THE SCRANTON TRIBUNE-FRIDAY, APRIL 7, 1899.

Nortoa's Wall Decorations.

Paper Hangings, Lincrustu-Walton, Burlaps, Anyglypta, Wood Mouldings, the choicest product of American and foreign artists and mills. We have all grades of stock for the mansion, the cottage, the country house, business places churches, public halls, hotels, etc. American, English, French, German designs and colors for all tastes. We make specialty of Interior Decorations and odd things for walls. Very large variety at right prices. Window shades, all sorts, ready-made and to your order. We invite an inspection and comparison of stock and prices.

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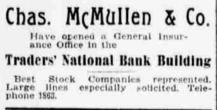
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M'GINLEY INTENDS TO GIVE BATTLE

HIS FIGHT WAS LAUNCHED IN SELECT COUNCIL.

Claims That His Term Does Not Expire Until the First Monday in May, 1900-Opinion by Ex-Justice Hand Presented by Mr. Roche Sustaining This Contention-Chairman Williams Treats the Democrats Generously in the Appointment of His Committees.

It looks as if the election of a city olicitor is to be attended with the locally fashionable election contest. The election of a successor to Mr. McGinley is set for next Monday night, the second Monday in April being the time prescribed by the act of assem-At last night's meeting of select uncil, Mr. Roche led the Democrats

in an attempt to kill the resolution calling the joint convention for this date, arguing that there will be no vacancy in the solicitor's office until the first Monday in May, 1900. The attempt was unsuccessful. The Republican members took the ground that councils should proceed with the election on the day set by law and leave it to the incumbent solicitor and his successor to determine in court when the one term ends and the other begins. It will be remembered, that, owing to a deadlock, Mr. McGinley was not

elected until July 27, 1897, nearly four nonths after the balloting began. The law says that "the city solicitor shall serve for a term of two years from the first Monday in May succeeding is election, and until his successor hall be duly qualified."

The "first Monday in May" succeedng Mr. McGinley's election was May 1898. Two years from that time would be May 2, 1900.

The question was brought up last night by the reading of the concurrent resolution, passed by common council last Monday, calling a joint convention of councils for Monday next to elect a city solicitor and a member of the board of revision and appeals

Mr. Rochs moved to strike out that portion of the resolution referring to the city solicitorship. There was, to

his mind, no vacancy and councils should take time to give the question McAndrews-4. ample consideration. He had secured

an opinion from ex-Justice Alfred Hand confirming his contention and would read it as a part of his renarks. He then read as follows:

EX-JUSTICE HAND'S OPINION. My opinion is sought upon the ques-ton when does the term of office of the present incumbent of the office of city solicitor expires. The answer is to be derived solely from the Act of As-sembly of 23d of May, 1889, providing for the incorporation and governmen of cities of the third class.

The present incumbent was elected and entered upon the duties of his office in July, 1897. Article X. Section 1, provides that "The councils of each of said cities of the third class shall, in of said convention, on the second Mon-day of April, or as soon thereafter as practicable, elect by the vote of a majority of the members chosen to both branches, one person learned in the law, and qualified to practice in the Supreme court of this common-wealth, who shall be styled the city

to preserve to him his minimum of two years of service. Any other construction would leave the date of election or at least the known term of service, without either a fixed date of com-mencement of service or ending of ser-

vice for the purpose of a new election. The changes in the Act of 1889 omit-"blennially thereafter," as conting tained in the Act of 1874, and insert-ing "or as soon thereafter as practic-able," above referred to, relieve the able," above referred to, relieve the situation of many perplexing questions which might arise, and under the con-

struction above given preserve the right of the incumbent to his full term of minimum service, to wit, two years. They also avoid a vacancy which could filled, or which is unprovided as in the case of the predecessor' for, as in the case of the predecessor s official duties terminating when the successor has been qualified and the duties of the latter not beginning until the succeeding May. The Act of 1889 In intent and letter at times lengthens the term of service of both the predecessor and successor beyond two years; the Act of 1874, if literally followed

would not effect this, but might shorten he term to less than two years. Hence the change. I deem it unnecessary to refer to many cases upon this subject analagous but not the same in point of fact and in the expressions of law, but

which show a decided tendency in the Supreme court to cling to the letter as well as the spirit of the statute. I think the present incumbent in the the present incumbent in the of city solicitor has the right to offic hold his office until the end of two years from the first Monday of May

succeeding his election, namely, the first Monday of May, 1900. (Signed) Alfred Hand.

