

**Men's Patented Leather Shoes**

The regular \$5.00 and \$4.00 kind for \$2.75. Finest hand-sewed wets, French patented leather, the best shapes to be had. Friday, May 28th, they will only be sold for one day for

**\$2.75 FRIDAY ONLY.**

**SCHANK & SPENCER,**  
410 SPRUCE STREET.

**EVIDENTLY EQUITY IS NOT WANTED**

May Term Did Not Take Up More Than Fourteen Hours All Told.

ONLY THREE CASES WERE ARGUED

The final one yesterday was a suit for the title to a lot in Providence, in which W. H. Davitt was the plaintiff and Joseph Duggan and Patrick Cullen the defendants. Bortree Wants Possession of Land He Bought at Sheriff's Sale—Other Matters in the Courts.

Equity court's May session was concluded yesterday afternoon at 4 o'clock. There were only four cases on the list, and all were disposed of, with the exception of one, the suit between the township of Lackawanna and the city of Scranton, over the Bellevue heights school taxes, which was continued by agreement.

Yesterday was given over to the hearing of the case of William H. Davitt against Joseph Duggan and Patrick Cullen. The parties all live in

down the Hillside colliery at Avoca until such time as there shall be a greater demand for coal. The other collieries owned by the company are capable of furnishing all the coal its requires, and as the Hillside colliery can be closed down for a long period without danger of flooding or other serious damage to the mine, it has been selected as the one at which a long period of rest shall be taken.

**SMITHS MAKE ANSWER.**  
Attorney James Mahan appears for the defendants in the Fellows-Smith Equity Suit.

Through Attorney James Mahan, the defendants in the equity suit of Joseph Fellows against Cornelius Smith and John Stanley Smith, yesterday made answer to the bill of the plaintiff with a demurrer in which it is alleged that the action does not belong in equity court.

**ACTION OF COUNCIL WAS DISGRACEFUL**

Judge Edwards Pays His Respects to Winton Borough Officials.

PRELIMINARY INJUNCTION DENIED

The Warring Factions of the Winton Council Must Come Together and Settle Their Differences by Quorum Proceedings—The Legality of Either Organization Hinges on the Ninth Councilman—Sketch of Trouble and What Led Up to It.

Judge Edwards yesterday handed down an opinion refusing the preliminary injunction brought by one faction of the Winton school board to restrain the other from acting. In his finding Judge Edwards says:

There are two bodies in the borough of Winton, each claiming to be the regular borough council. Both bodies meet in the borough building, both pretend to carry on the government of the borough, and both have elected by any means five members, although the borough has but nine councilmen. The following circumstances account for the existence of these two rival organizations:

1. On Feb. 6, 1886, this court made a decree dividing the borough of Winton into three wards and directed that three councilmen be elected for the first ward, one for one year, one for two years, and one for three years; one councilman for the second ward for three years, and one councilman from the third ward for three years.

2. At the election held in February, 1895, in the third ward, with only one councilman to elect, P. C. Walsh received 100 votes and Edward Costello 71 votes. The words "for three years" were printed on the ballots after Costello's name, but no words designated the number of years for which he was elected. He was elected as a member of the council and acted as such for the year 1896 and claims the right to act for two years more.

3. At the February election of 1897, as the returns show, William Barrett received in the third ward 64 votes for the office of councilman. He was elected as a member of the borough council by virtue of his election.

[Barrett held that Costello was legally elected and that he and Costello failed to qualify a vacancy existed. This vacancy he claims he was duly elected to fill at the next succeeding election.]

When the time came for the council to organize in March, eight councilmen, whose titles to their offices are undisputed, were present. They were apparently divided with P. C. Walsh as president, attempted an organization, and, according to certain minutes presented by their secretary did organize. The other four members were not by any means present, and the minutes of the meeting of the fifth member did likewise and their secretary presented minutes showing an organization. These alleged organizations were both factions were not by any means of a peaceful and orderly character. There was great confusion and an incipient riot.

THEIR LEGAL REMEDY. Under these circumstances the parties must be relegated to their legal remedy, which is a writ of quo warranto. It makes no difference which of the claimants shall be the actor. They can agree on a case stated. The facts are undisputed. The legal question in dispute could be disposed of speedily, and should be in the interests of the borough.

THEY KNEW NOT OUR BEAUTIES. Elevated Railroad Men Steep Away Their Visit to This City. Two hundred employees of the Manhattan elevated railroad passed through the city at 6 o'clock yesterday morning on their way to Danville where a monument in memory of Colonel F. K. Hain, late general manager of the company, was unveiled yesterday afternoon.

