DECEMBER TERM OF ARGUMENT COURT

One Hundred and Sixty Cases Are the Week's List.

JUDGE AND EX-JUDGE DISAGREE

Ex-Judge Jessup Contends That a Pailroad Company Has a Right to Get Off the Right of Way When Ordered, and Judge Gunster Tells Him It Is Useless to Advance Such Arguments in His Court.

Judges Archbald, Cunster and Edwards yesterday began the considera tion of 160 cases set down on the list | Four Cases of General Interest Were for the December week of argum by court.

The two cases of M. A. McCarthy against the estate of Martin Scanton, rule to open judgment, were handed up without argument, O'Brien & Kelly representing the plaintiff, and Watson & Zimmerman the defendant plaintiff is endeavoring to collect on two notes given to him by the decedent in his life time. The defense is that there was no consideration, an inference being made that they were given to protect Scanfor against cred-

The case of Enos Flynn against Mrs. Annie Barrett, rule for new trial was argued for the plaintiff by Vosburg & Dawson, and for the defendant by A. A. Chase. The Barretts owed a procery bill to the chaintiff. The husband gave a note to secure it. When an attempt was made to collect it the wife laid claim to the prop

city by which the note was secured, Arguments for a new trial in the cases of John and Mary Regan against the Scranton Traction company, and wanna Valley Rapid Transit company, were made by ex-Judge Jessup, O'Brien instance. In the Regan case a verdict of \$3,000 was awarded the plaintiffs at the last term of civil court. Transit company was muleted for \$7.-

MAIN REASON FOR NEW TRIAL. The main rapson advanced for a new trial in the Regan case was that Mrs Regan, the woman who was injured, anent disability is attributable to diabetes. In the Gilmartin case the company claims that the plaintin was guilty of contributory negligence, by her own testimony, she having admitted that she walked on the track due at any moment.

During a discussion of the rights of a street car company on its roudbed, ex-Judge Jessup made the startling claim that if a person refused to get off the track when ordered to by the company that the company had a right to run them down.

Judge Gunster, with some feeling, told Judge Jessup that it was uscless for him to argue any such proposition to the court while he was on the bench, and adding that such a claim was nothing more or less than a contention that the law authorized corporations to commit murder.

Judge Jessup persisted in his claim and unequivocally told Judge Gunster that he would have to disagree with him as to such an action being any crime much less murter. If a man plants himself on a railroad, argued Judge Jessup, and refuses to get off and allow the company to proceed with the exercise of its rights it is not to be supposed that the operations of that road are to be halted until the company can bunt up a magistrate and by civil proceedings dislodge him. If he does not get out of the way, after die notice and warning the company is warranted by law in running him

Judge Gunster indicated by actions that he considered all this as highly

A MUCH TRIED CASE.

The much tried case of D. P. Replogle, assigned to D. T. Williams, against A. J. Carey, of Old Forge, came up in the form of a motion to satisfy judgment, the defendant making the application. The case grows out of the borrowing through Mr. Replogic by S. J. Carey of \$1,000 from the not warranted by the evidence. Globe Lodge of Odd Fellows. Reptogle claimed he paid Carey \$150 too much. Carey claimed Replogle retained \$360 more than he had a right to. The cases were tried before arbi-

trators and the decision was that neither party had any cause for action, Last March the Carey property in Old Forge was destroyed by fire. The Globe lodge had \$1.900 insurance on the house and the Careys had \$600 on the furniture. Mr. Replogle attached the \$600 on the strength of his old-time claim. The defendant now seeks to have this judgment declared void. thereby annuiling the attachment, Attorney Clibbs appeared for the defense and Mr. Replogle for the plaintiff. Execution creditors of W. H. Wright,

formerly a jeweler on Lackawanna nothing to appeal from, came into court, through Attorneys Beers & Grambs, seeking to preover possession of a quantity of jewelry which Wright is alleged to have taken from the store and pawned after the executions abeen filed. It is claim did this to raise mone; h which to pay his clerk. John O. el. Patterson & Wilcox appears the de-

Arguments on the rule counsel fees in the divorce case of Michael Smith against Maria Smith were made by John F. Murphy for the wife and R. A. Zimmerman for the

The divorce case of Austin Muftoy against L. E. Muffley was subitted without argument.