THE HAND OPINION. "We ought to go slow in this mater," concluded Mr. Roche. "By care-

ful and considerate action we may save to the city a large bill of litigaion expenses. Mr. Chittenden remarked that is

was very kind of the city solicitor to bring this matter up in this way in his efforts to save the city legal expenses, but, Mr. Chittenden thought, the councils were not the proper hodles to deal with the question of when the term of the solicitor begins

or ends. Their only duty was to elect a city solicitor on the day set by law. Mr. Sanderson said he would vote against Mr. Roche's motion, but he would look into the matter between ow and Monday night and might act

differently then. The Roche motion was then put and was lost by the following vote: Ayes-Messys, Kearney, Roche, Mel-

in, Shea, McCann, O'Boyle, Coyne-7, Nays-Messrs Ross, Thomas, Chit-enden, Wagner, Schneider, Sanderson, Fellows, Schroeder, Lansing, Williams

Absent-Messrs, Finn, James, Frable,

Mr. Melvin moved to refer the mater to Willard, Warren & Knapp for an opinion, but this was lost. Someone suggested that it be referred to the city solicitor, but the suggestion was

not adopted. Mr. Lansing thought the law was [Continued on Page 8.]

FUNERAL OF H. F. ATHERTON.

Services Were Conducted by the Rev. George E. Guild. Resting in the calm of death, the re-

nains of the late H. F. Atherton, late Hudson company, were viewed yesterday at the residence on North Main Mayor Moir expressed regret at not avenue, North Scranton, by a large being able to continue Mr. Gurrell on concourse of friends. The handsoned day duty. The necessity for more casket was almost concealed beneath patrolmen made it impossible to do

the great quantities of beautiful flow-ers. Among those who called at M. Gurrell was the oldest member mark of respect were several promis-nent officials of the Delaware and

Rev. George E, Guild, pastor

life, conducted the service and made

MANIAC AT HIS THROAT.

Assaults a Trackwalker.

Kelly's Impeachment.

Providence Presbyterian

GURRELL HANDS IN HIS RESIGNATION

WILLIAM THOMPSON APPOINT-ED AS HIS SUCCESSOR.

The Veteran Police Officer Is no Longer a Member of the Force. and their hue was repeated in the ac-Preferred to Retire Rather Than Resume Night Patrol Duty-Was on the Force for Twenty-Two Years and Never Lost a Day Through Illness-The New Patrolman Is a Twelfth Ward Man.

Police Officer Martin Gurrell yesterday resigned from the force, after twenty-two years of service. He is succeeded by William Thompson. The resignation and the nomination to fill the vacancy were sent to select council by Mayor Moir last night. The nomination was confirmed forthwith and unanimously. The resignation was transmitted in the following communication:

April 6, 1899. To the honorable the select council: Gentlemen--- I have this day received

the voluntary resignation of Martin Gurrell, patrolman. I accepted the same with regret, knowing as you all do that in Mr. Gurrell's resignation the city loses a valuable officer. He served the city for twenty-two years as pairol-man and one year as chief of the de-partment. His devotion to duty, his high sense of honor and his sterling manhood made him at all times a model

officer, and he now leaves the service of the city without a blot on his record. Respectfully submitted,

James Moir, mayor.

When the nomination of Mr. Thompson was read, Mr. Chittenden moved to suspend the rules and consider the nomination forthwith. Mr. Melvin moved as an amendment that it be re-9 o'clock before Judge Gunster, ferred to committee, saying that he knew nothing of the nomince and that probably the other members were in the same boat. His motion was county jail. Immediately after his comnot seconded. Mr. Chittenden said he mitment his attorneys, O'Brien & Kelly knew Mr. Thompson and would vouch for him. The motion to consider the had him brought before Judge Archnomination forthwith was carried by the following vote:

Ayes-Messrs, Ross, Thomas, Chit-tenden, Wagner, Schneider, Shea, San-derson, Fellows, Schroeder, Lansing, O'Boyle, Coyne, Williams-13, Nays-Messrs, Kearney, Roche, Mel-vin, McCann-4. based is unconstitutional for the reason

NOMINATION CONFIRMED. The nomination was then confirmed

innimously. The new patrolman is a resident of he Twelfth ward and steel worker by trade. He is 34 years of age, five feet, nine inches in height, weighs 198 pounds, possesses an excellent physique and is a mail of pleasant address and exemplary habits. He is a per-

sonal friend of the new mayor, and had a petition endorsed by Rev. Dr. S. C. Logan, George Frable, George Okell, Rev. Dr. James McLeod and John McWilliams.