On the return trip the delegation arrived here at 9:10 o'clock and remained until 1:40 o'clock this morning when the trip for New York was begun. In the interval some members of the party visited centres of interest in the city.

THE GREATER NUMBER, however, passed the time away in the three sleeping cars in which the delegation is traveling and did not trouble about "Scranton by night" or any other thing but balmy slumber.

BIG CROWD HEARD THE MUSIC. Bauer's Band Advertised Co. C's Excursion in Good Shape. A crowd of several thousand persons listened to an open air concert last evening given by Bauer's band on Franklin avenue as an advertisement for Company C, Thirtieth regiment, excursion to Lake Ariel next Saturday.

THE BAND STAND was erected in front of the store building next to the Elks' core, where the three sleeping cars were parked. The crowd was probably larger than that at any previous. Eight pieces, including an orchestra band concert in this city.

During the progress of the concert a little boy was run down by a horse, but fortunately was not injured.

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CASH AND What It Will Buy.

Corn Starch, pkg.	.....30c.
Gloss Starch	.....30c.
Electric Starch, pkg.	.....50c.
Diamond Starch, pkg.	.....50c.
Table Syrup, best, gal.	.....25c.
Live Oak Soap	.....25c.
Rice, lb.	.....35c.
Milk Crackers, fresh, lb.	.....50c.
Lemon Cakes, fresh	.....50c.
Molasses Cakes, fresh	.....50c.
Nie-Nacs, fresh	.....50c.
Molasses, best N. O., gal.	.....25c.
Table Syrup, best, gal.	.....25c.
Vinegar, pure, elder, gal.	.....12c.
Parlor Matches, doz. boxes	.....35c.
Gold Dust Corn Meal, lb.	.....15c.
Rolls Oat, lb.	.....25c.
Oat Meal, lb.	.....25c.

China and Foulard Silks. dark and light, 50-cent goods, For Only 29 cents

Changeable Taffeta Silks. beautiful, stylish and warranted to give satisfactory wear. Prices same as for ordinary goods.

China and Foulard Silks. dark and light, 50-cent goods, For Only 29 cents

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Carrying Concealed Weapons—Antonio Zawadzki; Martin Andre, pros., to pay costs. Attempt at Rape—William R. Wilms; Lulu Litz, pros., to pay costs. Keeping a Gaming House—L. McDonald, alias William Barrett; Joseph Lahosky, pros., to pay costs. False Pretences—Nathan Reeman; Bridget Conners, pros., county pay costs. Moses Schmidt; Harris Baden, pros., county pay costs. Peter Baccini; Artemisia Franciscini, pros., county pay costs. Larceny and Receiving—Thomas Martin; Benjamin Fetchor, pros.; Charles Mitchell; John McAndrew, pros.; David Morgan; Antonio Salvano, pros.; Henry Sultz, Hugh Mills, pros.; W. F. Walter; W. R. Edwards, pros. Felonious Attempt—Antonio Zawadzki; Martin Andre, pros.

AS TO THE INHERITANCE TAX. Opinion of the Supreme Court in the Handley Estate Appraisement.

The full text of the supreme court opinion in the Handley estate appraisement for the collection of the collateral inheritance tax was received by Hon. Lemuel Armstrong, yesterday. Judge Archibald is reversed in his finding that the Virginia and West Virginia properties are subject to the tax and it is decreed that the tax is not payable in any case until the legatees receive their respective shares. It was also decided that the inheritance tax is collectable on the money set apart for the payment of the tuition of boys and girls whom Judge Handley was maintaining at school.

The appraiser, H. E. Paine, estimated the value of the estate to be \$1,374,969.21. Judge Archibald cut this down to \$83,869.21. Mr. Paine valued the Virginia and West Virginia lands at \$79,500; Judge Archibald reduced it to \$151,200. Mr. Paine fixed the amount of tax payable to the state at all once, \$68,334.48. Judge Archibald reduced it to \$4,548.48, payable in three years at a prime court cuts of this five per cent. tax of the \$151,200, or \$7,560, and makes it payable during a period of twenty years.

Judge Archibald decided that the St. Patrick's Orphanage, the House of the Good Shepherd and the City of Winchester were each entitled to one-third of the coal royalties. The supreme court decides that a construction of the will could not be made at this time, and therefore the question of the distribution of these royalties is a matter to be decided in the future.

MADE ITS FIRST REPORT. Grand Jury Presented a Batch of True and Ignored Bills to Judge Archibald.