In case of J. O. Ackerson & Co. against the New York, Ontario and Western Railroad company, the judgment was reversed by agreement. A non pros was directed to enter in the of W. Sendman, appellee, Lillie

Gensberg.
The following cases were reported ettled: Henry Coyle against Bryan Collins, rule for judgment; Elizabeth Field against C. D. Field, rule for decree in divorce; G. K. McMechman against A. Rauschmeyer, rule for judg-Run a Man Down Who Retuses to ment; D. L. Newboy & Son against William Shueffer, rule to dissolve at tachment; Mack Bros. & Co., Hurs-burg & Gasson, Levy, Harrity & Lessenbach, Roberts, Wicke & Co. and Levy & Abrahams against William Shaefer, rule to dissolve attachment.

OPINIONS HANDED DOWN.

Passed Upon.

Pour important opinions were handd down by Judge Gunster Yesterday. In each of them the decision is of genral interest.

In the cases against W. A. Beemer, Frank Day and William Leightner, who were arrested for seiling eleomargerine and summarity fined \$100 each by an alderman, the complains were dismissed and the defendants discharged, the Judge ruling that the summary conviction was irregular,

In discussing the Act of 1885, under shich the arrests were made, Judge Cunster says: "It is clear that the ection does not confer on justices or aidermen the power to pass upon the guilt or innocence of the accused, and that the offense is triable only in the court of quarter sessions or over and

erminer and before a jury." The third section of the Act of 1893, which amended the Act of 1885, proides for the imposing of a fine of \$100 and imprisonment not to exceed one car. This time "shall be recoverable with costs, by any person sucing in Lizzie Gilmartin against the Lacka- the name of the commonwealth, as curred to me that science might acdebts of a like amount are by law recoverable." This section manifestly & Kelly being opposing counsel in each prescribes a civit action, the court rules. In any case a summary conviction is not warranted. In considand in the Gilmartin case the Rapid attention once more to the frequently explained difference between an action for penalty and summary conviction.

THE DUCKSBURY WIDOWS.

The case of the rival Ducksbury widows was decided in favor of the affeged unlawful widow. In 1896, Robwas only superficially hurt by the col-hsion in question, and that nor perm-leaving a policy of \$1,000 in the Supreme Lodge, Shield of Honor, payable to his vife. Josephine Wood Ducksbury, with whom he lived at the time, proceeded. to collect the insurance money. Be fore the Shield of Honor could make the payment. Kate Duffy Ducksbury fur the full knowledge that a car was stepped in and exhibiting a certificate showing that she had been married to Robert Ducksbury, in Keighley, Yorkshire, England, in 1873, laid claim to

The Shield of Honor didn't want to get mixed up in the immending bother and so paid the money into court. Kate ourt pay the money to her. Josephine Ducksbury opposed this, showing that she had been married to Robert Ducksury in 1891 and that she was his duly acknowledged wife at the time of his

Kate is not entitled to the money, as | she was in no way a party to the contract. The question of the legality of the marriage between the decedant and Josephine Ducksbury does not enter into the case, the judge contends. She is the one to whom he intended the money should be paid.

The appeal from the decision of Alderman Millar in the Olyphant base nil case, was dismissed and the proreedings confirmed.

SUNDAY BASE BALL. John J. McAndrew and A. F. Gilles-

arrested at the instance of Rev. R. F. Hammond for conducting base ball game for pay on Sunday, Aug. 29, 1897, in Olyphani. They were nleard, but did not deign to make fur- taken before Alderman Millar for a hearing but at their own request were granted a continuance. At the time at for the postponed hearing they did net appear but notwithstanding this the alderman proceeded with the hearing and fined each of the defendants \$4. They appealed alleging that the proceedings were irregular because conducted in their absence and further that the infliction of the penalty was

Judge Gunster says no one but the defendants themselves were to blame for their absence. The presence of a efendant is essential in the trial of capital crimes, he says, but not necessary in the case of a misdemeano such as the one in question. There is no ground, he holds, for the complaint that the record in the case is defective or that the evidence is insufficient to carrant the penalty.

Arother summary conviction, that in the famous Griffin pond case, was delared irregular by Judge Gunster. The motion to quash the writ of certiorari, because it was not taken witha twenty days was refused on the ounds that the record does not show that the justice of the peace had jurdiction and consequently there was

In an opinion for the court in band Judge Archbald directs that the respondent in the case of Clementine Renyick against Robert Renwick pay to the libellant \$35 counsel fees and st him had si5 a month alimony during the penhat Wright dency of the proceedings.

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y on the liver and bowels. Cure sick headache.

INTO ANTHRACITE

Wonderful Discovery That Charles W.

Soft Coal Is Subject to a Temperature of About 700 Degrees .- The Gas Coal During the Heating Process Is Be Used for Disposing of Garbage. Details of His Invention.

Charles W. Smith, of Minneapolis, has nce-eded in devising a process by which soft coal can be converted into hund coal.

