. 16, arguing that the
boiler already has one on its hands
and with this one is tested no other
should be bought. The recommen-
dation was, nevertheless, adopted.

Mr. Welsh tendered his resignation
as a member of the programme com-
mittee on motion of Mr. Schrieffer. The
board of nine examiners was allowed
the use of the board of control rooms
for their coming sessions.

OPENING THE CITY SCHOOLS.

**Largely Increased Attendance Re-
ported by Superintendent.**

The public schools, with the excep-
tion of the new high school, which be-
gins its session on the 28th inst., opened
yesterday after the summer vacation,
with a largely increased attendance in
every district. Superintendent George
Howell was unable to give figures, but
said it would be safe to state that the
increase was exceptionally large this
year. To the operations of the com-
pulsory educational law, which
went into practical effect here yester-
day, he attributed a goodly portion of
the increase. Later, when the law is
in full effect, that is when the attend-
ance officers get to work, the number of
pupils will be still more largely in-
creased.

The superintendent was seen just as
he had completed a tour of buildings
and he reported that notwithstanding
the increase, every one of 15,000 or
more pupils was provided with a seat.
The opening of the two new buildings,
Nos. 12 and 19 and a number of annexes
in crowded districts made this possi-
ble. There are still a number of vac-
ant rooms in various buildings and
unless there is an influx of pupils far
exceeding expectations there will be no
serious inconveniences as far as ac-
commodations are concerned.

Superintendent Howell's estimate of
the attendance was within three per-
cent of the actual enrollment and as a
consequence the provisions for accom-
modating the pupils were such as to
make change of grades or new divisions
of districts unnecessary.

Principal George L. Phillips and Pro-
fessor Frank Lytle and John W. Wag-
ner, yesterday examined fifty-one ap-
plicants for admittance to the high
school. This number were principally
made up of pupils who had failed in
their examination at the end of the
year and who received a recommenda-
tion from their teachers that they were
worthy of another trial. Some also
came from parochial and private
schools and others still were those
whose families recently took up their
residence in this city.

HON. LEWIS STEWART DEAD.

**Was Born in Hollisterville, Wayne
County, Nov. 20, 1812.**

Hon. Lewis Stewart died at his home
in Plains, Ill., Aug. 27, 1896, after a
painful illness of several months, the
disease having been muscular rheuma-
tism, aggravated by injuries received
in an accident in Chicago about three
years ago.

Hon. Lewis Stewart was born in
Hollisterville, Wayne county, Pa.,
November 20, 1812. He was the son of
John and Ursula (Hollister) Stev-
ard, and was the first of a family of
nine children. In the spring of 1838,
when he was thirteen years old, they
made the long journey by wagon to
Illinois, arriving in Kendall county in
May, 1838. The town of Plains now oc-
cupies part of the old Stewart home-
stead of 600 acres.

Mr. Stewart was not a politician in
any sense of the word. He was too in-
dependent to be held strictly within
party lines and too strictly within
party lines to engage in political intrigues
and manoeuvres. But by reason of his
force of character and intelligence and
without endeavor on his part, he be-
came a potent factor in the politics of
his times. He never sought or strove
for any office, but was often called to
fill official places and positions of trust
in his town and county, and was gener-
ally supported by his republican friends,
among whom were many of his
best friends.

In 1850 he was elected to congress on
the Democratic ticket and was one of
the working, influential but quiet mem-
bers of the house. In 1852 he was
again nominated, but he declined the
office, as usual, having made little or no
effort in the campaign. From The
Farm Implement News.

Mr. Stewart was a cousin of A. G.
and William A. Hollister, Esq., Har-
riet (Stella) of Lackawanna, and
E. B. Hollister.

THAT TURNPIKE AGAIN.

Company Has Begun to Make Repairs.