Judge Archibald yesterday morning received the first return of the grand jury. It consisted of forty-six ignored bills and twenty-three true bills. The following is the return:

TRUE BILLS. Aggravated Assault and Battery—Martin Royce; Roland Sakolowkski, pros.; John Kist; James H. Hines, pros. Assault and Battery—Andrew Ridge; Rose, Miglin, pros.; Ellen Noon, Sarah Tulley, pros.; William Sant, Evan J. Evans, pros.; Simon Hines, pros. Assault; Agnes Miller; Jonah Williams, pros.; Julia A. Decoksi; Kate Stearns, pros.; Marjorie A. Decoksi; Kate Stearns, pros.; Henry Azick; August Stracke, pros.; Peter Egan; Maria Nemesan, pros.; Junek Suravitz; G. R. Walentynowicz, pros.; John Neelan; John Welsh, pros. Selling Liquor Without License—James Arnold; Michael Moran, pros. Defrauding Boarding House—George Costello; W. A. Townsend, pros. Selling Liquor to Minors—Sarah Arnold; Michael Moran, pros. Larceny and Receiving—A. B. Dean, Nellie Dean; Louis Silber, pros. Attempt at Rape—James Campbell, John Martin, pros.; Joseph Sikos, Sophia Lasek, pros.; Nichola Sarceno; Demencio Di Domenico, pros. Keeping Boarding House—Sarah Arnold; Michael Moran, pros.

IGNORED BILLS. Assault and Battery—Jonnie Gurrell; Joseph Richards; Sarah, pros. Rape; folo Screvio; Angelo Poles, pros., to pay costs. Adam Cherninsky; Russ Miglin, pros., to pay costs. Thomas Brogan; William Muffey, pros., county pay costs. Louise Beance, Marie Julie; Peppert Percola, pros., county pay costs. Martin Gallagher; John Buchanan, pros., to pay costs. John H. Williams; David Jones; George Miller, pros., to pay costs. Michael McNamara; Annie Tenry, pros., to pay costs. P. J. Vetter; M. Eckerd, pros., county to pay costs. Thomas Kelly; Thomas O'Brien, pros., county pay costs. Alexander Dyoski; Stanislaw Mihalski, pros., to pay costs. Martin McLean; Joseph McAndrew; Samuel Brink, pros., county pay costs. Julia Barrett; Mary Kendrick, pros., county pay costs. Norman Ellis; Cass E. Lewis, pros., county pay costs. Tillie Iteley; Joseph Mustaca, pros., to pay costs. Rosy Klimko; Larry Connel; Sarah Corcoran, pros., county pay costs. Simon Hinerfeld; Michael Lick, pros., to pay costs. Thomas Sigorski; Stanislaw Mihalski, pros., to pay costs. Jerry; Louis Sznajd; Frank Nodine; pros., to pay costs. John McAndrew; Charles Mitchell, pros., to pay costs. Antonio Zawadzki; Martin Andre, pros., to pay costs. August Cherninsky; Frank Nodine, pros., county pay costs. William Noll; Martin Andre, pros., to pay costs. Larceny by Bailor—Annie Barrett, Mary Keltan, pros. Defrauding Boarding House—Joseph Osp; Thomas Zmlia, pros., to pay costs. George W. Halman; W. A. Townsend, pros., to pay costs. Forcible Entry and Detainer—Charles Danielson, Thomas Carey, pros., to pay costs. Malicious Mischief—Andrew Loughlin; Louis J. Scott, pros., county to pay costs. Rosy Klimko; Josephine Borowski, pros., to pay costs.

**Keep Your Children Clean**

And make them look pretty at a very light expense and a great saving to clothes.

**IT IS A PLEASURE**

to examine our stock. Our store is overflowing with the best selection of Home and Foreign Manufacturers. Two things we never lose sight of here—

**Good Quality, Low Prices**

We give the best value in money and the most satisfaction in wear. A rare collection of

**CHOICE BRIC-A-BRAC.**

**China Hall**

**Miller & Peck,**  
134 WYOMING AVENUE.  
Walk in and look around

**Going Away?**

**THE GREAT 4c. STORE**

**D. I. PHILLIPS FURNITURE STORE**

**Nothing like a telescope for a short trip. Just got in a lot. Took all the maker had of some styles at under price figures, made for knocking around, all sole leather corners, riveted together. Best leather straps and handles.**

**OLD HICKORY PORCH ROCKERS**

**of the newest designs, which are without question the very best for out-door use.**

**Imported China Dainty dishes that are half what you'll pay when Mr. Dingly arranges matters. Flowerers and gold enough to look pretty.**