Mr. Smith has been living in Meline. Ill., and Rock Island for some time and it has been known that he was expetimenting in this line on Mercer county, Illinois, coal. His success seemed to be confirmed of late by his taking out patent on his process. He had forwarded necessary papers to Canada and to six European nations in order to secure patents in those countries

FURNACE DOES THE WORK Speaking of his levention Mr. Smith

I learn from history that people have been experimenting on the idea o manufacturing hard coal from soft coal ever since 1822. We all know that at one time all hard or anthracite codwas soft or bituminous coal and that nature had effected the change. While engaged in the milling of ores of preous metals in Colorado, New Mexic and other western states where I spent many years, I was led from the scar city of coal to think of a plan to reduce the amount of fuel used. It or complish in a short space of time what it has taken nature centuries to produc

"I began at once devising a furnace such as would accomplish this endering, the judge takes occasion to call | The patent which I have lately been awarded is on a furnace, the result of dered an effectual solution to the problem of producing hard coat from

oft coal thereby saying fuel." Mr. Smith then went on to describe the furnace. His patent covers a furnace and its workings. He says he takes any kind of soft or bituminous out feeds it into the furnace through a hopper at the top, and it comes out a product equivalent to the best grades of anhracite coal sold anywhere

REDUCTION PROCESS DESCRIBED The furnace contains a round corrugated sloping hearth, in the center of which is a shaft which revolves and to which are attached arms baving iron brushes. The coal as fed through the hopper fails on the hearth, where it is subjected to a temperature of about 700 degrees. The coal is then Duckslury thereupon sought to have gradually forced downward, undergoing different degrees of heat, but not sufficient to cause decomposition.

It takes from thirty to ninety minutes, according to the coal, Mr. Smith says, for it to pass from the hopper at death and the one to whom he intend- | the top until it is deposited in the cooled the money should go.

Judge Gunster, in deciding in favor be taken out without igniting. ing bins, where it remains until it can f Josephine, or widow No. 2, says that product then, he says, is of a consistency of corn meal and is jet black, From the cooling bins it the mixer, where it is subjected to additional heat. At this point it is treated to a binder, and being thoroughly mixed it passes into a compressor where it is subjected to a pressure of from 1,200 to 2,000 pounds to the square inch. From the compressor the product is turned out into "eggets" of all sizes, corresponding with the nut, egg and range size of anthracite coal. This compressor works automatically and needs no care. From here the product is carried by chain elevators to

The furnace, Mr. Smith says, can be of any size from sixteen feet in diam-eter upward. A sixteen-foet furnace, he asserts, consumes fifty to seventyfive tons of soft coal and turns out a product ranging from thirty to fortysix tons of hard coal.

BIG PERCENTAGE OF SAVING.

While the soft coal is still in the fure nace the gas is extracted and carried off into a gasometer, whence it is then used for fuel. When the furnace is started about two tons of soft coal are used for fuel. After that no more is required, for the gas taken off from the furnace supplies all the fuel necessary, together with fuel enough to furnish power to run the entire plant and an excess of several thousand cubic feet a day, which can be applied human glraffe, who possesses a neck to any other purpose,

In addition to extracting the gas and using it as a fuel. Mr. Smith says that by his surplus the sulphur is eliminated from the coal, as are also tar, ammonia water and creosote.

The product after the eliminations, he asserts, will be about 1,300 pounds of coal conjugatent to hard coal from each ton of soft coal treated.

Bituminous slack can be had for \$1 a ton, and for every fifty tons furnished not less than thirty tons of coal that will readily sell alongside of anthracite are guaranteed by Mr. Smith. This coal, or "eggalite," has been used in stoves and ranges, he says, and is fully equal to the best grades of hard coal. It has also been tested for forging, and, he asserts, the sulphur havng been expelled, that it makes a good smithing coal.

Coke is not manufactured. The proluct never reaches that state. sample of the product on exhibition shows a black and more solid subtance than coke.

