# WAS A BAD DAY FOR PROSECUTORS

Few of Them Succeed in Establishing Their Charges.

MUCH UNWARRANTED PROSECUTION

Judge Edwards Takes Occasion to Say So in Commenting on a South Side Case -- The Prosecutor Who Escaped from the Court House Without a Bill of Costs to Meet Was a Lucky Individual Yesterday .- The Wrong Man Arrested.

Through the mistake of Constable Mink in arresting "another man of the same name," the prosecution in a case in Criminal court yesterday was treated to an aggravating surprise party. It was in the assault and battery case of Carl Blum against Fred. Schoenbarn, which was called before Judge Edwards in the main court room, The prosecutor was on the stand and his attorney, Joseph O'Brien, after asking the usual preliminary questions, "And you claim you were struck on the head by Schoenbarn, the de-fendant here?" pointing to the man sitting at the defendant's table.

"No, not by him; not das one. De odder-his poy," answered the witness, Then Mr. Dawson, attorney for the defense, with a knowing smile, asked for binding instructions to the jury to bring in a verdict of not guilty. complied, and the jury put the costs on the county.

It appears that Fred. Schoenborn is the name of both father and son, and that the constable who served the warrant arrested the wrong man.

In the case of Michael Haus against John Fitzsimmons, in which the charge was receiving stolen goods, the jury found a verdict of not guilty, without leaving the box. Fitzsimmons is driver hoss at the Nay Aug Coal company's works in Dunmore, and Haus is a miner at the same colliery. About two years ago. Haus lost a drilling ma-chine. Last June he found it in the company's blacksmith shop, and upon inquiry learned that it had been left there by Fitzsimmons to be repaired. He accused Fitzsimmons of illegally possessing the machine and demanded its return, together with some reimbursement for its damaged condition and the wear and tear to which it had been subjected. Fitzsimmons refused to pay any bonus and Haus thereupon had him arrested.

CLAIM OF DEFENSE.

The defense was that the machine was standing in an out of the way place in the slope and had been there for a long time, no one seeming to know to whom it belonged. Fitzsimmons took a contract for cutting a passageway in the mine and with the permission of Superintendent Gibbons took the machine out to get it repaired, with the intention of using it until its owner was found. He had it taken out to the blacksmith shop and gave orders to have it repaired. Before the work was done, Haus came around and laid claim to the machine. Fitzelmmons thereupon left it in the blacksmith shop and there it still remains. The jury could not see that the machine had been stolen or that Fitzsimmons had acted wrongfully in any way. John G. McAskie represented the

The case in which James W. Wil-Malia, of Prospect avenue, were charged with larceny by J. F. Johnson also proved to be without foundation, and direction of Judge Edwards a verdict of not guilty was taken. The defendants are young men of prominent South Side families. Last summer they went camping at Lake Ariel and among the camp utensils they took along were a couple of boards to be used for a table. The boards were taken from Johnson's barn, where Williams' father has some goods stored, and the boys thought the boards were part of Mr. Williams' goods. When Johnson learned that the beards had been taken he dispatched a constable to Lake Ariel with a warrant for the boys' arrest. Their vacation pleasures were spoiled and they further found that to settle the case they would have to pay Johnson \$75. They refused to do this and as a result had to go to

Upon hearing the testimony, Judge Edwards directed a verdict of not guilty and also delivered himself of some very pointed remarks on the subject of malicious prosecution.

John P. Canavan was another prosecutor who failed to make out a case He charged Contractor Tony Magniot ta with the larceny of several hun-dred loads of stone from the Canavan tract on the East Mountain. It was not clearly proven that Mr. Magniotta was the man that took the stone and it was shown by the defense that Mr. Magniotra had an agreement with W. Stokes, Mr. Canavan's agent, to take stone from the land. Judge Archbald directed a verdict of not gailty John F. Seragg appeared for the defense and M. J. Donohoe assisted in the prosecution.

PROSECUTION THAT FAILED. Another unwarranted prosecution, according to the jury's opinion, was that in which George Weisel, of the South Side, charged John Hughes, Louis Horn, August Kellerman and George Mailender with assault and The prosecutor claimed is went to Kellerman's house looking for his boy and that the four defendants upon him and abused him. They told the jury that Weisel came there drunk and raised a row. Kellerman and Mailender led him to the door and wanted to help him down the steps, but he wouldn't allow them to, so they let him go. Deprived of assistance he stumbled and fell bumping his head against the pavement.