**Refused to Stop at the Request
of City Officials.**

The trouble between the city and the
Providence and Abington Turnpike
company is again destined for an alter-
cation in court. The Turnpike people
yesterday began repairing the road
against the express directions of the
city and refused to desist when ordered
to do so by Acting Street Commissioner
George Perigo. Warrants will be is-
sued today for Secretary H. E. Edin-
gton, Arthur H. Burns, and the work-
men who were engaged in the repairs.
Thus the matter will come into
litigation once more.

Yesterday morning Mayor Bailey re-
ceived a letter from Secretary Edin-
gton notifying him that the company pro-
posed to repair the road. He at once
called out a patrol of city policemen
to send an inspector to supervise the
work. The mayor called in the city's
special attorney in the case, S. B. Price,
and after a short consultation among
these two and City Solicitor Torres, it
was decided to arrest the company
workmen for obstructing the street
without first securing the customary
permits.

Foreman George Perigo, who is act-
ing street commissioner during Mr.
Kinsey's absence, was despatched to
the scene, with instructions to notify
the company's contractor to desist or
suffer arrest. The notice was served
on Secretary Edin, who was personally
directing the work and severally upon
the foreman and laborers in his em-
ploy. Mr. Edin refused to close opera-
tions and told the men not to heed the
order. Mr. Perigo thereupon issued
warrants for arrest of the contractor,
with the purpose in view of having
them arrested on warrants this morn-
ing.

W. W. Watson, attorney for the com-
pany, was at noon headquarters dur-
ing the afternoon expecting to see the
company's forces brought to a halt
by the city's police. He said that he
was upon his advice that the company
was making the repairs. The city, he
said, failed in its agreement to make
the repairs and as every director of the
company is liable to arrest if the road
is not in good repair he could do noth-
ing else but advise the company
proceed to do the work itself.

He admitted that a game of city work-
men did some leveling on the road,
but alleged it was far from what could
be considered putting the road in re-
pair. "The company is anxious," Mr.
Watson said, "to have the matter taken
into court and settled once and for all."

METHODIST PASTORS MEET.

**Held a Session at the Elm Park
Church Yesterday.**

The first after vacation meeting of
the Methodist pastors of the city and
vicinity was held at Elm Park Metho-
dist Episcopal church at 10 o'clock yester-
day morning. Twelve clergymen
were present. Rev. William Edgar, of
Providence, presided. The devotions
were conducted by the venerable Rev.
John Davy.

On suggestion of Rev. George T.
Price some reports were given and re-
marks made concerning the debt of the
patron mission society. It was stated
that nearly \$5,000 had been raised
through the recent debt-paying day ob-
servance, with prospect of further in-
crease of the amount.

Rev. P. A. Dony, secretary of North-
eastern Pennsylvania Sabbath union,
was the speaker of the morning. The
subject of his address was "The Re-
surrection of the Resurrection."
It was followed by a profitable discus-
sion. A resolution of sympathy was
passed for Rev. A. D. David on account
of the serious sickness of his wife, and
for Rev. J. E. Sweet, pastor of Simpson
church, who had been ill. It was an-
nounced that Rev. Dr. John Bradshaw,
of Pittston, would speak at the next
meeting, to be held on September 28.

LETTERS FROM THE PEOPLE

**Under this heading short letters of in-
terest will be published, by the writer's
name. The Tribune will not be held re-
sponsible for opinions here expressed.**

An Explanation.

Editor of The Tribune.

Sir: J. W. Guersney who, as reported,
sent help for Mr. Downes, did so as a per-
sonal favor to me and did not know Mr.
Downes or the nature of the accusation
against him. I simply told Mr. Guersney
that I was interested in the case and he
consented to do me the kindness.

C. S. Woodruff.

COURT NEWS NOTES.

Judge Gunster granted a new trial
yesterday in the case of Edin, Burns &
Barthold against Martha Pritchard.

Judge Archibald granted a new trial
in the case of Powell Dominico against the
Iron City Mutual Fire Insurance com-
pany, of Pittsburg.