Mr. Gurrell's resignation is due to his disinclination to return to night patrol duty. When directed to do so last Monday he took a few days to paymaster here of the Delaware and consider the matter, and yesterday came to the conclusion to resign.

Workman Steps Upon Some Molten

P. J. REAP, Plumbing, Steam and Gas Fitting Jobbing Promptly Attended to. Corner wealth, who shall be styled the city solicitor, and shall serve for the term of two years from the first Monday of May successor shall be duly qualified." mark of respect were several promis-in the force, both in years and point of the Delaware and Hudson company, viz: Superinten-dent C. R. Manville, of Carbondale: a month's service in the central city

AN AFTERNOON RECEPTION.

Mr. Walter W. Winton, of This City, Given by Mrs. John Simpson Introducing Her Eldest Daughter. the Patentee-Edward P. Mucklow and J. Frank Seigel Are Manu-

Mrs. John Simpson gave a beautiful eception yesterday afternoon at her handsome home on Clay avenue, introducing her eldest daughter, Miss Stewart Simpson. The rooms were prettily decorated, white and green predominating. In the dining room American beauty roses were employed

essories of the costumes worn by a number of the young ladies who assist-Mrs. Simpson and Miss Simpson received in the front drawing room. The young debutante wore a charming white gown and carried American beauty roses. Mrs. Theodore G. Wolfe and Mrs. Charles Schlager presided at the table in the dining room, where Miss Lyndes, of Danville; Miss Marion Musser, Miss West and Miss Clara

Simpson assisted in serving. About the rooms were Mrs. E. C Lynde, Mrs. F. M. Spencer, Mrs. Chas. Powell and Miss Florence Simpson. Miss Schlager, Miss Millard, of Syra-cuze, and Miss Jo Hantgen served frappe.

Last evening Mr. and Mrs. Simpson entertained the house party and the ladies who assisted at the reception,

at a supper. WORMSER AGAIN ARRESTED.

Secured His Release by Means of Writ of Habeas Corpus.

Morris Wormser, a New York man who is endeavoring to conduct a spe cial sale in this city was arrested again yesterday and in default of bail committed to the county jail by Alderman

Millar. Wormser was arrested Wednesday for doing business without first paying the city license fee and was fined \$100 by Alderman Millar. He took an appeal to the quarter session and the matter is to be heard Saturday morning at Wormser was again arrested yesterday and fined another \$100 and in de fault of payment was committed to the

secured a writ of habeas corpus and bald, who ordered his release on the ground that an appeal in a like matter

It is contended that the act on which the city ordinance levying the tax is

MET THE NEW MAYOR.

Permanent Firemen Are Given Practical Talk by His Honor. The twenty-nine paid men of the Scranton fire department were marshaled in police headquarters at o'clock yesterday afternoon and pre sented to the new mayor by Chief Hickey.

Mayor Moir said some complimentary things to them and then lectured them on the matter of discipline. When the mayor concluded the ien gave him warm applause and then

they marched out in single file, the mayor shaking each by the hand as he passed by. They were afterwards photographed

on the Mulberry street side of city hall by Frey. BURNED HIS FOOT.

Metal at the Blast Furnace.

Stanley Giloski, employed as a labor-



20 Lackawanna Ave., Scranton Pa.

Wholesale and Retail

ATLANTIC WHITE LEAD.

FRENCH ZINC.

Ready flixed Tinted Paints,

Convenient, Economical, Durable,

Varnish Stains,

Producing Perfect Imitation of Expansive Woods.

Raynolds' Wood Finish,

Especially Designed for Inside Work.

Marble Floor Finish.