Judge McPherson directed a verdict of not guilty as to Horn and Hughes. and submitted the question of costs and the guilt of Kellerman and Mailnder to the jury. The jury acquitted the defendants and placed the costs in

all four cases on the prosecutor, Jo-seph O'Brich appeared for the defense. Anthony Lally admitted taking two boxes of cigars from the store of Mrs. Mary Donnelly, of the South Side, and McPherson, after directing a verdict of guilty, sentenced Lally to pay a fine of \$1 and costs and spend three months in the county jail.

Kate Flanaghan was tried before Judge McPherson on the charge o taking \$8.75 from Mrs. Ellen Baskairle during a visit to the latter's house in Providence, last summer. The jury thought that she did not prove charge and said so, John J. Murphy onducted the defense.

Thomas Phelps appeared as pros cutor of a charge of assault and battery against Mrs. John Flynn, of Key ser valley. Mrs. Flynn admitted hit-ting him on the head with a stone. but claimed she only did it after Phelps had used insulting language to her. The jury said not guilty and divided the costs between prosecutor and defendant. M. F. Cory conducted the de-

James Norton, who was prosecutor in an assault and battery case against John O'Malley, of Jackson street, escaped with two-thirds of the costs. Norton and O'Malley were not on good erms and when Norton squirted toacco juice on O'Malley's newly-scrubped salpon porch he was kicked from in front of the place. The other onethird of the costs were placed on the defendant. John F. Scragg appeared or the defense.

DIDN'T STEAL CHICKENS. Patrick and Francis Rogan, the

outh Side boys charged by their neighbor, Mrs. L. Myers, with steal-ing three of her chickens, proved that they owned the alleged stolen pullets and were acquitted. John J. Murphy was attorney for the defendants.

Andrew Harwin, a Priceburg butchby C. H. Lowrey, of Scott, with reciving stolen goods. Lowrey had two yeal calves stolen from his farm in Scott and traced them to Priceburg. He made a tour of the butcher shops and found the hide of one of the stolen calves in Harwin's butcher shop. Harwin claimed he bought the calf from a farmer and had no idea it was A verdict had not been restolen. turned at adjourning time. Charles E. Olver was the defendant's attorney. Michael Madden, of the South Side,

appeared before Judge Edwards accusing his neighbor, Mrs. Josephine Jennings, with assault and battery. It appears to have been a neighborly stone throwing match, Mrs. Jennings throwing the first stone. The jury had not agreed up to adjourning time. John F. Scragg assisted District Altorney Jones and John J. Murphy appeared or the defense

Just before adjournment in the main ourt room Adam Yonalonis was called efore Judge Edwards to answer charges of assault and battery, carrying concealed weapons and felonous attempt, all of which were pre-Thompson street, Providence, They had a quarrel over a game of cards olovitch. C. H. Soper assists the dis-W. R. Lewis, of Taylor & Lewis, ap- of the body. pears for the defense,

that they would keep the boys out of further trouble.

The jury in the cases in which Mary Muldoon charged Joseph Wisinski with assault and battery and indecent exthe costs, in the first case, and guilty

MORE VERDICTS OF NOT GUILTY. Joseph Washalonskas, Joseph Nowis- born in Glamorganshire. key and Andrew Kerwolavich, defendants; Charles Cominski and Kate Com iniski, prosecutors; charge assault and battery, scene Theodore street. It was tried before Judge McPherson during the afternoon, but no verdict was reached. George S. Horn, assisted in the prosecution and Vosburg & Daw

son looked after the defense. John S. Bortree was returned guilty f aggravated assault and battery on Jacob Butterman. His co-defendant, Peter Van Bergan, was acquitted. Albert Price, George Belcantch, Alert Krowiski, John Kelly and Anna Feloni did not appear to answer the accusations made against them and capiases for their arrest were placed

# STOLE A PAIR OF SHOES.

Heinerfeld Is Not Positive About the Relationship of Smith's Partner.

in the hands of the sheriff.

Thomas Smith "and a woman purporting to be his wife." as the warrant from Alderman Howe's hand specified, were arrested vesterday at the instance of S. Heinerfeld, of Penn ave nue. Larceny is the charge.

Heinerfeld alleges that Smith and he woman entered his store and departed with a pair of shoes without paying for the same. The couple went before Alderman Fidler, of North Scranton, and entered bail in the sum of \$300 each.