Judge Archibald refused to grant a new
trial in the case of the commonwealth
against Loren Zent. The defendant
went bail for a man named Goldman to

**COURT REFUSES
AN INJUNCTION**

**Traction Company Can Continue to Lay
Washington Avenue Pavement.**

HEARING ON RULE TO SHOW CAUSE

**Judge Archibald Decided That from
the Evidence Before Him the Traction
Company Had a Right to Oc-
cupy Washington Avenue—That It
Was Not the End of the Matter, However.**

Again yesterday after a more thorough
understanding of the case, Judge Arch-
ibald refused to grant a preliminary
injunction to restrain the company from
laying the track on Washington ave-
nue.

Last Friday Hon. John P. Kelly and
J. Alton Davis, esq., representing Cyrus
D. Jones, who is the owner of the
building in which J. M. Guersney's
music store is, applied to the court
through the city clerk for an injunc-
tion to stop the work of tearing up
the avenue. In the bill the reasons
advanced why the court should inter-
fere were two: First, that the charter
and articles of association of the Valley
Passenger Railway company, under
which the Scranton Traction company
is acting on a lease, do not give the
defendant the right to that part of
Washington avenue; second, that even
if the right was vested by the charter
and articles, yet the franchise was
void because of lapse of time.

Or if it was not void to Judge
Archibald that he would be justified in
stopping the work, and he refused a
preliminary injunction, at the same
time granting a rule made returnable
yesterday to show cause why a prelimi-
nary injunction should not be granted.

The hearing was set down for 10 a.
m., but was not begun until 1:30 in the
afternoon. Court stenographer W. D.
Coston was called in to take the testi-
mony.

AN ARRAY OF COUNSEL.

Messrs. Kelley and Davis, as on the
day previous, represented the plain-
tiff, and the company was again rep-
resented by the following array: Ex-
cutive J. W. H. Jessup, Major Everett
Carson, Arthur H. Burns, and
Horace E. Hand, General Manager.
Frank Silliman, Jr., was present on the
part of the Traction company, and on
the other side of the room sat H. H.
Archer, who is deeply interested in the
Citizens' Street Railway company.

Assistant City Clerk Evan J. Morris
was sworn as a witness. He had
with him the ordinance granting the
Valley Passenger company right of way
over the streets named in their
charter, and also the subsequent or-
dinance of Jan. 16, 1895, which granted
the company an extension of time
until Jan. 16, 1897, in which to con-
struct the lines.

General Manager Silliman was sworn
and told that the company proposed
to do with the Washington avenue im-
provement. He described the route of
the Suburban cars as coming in Wash-
ington avenue and going out by way
of Lackawanna and Washington ave-
nues to Spruce street to Adams ave-
nue.

Mr. Archer was called as a witness
on the part of the plaintiff and gave
testimony concerning the purposes of
the company when he was general man-
ager, whenever the lines were to be
extended.

ARGUING THE MATTER.

This was all the testimony taken
and Mr. Davis began his argument
for an injunction. He was followed by
Mr. Kelley on the same plea. The argu-
ments against the petition were
made by Judge Jessup, Major Warren,
Mr. Hand and Mr. Burns. After hear-
ing them all Judge Archibald refused
the injunction. He said it was not es-
sential that the defendant's contention
is on the street without authority, but
did not care to pass finally upon the
question until it could be more fully
presented and argued.

This is not the end of the case. It
will go on the equity trial list and
come up in November or at some later
date. Superintendent Robert E. Fox,
of the Traction company, informed a
reporter of The Tribune that the
Washington avenue connection will be
laid, the poles planted, wires strung,
turnouts in place, and the cars run-
ning within two weeks, providing noth-
ing unforeseen occurs in the shape of
delay in the arrival of building ma-
terial.

If after the road is built and in oper-
ation the court should decide that the
Traction company, lessee of the Valley
Passenger company, has no right on
the street the track may have to come
up.