GARBAGE ALSO CONVERTED. Mr. Smith's patent calls for the use f bituminous coal, anthracite coni lust, vegetable matters and sawdust. Of late the patentee has been experinenting with garbage gathered from sarrels in the alleys of Moline in the hope of utilizing his furnace as a garpage burner. Garbage when treated by this process, which he calls the 'eggalite process," is turned from poato parings and other vegetable mat-

ter into a black product rich in caron, and which burns like anthracite Chief of Police Kittilsen, who has harge of the health department of Moline, states that Mr. Smith's furnac clipses all known devices for consum ing garbage. Chief Kittiben is recog-nized as the best authority in this vicinity in health matters and on the disposition of garbage. He has on many different times made a study of the workings of the health departments of Chicago and of the principal eastern cities, with the result that the streets and alleys of Moline are the objects of admiration of both its citi-

zens and its visitors. suggested to Mr. Smith," said Chief Kittilesen, "on being shown his furnace that it could be used for burn-

ing garbage. He was struck with the idea, and a few days later made a test. the result of which was a black pro-

DESCRIPTION OF A TEST. Last Tuesday I procured a sample the garbage gathered in the cityegg shells, potato and turnip parings, bone and greasy matter, Mr. Smith took a quart of the stuff and put it into his small furnice and the result was surprising to me. Extracted from the Bituminous steam, which Mr. Smith said was sugar, and then gas. This gas burned for over two hours. It was of a white Used as Fuel -- Furnace Can Also color and came from a half-lach pipe At least half a teacupful of tar was taken off and the residue from the furnace was a product that burned like chargoal or anthracite.

Every city that has a garbage plant pays for its consuming. The furnace gives no smell, and pays for its own working," concluded Chief Klittleen. Another feature claimed for the

Smith "eggalite" plant is that it make product that is smok-less, Bollers and stoves can be heated by coal, but there is no smoke. This alone in large cities. Mr. Smith says, will be a bo to all citizens. The first plant on a large scale will

ready in a few weeks. One feature of Mr. Smith's patent, different from that many inventors use, is that he is orking no schemes for a company, but works his plant with his own means, and says; "If my idea is right people must come to me, If I am erong. I wrong no one." Mr. Smith declares he has a contin-

ious self-feeding gas producer and a fuel saver that will pay for itself within six months in any large factory,

RULES FROM MR. DUNNING.

They Are Intended to Keep People

from Brenking the Law. The street cleaning department have o do every day with a class of violators of the city ordinances who plead gnorance of the law. This has proven a great obstruction to Street Commis oner Dunning's endeavor to keep the thoroughfares clear and clean.

For the benefit to the busy public cho cannot delve through whole books Thou-shalt-nots, Mr. Dunning has prepared a synopsis of the prin cipal city ordinances respecting the

streets. It is against the law to: Throw off-nsive matter such as aste egetables, etc., loose papers or advertis-ng matter, hand-bills, refuse of any ands in the streets or alleys.

Leaving any cart, truck of wagon or other vehicle, unharnessed in any street or alley, day or night. Placing or depositing any building maerial in any street or alley without a

ermit from street commissioner. Open or continue any drain in such ay that it is discharged upon any pube street, alley or public place. Leaving merchandise or movable proprty of any kind upon the street

Racing or trying to speed horses upor injuring trees or shrubbery or tising erse to same. Carting waste, garbage or dirt over the reets or alleys in any but close-botomed cart or wagons with end board.

Or to load or heap up same so that any art of the contents are spilled upon the reets or alleys. Carrying on any business on the sige-

ved streets without a permit from the Posting bills, placards or notices, etc. without legal right or permit from the treet commissioner on any building wall once most, male or bridge within or ad

Street Commissioner Dunning has dso under preparation a "road-rule" ategory, which he will soon issue to the public.

OPENING OF NICKELODEON.

it Will Be a Very Popular Place of Amusement.

The doors of Davis' Nickelodeon were thrown open to the public yesterday atternoon and many expressions of astonishment were heard at the marvelus change made in the interior of the ouse. In the main lobby the ticket office was torn out and the ticket taker s now stationed directly inside the main entrance. The large lobby will be used for curios of a permanent nature. A large entrance leads into the bright, cheerful curio hall, which has seen artistically decorated and is or namented with flags of all nations and baskets of flowers.

In the curio hall this week are a number of interesting personages, One of them is Joe Cramer, known as the of extraordinary length, double joints and skin that has the elasticity of Indian rubber. Princess Madeline, a

snake charmer; Prof. Lee, magician; E. W. Wood, who portrays what goes on in the interior of an opium joint, and a Punch and Judy are other at tractions of the curio hall.

In the cosy little theatre a clean and steresting vaudeville performance i given. The attractions are Lee's mari-onettes; Molrose and Elmer in songs and dialogue; John H. Shepley, banjoist and bell ringer; Crandail and Randall, negro delineators; Van. the entriloquist; the tiny Randall sisters, g and wing dancers; Cuponti and Mile. Marie in juggling and dances. Women and children were present in large numbers at yesterday's perform-

STOCK SOLD FOR A SONG.

Ten Cents Was All That \$2,000 of Land Company Shares Brought.