# AN AFTERNOON TEA.

Given by Mrs. M. E. Sancton and Her Daughters at Their Home.

Mrs. M. E. Sancton, Miss Sancton Miss Edna K. Sancton gave a ten yesterday afternoon at their bome 701 Jefferson avenue.

They were assisted in receiving by Mrs. Rufus Foster and Mrs. Charles. McMullen. Miss Price, Miss Grey and Miss Huzzard served.

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## FATAL RESULT OF FELTZ PATCH FIRE

Mrs. David J. Thomas Died from Effects of Burns She Sustained.

HER NEICE WAS IN GREAT PERIL

When She Was Awakened by a Stone Crashing Through Her Window the Fire Had Cut Off Escape by Means of the Stairway and She Was Compelled to Lenp from the Second Story Window .- Fortunately She Escaped Serious Injury.

Mrs. David J. Thomas, aged 57 years, the woman who was so severely burned while being rescued from a burning house in Feltz patch. Taylor, last Monday, died at 2.30 o'clock yesterday af-ternoon at the home of her sister, Mrs. David Walter Jones, where she was catried after the accident.

She suffered intense pain from the terrible burning she received and this coupled with the fact that when the fire broke out she was confined to her bed with Elness, caused death.

The fire, as reported in Tuesday's Tribune, was discovered at 6.30 o'clock in the morning, while the members of the Thomas household were in bed. When Mr. Thomas awoke he found the smoke filling the apartments. Going to the head of the stairs he saw that the steps had become ignited and the flames were creening from the basement to the upper floors.

RESCUING MRS. THOMAS.

About the same time workmen at the Fielden breaker discovered the fire and a dozen men collected in front of the little wooden structure. Mr. Thomas, who is an aged man, made his way down the burning stairs, leaving Mrs. Thomas behind. He had tried to coax er, was charged before Judge Archbald her to go with him but the aged wowithout her neice, Miss Gwen Thomas who occupied another room. Her erles for her neice to open the locked door sald be heard on the outside.

Finally some of the men from the efficiency rushed up stairs and carried her from the burning building. In passing down the stairs Mrs Thomas' night dress caught fire and when she was laid upon the road the garment had burned from her body.

She was carried to a neighboring No response had been received from the room where Miss Gwen Thomas. aged 19 years, slept. The house was Half filled with smoke, and it was seen to be impossible to prevent the total destruction of the building. The men outside shouted the young woman's name again and again, but still she

slept. A PERILOUS POSITION.

Finally a stone was sent crashing through one of the windows in the room and a moment afterward Miss Thomas lifted the window and looked out. It was impossible now to escapferred by Michael Audiolovitch, of by way of the stairs, and without heaitation the young woman jumped from the window in the second floor, a disand Yonolonis fired five shots at Aud- tance of twenty feet, to the arms of one of the men outside. The man was rict attorney in the prosecution, and hurled to the ground by the weight

Miss Thomas escaped serious Injury. Harry Allen and William Price, the Her aged aunt, however, lay in hys-2-year-old lads who were implicated teria from the shock in the house of some of the pilfering for which Mrs. Jones, Dr. Houser, of Taylor, nel not being of the width required by Robert Hand went to the House of was called and attended the sufferer law. Refuge, were allowed to go free yes-terday by Judge Edwards, upon the She died yesterday afternoon from assurance of their respective fathers what was diognosed as heart failure the result of the shock

The funeral will be held Saturday aftermoon from the Jones residence. The remains will be taken to the Weish assault and battery and indecent ex-posure, said not guilty; presecutrix pay | Charles Jones and Rev. H. H. Harris will conduct the obsequies. Mrs. Thomas was a highly respected woman, She has lived in Taylor twenty-eight years, and was well known. She was

# FIRE ALARM CHANGES.

Gamewell Company Making Many Improvements in its System.

Extensive changes and improvements ire being made in the apparatus of the fire alarm system at the telephone exchange. The work has been in progreat for several weeks and this acfusion in the strokes and blasts of the darm bell and whistles.

A. L. Tinker, a representative of the Gamewell Fire Alarm company, which owns the system, is supervising the work, which is being done under the mmediate direction of Superintendent Bailey, of the Telephone company, The old cell battery system is being replaced by a big storage battery of sufficient capacity to control the whole circuit. A new switch board and reeiver is being added to the system.

As moon as the work is finished it vill be inspected by the joint fire de-Builey and Chief Hickey. Many city efficials have favored purchasing the ystem, but this idea has not met with eneral approval, as it was claimed and gave great satisfaction. that the system was lacking in a numer of up-to-date incidentals.