**10c**

**The Rexford Co.,**  
303 Lackawanna Ave.

**BOARD OF TRADE BUILDING COURT HOUSE SQUARE.**

**THE KEELEY CURE**

**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, 725 Madison Avenue, Scranton, Pa. The Cure Will Bear Investigation.**

**Center Counter, Main Floor.**

HONEYCOMB BIB—Neat, white, bordered with lace, worth 10c; our price	4c
HONEYCOMB BIB, with white borders	4c
HONEYCOMB BIB WITH MOTTOES, Darling, or Pet, etc.	4c
OIL CLOTH BIBS, 15 inches long, with one pocket, worth 10c; our price	3c
OIL CLOTH BIB, smaller, for	4c
LADIES' AND MISSES' UNDERWEAR, worth 10c; our price	4c
TOWELS, 18x25 size, red or blue borders, worth 10c; our price	4c
LACES—A very large line now open of dress lace, pillow cases, Valen cine lace, cotton or linen torchons, etc., our price, a yard	4c
FEATHER STICK BREAD, large assortment, 6-card pieces, our price	4c
HANDKERCHIEFS—100 dozen, new Ladies' White Swiss embroidered corners, worth 10c; as long as they last, each	4c
600 DOZEN ONLY of Ladies' White, with lace in corners, hemstitched borders, cheap at 10c; as long as they last	4c
GENUINE HALL PATENT WOOLLEN, 21 inches square, cheap at 10c; our price	4c
2,000 DOZEN LADIES' COLORED BORDERED, assorted patterns, hemstitched, worth 2c a piece; your pick	4c

**All size of FLAGS**

for Memorial Day.

**The above are all rare bargains. An early call will interest you.**

**is now open to the public.**

**Call and get a costumer for 79c. They are very handy.**

**of the newest designs, which are without question the very best for out-door use.**

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To insure publication in this paper, volunteered communications of a controversial character MUST BE SIGNED FOR PUBLICATION by the writer's true name and his last name we cannot hereafter make exception.

**Base Ball today. Wilkes-Barre vs Scranton at 3.45. Admission 25 cents.**

**CITY NOTES.**

A thirty-five foot flag pole has been placed on the Delaware and Hudson station on Lackawanna avenue.

There was little or no change in the condition of Dr. B. H. Throop during yesterday. Last night he was resting comfortably.

Ascension day will be observed at St. Luke's church today (Thursday), by celebrations of the Holy Communion at 7 a. m. and 10 a. m.

The Ladies of Grace Lutheran church will give a supper on Friday evening from 5 to 8 o'clock, at the corner of Madison avenue and Mulberry street.

Rev. R. Conrad, of Pittston, will conduct special services in St. Peter's Lutheran church tomorrow morning at 10.30. The service will be in commemoration of Christ's Ascension into heaven.

Thirty additional men went to work Monday in the Delaware, Lackawanna and Western freight car shops. They are fitting all of the freight cars of the company with an automatic coupler.

Anthony Drygalla, charged by Michael Rock with malicious mischief and assault and battery, was yesterday admitted to bail by Judge Archibald in the sum of \$300. Anthony Shanrock becoming surety.

Luther S. Housenick and Rose Hall, of Scranton; Peter Rohland and Margaret McDonald, of Lackawanna; Fuller Lavynn and Hianche Miller, of Carleton, were granted marriage licenses yesterday.

There will be union Bible classes for lesson study at Grace Reformed Episcopal church this evening at 7.45. Subject, "Christian Faith Leads to Good Works." James II, 14, 23. All Sunday school teachers are invited.

A patriotic sermon will be preached next Sunday evening in St. Peter's Lutheran church by the Rev. J. J. H. Conrad, pastor of the Washburn Street Presbyterian church, to Colonel Monies post, No. 24, United States Veterans, and the Ladies Circle, No. 25, and the Ladies Circle, No. 26, A. B.

The alarm of fire sent in from box 57 this morning at 12.30 was occasioned by the burning of a smoke-house in the rear of St. John's apartment on Fig street, the property of Thomas Navedski, who resides in Lavelle's court. The Century and Neptune responded, but the blaze had been extinguished before causing any damage.

A horse belonging to Gunster & Forsyth broke through the planking of the Cedar Avenue bridge yesterday afternoon and although its two front legs went through the opening, the animal escaped with only a few scratches. Street Commissioner Dunne, to whom the accident was at once reported, dispatched men to repair the planking.