The sale of the remainder of the peronal property of the late James M Everhart was conducted yesterday, under direction of Dr. I. F. Everhart administrator, by John F. Scragg, atforney for the estate.

The sale occurred in the arbitration room of the court house, There were not many bidders and as a consequence ome of the prices received were ridiculously small.

A \$1,500 interest in an oil company in the state of Wyoming was knocked down to Dr. I. F. Everhart for \$65. A



To Any Reliable Man. The time of this offer is

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mortgage against C. Balentine for \$500 was sold to John F. Everhart for \$370; twenty shares in the Pueblo Land comduct similar to charcoal, and which I pany, the face value of which were burned in the furnace of the city hall. \$2,000, sold for ten cents; a judgment of \$36 against H. B. Smith, sold for fifteen cents; a judgment of \$20 against Brooks Campbell, for \$1; and judgments against Joseph Walker, amount ing to \$404.97, sold for \$2,50. A judgment against Samuel Halderman for \$424.30 sold for \$410, Edward Everhart seing the purchaser.

THEATRICAL ATTRACTIONS.

The New Magician.

Part and parcel of Henry E. Dixev's ragical acceleration to be at the Lyceum magical acceleration to be at the Excenta-tenight is a young hon only three years obt, who is named "Magique." He is a superb specimen of the leonine aread, but he has no scul for music. He is kept be-hind the scenes, except where he is used in Mr. Dixey's magical act "Leoni." in which a beautiful maiden is transformed n sight of the audience into the king of seasts. Usually "Maglate" is remark-ably tacture and well behaved, but the istant the orchastra begins to play, unarnets that his sounds are deadened he roars his disapproval of the harmonies in tones that resemble the deep diapsons of a hundred organis,

Sullivan and Company.

Patrons of the Academy of Music will be given a treat the last half of this week hen John L. Sullivan's Comedy and Big Vandeville company give their entertals ment. The ex-champion will give amor other acts a training scene in which will introduce the various methods of orcise previous to a match. He will ab-give a sparring and boxing exhibition with is partner, Ed White, in which is gomicers will be given an opportunity to judge of his condition. A merry comety, entitled "A Trie on the Ocean" serves to introduce the entire company, in dances and naisted numbers.

Prices for Shamus O'Brien.

The local management recognizing the fact that the people are making numerour purchases for the approaching holi days have persuaded Manager Duff to make the prices for the opera of "Shames O'Brien" \$1, for the entire lower floor and he balance of the house at usual prices

UNKNOWN MAN KILLED.

Was Walking on the D. and H. Tracks Near Winton.

An unknown man, evidently a for eign r, was killed by a Delaware and Hudson engine near Winton early yesterday afternoon. The body was taken to Kimback's undertaking establishment at Peckville where it awaits iden diffication.

In a pocket was a slip of paper on which was written what appeared to be the following, "Frank Borsody, 858 Lourt Court, Scranton." There was also a letter signed "John Horratt," but which had neither date nor heading. The railroad people say the man was drunk when struck and was killed instantly.

Men Wanted.

Ten good men wanted to work on circulation; no experience necessary For particulars apply at the Sunday Free Press business office.

A GREAT SURPRISE IS IN STORE

Carrying on any business on the side-walk, streets, etc., or continuing any business sign beyond the line allowed for reservation upon or over the space reserved for sidewalks or the streets without a permit from the street commissioner.

Driving any sleigh or sled in or through the street without bells.

The digging up of any portion of the unforced with the street without bells.

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Sec Champagne and our fine double-dis-fiered at about one-half its actual cost and it will please us if our friends and patrons will take advantage of this and help us intro-duce our goods. All orders should be in be-fore Describer 14th.

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To those who are not acquainted with the standing of the W. W. Kimball Co., the following will prove of benefit:

REPORT. Business established in 1830 by W. W.

Incorporated June, 1882, with capital of Capital increased in January, 1888, lo

\$1,000,010 Capital increased from \$1,000,000 to \$1,000 Statement, January, 1886, showed surplus of over \$1,000,000 overpaid in capital.

The company is known as a first-class

use in its line and is in high commercial standing. If competitors say the Kimball guarantee is not good, ask them for a mercantile report of their company and

GEORGE H. IVES. General Agent.

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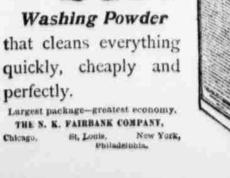
GEO. MURRAY, Proprietor.

The St. Denis

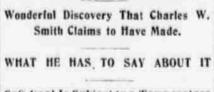
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