Now that improvements have been nade it is probable that the councils vill want to buy the system, provided only a slight increase in price is asked on account of the improvements, and if the appropriation can be made,

# CAMP 8. S. OF V., OFFICERS.

Elected Last Night to Serve During the Coming Year.

Camp 8, Sons of Veteraus, elected fleers Tuesday night as follows: Capa E. Frank Gardner; first lieutenant, A. J. Smith; second lieutenant, Frank T. Eurpenter; camp committee, A. Nash, William Leber, C. W. McKee-han; delegate-at-large, William H. Snyder; alternate, A. E. Sherman; delegates to the state convention, John. McGraw. Fred. Schmidt, August schmidt; alternates, John C. Fadden, L. C. Hutchinson, Frank D. Carnenter nemorial ball committee, W. L. Nash, M. L. Wage.
William Leber, the retiring captain.

# BLACKMORE IS BADLY WANTED.

presided over the election.

Four Limbs of the Law Are Looking Around for flim.

Four duplicate warrants are in exstence for the arrest of Oscar Blackmore. This means that four officers of the law have eight eyes open for the man whose name decorates several pages of court records,

The charge this time is larceny and embezzlement, preferred by William Colburn, in whose employ Blackmore once was. Blackmore forgot to pay over some moneys to Colburn and he incidentally borrowed Colburn's overcoat and neglected to return it. The total amount of damages is \$18.66. One day this week Blackmore was a

witness in a case in which Mary Krotzman was the defendant. Special Officer Byars, from Alderman Millar's court, happened into the court house and espied Blackmore. He was placed under arrest. After the case Blacks more assisted in carring Mrs. Krotznan, who is a cripple from the court room to her chair outside. Special Officer Byars accompanied him. When Blackmore had placed the woman in the chair he made a dash for liberty and succeeded in his attempt.

That is why four duplicate warrants re being carried around by as many flicers from Alderman Millar's court,

# MUSICAL COMEDY IN GERMAN.

Given by the Dramatic Section of Scranton Liederkranz.

Liederkranz last night produced a mu-deal comedy entitled "City and Coun-creased, until finally, like many ansical comedy entitled "City and Counbefore a large audience in Music half. The comedy was given entirely in German under the direction of Prossor Schilling, the musical director of the Liederkranz, and was very enjoy-The people in the cast displayed excellent manner. The cast of characters was as follows:

Edialia, seine Prau ......Fri. Olga Pittack Clothiide, seine Techter,

Frt. Martha Pittack Sebastian Hochfold, Vichhaonder and Obsroestaticien . . . Herr Otto Stocckel Apollonia, seine Frau, Frau Florence Schilling Regina, seine Tochter. Fri. May Speicher Herr von Wellenschlag, Banquier, Herr John Lentes

Robert, seine Sohn. Herr Lawrence Haberstroh Herr von Huges. Herr Peter Snyas. Herr von Glatt .... Herr Peter Snyas. Haller, Hochfeld's Cassirer, Herr Juhn Brunner Herr Webs said:

Ein Karellmeister, Berr Chas, A. Krotsch

The Keystone orchestra, of the South Side, played the orchestral score of the comedy. It was its first appearance in public and the young men who

praise for their work. was a session of dancing.

## ROBB ESTATE DISTRIBUTED.

Auditor's Report Filed Yesterday in Orphans' Court.

Hon, John P. Quinnan, auditor of the estate of the late William Robb, yesterday filed his report in court. It

vas conditionally confirmed. After settling the presented claims, which amounted to \$1.251.32, he appraises the widow's third at \$2,865.15. and directs the remainder, \$5,739.30, to the minor child of the decased.

## TUNNEL IS NOT WIDE ENOUGH.

So Mrs. Nellie Gearhart Alleges in a Suit for Damages.

Mrs. Nellie Gearhart, thrugh her attorneys, Vosburg & Dawson, brought suit against the Delaware, Lackawanna and Western Railroad company for \$5,000 damages.