AN APPEAL IS REFUSED.

**Opinion of Judge Gunster in the
Prothingham Arcade Case.**

Judge Gunster has refused to grant
an appeal from the judgment of Alder-
man Millar in the Prothingham por-
tico case. The defendant, Prothingham,
began the erection of a portico in front
of the Arcade on Wyoming avenue.
Street Commissioner Kinsey ordered
him to stop and when Mr. Prothingham
refused he was arrested on a warrant
sworn out before Alderman Millar
alleging a violation of a city ordinance.
The ordinance after hearing the case
discharged Mr. Prothingham for lack
of evidence and an appeal was taken to
court. Judge Gunster's opinion quash-
ing the appeal is as follows:

In the court of quarters sessions an
application was made on behalf of the
city of Scranton for a writ of habeas
corpus from the decision of this alderman
and on filing petition and affidavit an
appeal was allowed. It appears now from
the transcript of the alderman's docket
that the defendant for erecting a
structure on Wyoming avenue, contrary
to the ordinance of the city of Scranton,
city, approved the tenth day of April,
1885, and that the defendant was dis-
charged for lack of evidence.

It is clear to us that this whole proceed-
ing except the discharge of the defendant
is void. The alderman did not have
jurisdiction to issue a warrant to
arrest or to hold the defendant in jail
or to hold or to be held summarily
convicted. If the action had been
properly brought then the application for
leave to appeal should have been made to
the court of common pleas or a judge
thereof and not the court of quarters
sessions.

We express no opinion upon the merits
of the case because it is not properly be-
fore us.

The rule to quash the appeal is made ab-
solute.

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to buy such dainty gifts for
so little money. Our store is
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Flower Vases, Jarlinieres

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What Beautiful Effects You
Can Get in Lamps.

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Don't lose sight of our open stock
DINNER PATTERNS. We got
two new ones in last week.

CHINA HALL,

MILLAR & PECK,

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"Walk in and look around."

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IN THE CITY**

Also the Newest,
Also the Cheapest,
Also the Largest.

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Porcelain, Onyx, Etc.
Silver Novelties in Infinite Variety.
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makes an incandescent electric
light cost a shadow. Will really
give more light than three of
them together, and do it with
half the gas you now consume.

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classical course for pupils destined for
the professions, and includes Latin, Greek,
English, Mathematics, Sciences, Mental
Philosophy and Ethics.

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business course for boys preparing for
commercial life. The branches taught in-
clude English, Modern Languages, Arith-
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Maine, Canada and Maritime Provinces,
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cars fully fitted with bedding, curtains
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Rates always less than via other lines.
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Why let your home and business be destr-
oyed through strong drink or morphia when
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Institute? Learn the Keely Cure. The Keely
Cure Will Bear Investigation.

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FOR BOYS.

All Sizes,
All Styles,
All Prices.

Bring us your boy and let
us fit him out in one of our
nice, strong, durable and
stylish suits.

COLLINS & HACKETT

220 LACKAWANNA AVENUE.

Clothiers, Hatters & Furnishers

Look Them Over.



BOYLE & MUCKLOW

416 LACKAWANNA AVENUE.

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CLOSING SALE**

Sterling Silver Shirt Waist
Sets, worth \$18 to \$21; choice
for \$16. Worth \$1.75. Worth
\$2.50, at \$1.75.

Closing out all our Fine
China at about Half Price.

Genuine Rogers' Triple
Plate Spoons, Forks and
Knives at reduced prices. En-
graved free.

Ten Sets, free Pitchers, Cake
Baskets, etc., finest plate, new
styles, very low prices. At
our New Store.

130 WYOMING AVENUE.

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**EVA M. NETSEL'S
Superior Face Bleach**

Positively Removes All Facial Cleasities.

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College or Technical School, English, Busi-
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teachers at celebrated Scharwenka
Conservatory, New York. Also other
competent teachers engaged. Mr. Thiele
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