Hon. W. H. Stanton yesterday filed in Provisionary Fryor's office an application for a charter for the Hobart Congregation, Bicker Cholun, of Oil Forge. Application was made for a charter for the St. Nicholas Russian Orthodox Mutual Aid society, by Attorney William Vokolich representing a number of Russian residents of Oilplant.

Court yesterday appointed C. E. Chittenden, Frederick Fuller, Luther Keller, J. F. Law, Conrad Schroeder, J. H. Fellows and George Leighton a board of viewers to determine the quantity, quality and value of lands to be taken by the Erie and Wyoming Valley Railroad company from the Lackawanna Iron and Coal company, in extending the tracks of the Erie and Wyoming company in the vicinity of Nay Aug. The same viewers are to act in a similar capacity in a matter in which the Erie and Wyoming and Lackawanna Iron and Steel company are the parties.

**Store Closed Decoration Day.**  
In common with all patriotic merchants we will close our store all day Saturday, and our clerks may have full opportunity to observe the legal holiday.

**Mears & Hagen.**  
For sale—Canavan and Stokes coal mine, Tenth ward, Scranton, Pa. Inquire 136 Wyoming avenue.

*Don't Miss It.*  
*Another great sixteen page issue of The Scranton Tribune next Saturday. You had better order of your news agent now. All sold by noon.*  
*16 pages—2 cents*

Providence, Some years ago Davitt set his eye on a lot owned by the Winton estate and proceeded to make overtures for its purchase. Duggan, hearing of this, went to Davitt and explaining that he had some influence with the agent of the Winton estate, agreed for a consideration of \$10 to strike a bargain for Davitt.

**PURCHASED BY CONTRACT.**  
The lot was purchased by contract for \$175. Duggan representing that he wanted it for himself and having the papers made out in his own name, Davitt paid \$50 in installments to Duggan to be applied on the lot and then for some reason which did not develop, let the payments go by default for a time. Later when he again proceeded to resume his payments, he discovered that Duggan had agreed to turn the lot over to his brother-in-law, Patrick Cullen, and had already received a payment from him.

He now wants court to compel Duggan to sell him the lot or to return him whatever he has not paid over to the Winton estate, and allow him, the plaintiff, to deal direct with the estate.

The answer of the defendants was that there was an oral agreement by which Davitt lost his right to the lot by reason of his neglect to keep up the payments.

**SUIT OVER LAND.**  
In the case of the Delaware, Lackawanna and Western Railroad company against John Edwards a rule was granted on the defendant requiring him to appear and plead on or before Sept. 20, 1897, or suffer judgment to be entered against him by default. The suit is to recover title to a lot of land on Birch street, in the Sixth ward, which Edwards bargained to purchase by contract, but never finished paying for. He has left the city and the sheriff reported that he was unable to find him.

In the case of John S. Bortree against Albert Buterman a rule was granted on the sheriff to show cause why he shall not execute a writ of possession for a property owned by the defendant and purchased at sheriff's sale by the plaintiff. Alderman Wright, after a trial by jury, decreed that a writ of possession should issue for the plaintiff. The sheriff refused to execute the writ, as parties gave him notice that they had a claim to the property.

E. C. Newcomb was appointed by Judge Edwards as assessor to state an account between James H. Masters and Julia Le France in a dispute pending between them.

**SEE THE RARE BEASTS.**  
Will Be a Wonderful Collection with the Circus Saturday.

If on Saturday you attend the exhibitions of the great Adam Forepaugh and Sells Brothers America's Greatest Shows Consolidated—as you doubtless will—don't rush blindly through the grand zoological collections, in a wild scramble to get a seat in the hippodrome tent an hour before the arena performances and races begin. Remember that the seating accommodations are ample, and take time to examine the biggest and rarest menageries of wild beasts ever on view.

These include the three greatest herds of performing elephants, the only pair of giant hippopotamuses, the only school of trained Alaska sea lions and seals, the only monster two-horned Sumatra rhinoceros, full-grown snow-white polar bear, gnu, or horned horse, African eland, Niger antelope, and a most royal array of Nature's living savage wonders, furnishing a world of entertainment and instruction. Every cage presents a study of savage life.

**HILLSIDE COLLIERY SHUT DOWN.**  
Effort Will Be Made to Place the Workmen in Other Mines.

Captain W. A. May, general manager of the Hillside Coal and Iron company has returned from New York city, where he attended a conference of the officials of that company, at which it was definitely decided to close

down the Hillside colliery at Avoca until such time as there shall be a greater demand for coal.

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