She alleges that the death of her rusband, Ira Gearhart, a brakeman, who was killed at the Nav Aug tunnel. May 27, 1894, was due to the space between the cars and the side of the tun-

# THEATRICAL ATTRACTIONS.

Tonight's attraction at the Lyceum will e Charles E. Blancy's latest production, be Charles E. Blancy's latest production,
"A Hired Girl," in which he has shown
what a versatile writer he is. The story
of "A Hired Girl" is interesting and
shows what poss'billies there are for
runny situations. Here Ver Hotz, a gradrule of the Conservatory of Music at
Barlin, fearing the exposure of a secret marriage with a peasant girl, leaves bis home and comes to America, where he secures the position of Professor of music at Vassar college. He had been in America but a few years when he married a poor American wit. Neither of them being an economist, he weares the services of a hired girl to look after his apartments at the college. The servant, like most of her kba, knows all about housekeeping, and she never fails to assert her authority in the kitchen. In her enleavor to protect the interests of her imployers she usually manages to misnanage everything.

# Town Topics.

The coming of the Broadway comedians to the Acadamy of Music Dec. 5, 10 and ii in "Town Topics" should attract and interest the attention of our many theater-goers and all loves of pure fun. For the past two years it has been the most popular of all farce-comedies and has been the most successful in regards to financial results. The company this year is the strongest ever in the play, and con-tains such well-known artists as Sher-man Wade, John W. World, W. H. Mack, William S. Keller, Charles E. Graham Marie Leslie, Ethel B. Payne, Hulda Hal artment committee of councils, Mayor | vers, Onic Hood, Alice Felicie, three Sishorus of young and pretty girls. Toples" was in Witkes-Barre this we k

Washburn's Minstrels.

Saturday afternoon and evening Wash-turn's double ministress will be the at-traction at the Lyceum. The company number some forty artists and will with out doubt be greeted by a crowded house both in the afternoon and evening. The orgs and music are all new and up thate. The orchestra, composed of all toon to ple is a feature. A street paradi will be made at noon. The prices will be re-inced for both performances.



## A MOST GRAPHIC STORY.

It Is Taken Direct from Real Life

A Charming New England Lady Tells Her Experience Both Abroad and in America.

The unwritten romances of life are ore wonderful and far more interesting than the most vivid works of fiction. The one we are about to relate occurred in real life, and is both intersting and instructive. Mrs. Jennie Ray formerly lived in

Manchester, N. H. Her home was pleasant, her surroundings comfortable. In the year 1880 she visited England, and while in that country began to experience strange sensations. At The dramatic section of the Scranton | first she attributed them to the change other woman, she became utterly discouraged.

It was while in this condition that Mrs. Ray returned to America and her home. Thousands of women who read this story can appreplate the condition much dramatic ability and the four in which Mrs. Itay then was and symacts of the comedy were given in an pathize with her suffering. Two promment physicians were called and endeavored to do all in their power for her relief. In spite, however, of their skill, Mrs. Ray grew weaker and more depressed, while the agony she endured seemed to increase. It was at this time that a noted physician who was called declared Mrs. Ray was suffering from cancer, sa'd there was no help and told her friends she could not live more than a week at the far-

> And here comes the interesting part of the story, which we will endeavor to tell in Mrs. Ray's own words. She

"Unknown to all these physicians, I had been using a preparation of which I had heard much. I didn't tell the physicians because I feared they would ridicule me, and perhaps order its dis-continuance. During all the while that the physicians were attending me the preparativon was steadily and faithfully doing its own work in its own way, and I had faith in its power. At empose it received many words of last the doctor said there was no use of his coming, for he could do me to At the conclusion of the comedy there good. I had suffered so much that I was a session of dancing. that I was nearer relief than I knew. One week from the day the doctor last called a false growth, as large as a offee cup, and which looked as though it had been very large, left me. I sent for a doctor, and he declared it was a fibroid tumor, but said he had never known one to come away of itself be fore. I immediately began to gain health and strength, and I unhesitatingly declare that my rescue from death was due solely to the marvelous effects of Warner's Safe Cure, which was the remedy I took unknown to the be paid to the Lackawanna Trust and physicians, and which certainly res-Safe Deposit company, guardian of cued me from the grave. It is my firm belief that many ladies who are said to die of cancer of the womb are cases like mine, and if they could be induced to use Warner's Safe Cure, they, like me, might be saved."

The above graphic account is perfect ly true in every respect. It is said that "truth is stranger than fiction." and when the thousands of suffering helpless women who are upon the road which physicians say leads only to death, consider the story as above given, there is reason for hope and joy even although they may be now in the depths of despendency and misery. To such ladies the above truthful account



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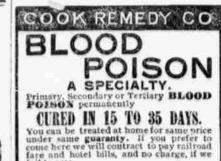
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