Durable and Dries Quickly.

somine Brushes.

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LINSEED OIL AND TURPENTINE.

GOOD TAILORING

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WE DO GOOD TAILORING

Made by tailors who get good wag is for their labor, and the man who pays us \$14,50, \$18,00, \$21,00, \$22,00 for a suit gets the full worth of his money. WE FIT the "hard to fit" or no pay, better than many high price tailors do, at as small cist, and we carry a variety of styles to suit the most exacting tiless.

We also make a specialty of Ladies Tailoring

Spruce Street, Opp. Commonwealth Bldg

The Richart & Sanderson Oll Co.,

SELL THE

CELEBRATED TIONA SAFETY OIL

Insist on getting If. Made entirely from the Tiona Cruele.

High Grade Lubricating and Barning Oil of every description. 13a1 CAPOUSE AVE

1.50

Window

Awning.

The Climax

\$

The M

Frank Siegel, two of our best and most favorably known citizens are now nanufacturing the new "Winton" pen-In producing the Winton pen, the inventor has overcome the great faults of the average fountain pen I. c., flood-

A PERFECT FOUNTAIN PEN.

ing or irregular feeding. The Winton pen will not flood, even though held pen down for an indefinit period, owing to an automatic feed ar rangement which is simplicity in itself. The ink flows from the barrel into a trap, from thence through a gold con duit to the feeding apparatus which is attached to the pen. The simple construction allows the pens to be taker from the holder and replaced without any adjustment whatever, the same as

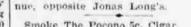
Paint Varnish and Kalthe ordinary dip pen holder. That the Winton pen will be a financial success is a foregone conclusion, as PURT its marked improvement over all other

pens is bound to recommend it to fountain pen users wherever it is introduced.

The pens are already being manufactured in this city at the rate of five gross a day. The output however will be immediately increased to meet the demands now being made by dealers everywhere for the pen.

Fire Sale.

Watch for opening of Weichel, the Jeweler's Big Fire Sale. Everything must be sold, at 408 Lackawanna ave-



Pays Liberal Interest

on Time Deposits.

FRANK L. PHILLIPS, Cashier.

25881

HOLDERS OF

Win the Prizes at

FELTON'S

Removed to 119 Penn Ave.

The Best New Upright Piano

One Elegant Briggs Grand Piano,

Get the latest music-- "First Of-

ense March. "Gibson Girl March."

'Mollie, I Love You.' song and

205 Wyoming Ava.

UP-TO-DATE

Hats and Furnishing, the more you

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The more ways you consider our

in perfect condition, \$450. Easy

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PERSONAL.

Mrs. Franklin Haines, of Woodbury, N. has returned home from a visit here with her daughter, Mrs. H. S. Saunders, of North Main avenue

Miss Alletha M. LaBarre, of North Main avenue, has accepted a lucrativ-position as stenogri pher and bookkeeper for Messrs, C. D. and H. P. Simpson.

John Beamish has resigned his position as advertising manager of the Free Pross and intends to take up the study of law in the office of his brother, R. J. Beamish.

District Deputy Grand High Priest R. A. Zimmerman, of the Masonic frater-nity, went to Montroze last evening to direct some important chapter work at the meeting of Warren chapter.

Special Bargain Today Only.

10 fine Oriental Rugs, \$15 cach; reduced from \$25. 124 Washington avenue.

Smoke The Pocono Sc. Cigar.

The Wilkes-Barro Record may be had in Scranton at the news stands of Reis-man Bres. 404 Spruce and 503 Linden

...

street; Mac., Lackawanna avenue.

DIED.

ABRAHAM .- In West Scranton, April (1899, Margaret, infant child of Mr. and Mrs. Thomas Abraham, of 553 North

HART .- In West Scranton, April 6, 1899 John, 2-year-old son of Mr. and Mrs. Joseph Hart, of 2022 Jackson street, Funeral Saturday afternoon at 3 o'clock Interment in Cathedral cemetery. SMILEY.-At Denver, Colorado, April 2. 1898. Frank G. Smiley, 25 years of age. Funeral tomorrow afternoon at 2 o'clock from the residence of Attorney F. R. Stark, 901 Quincy avenue. Interment at Wyoming.

The plain language of the act would fix a service until the first Mondav of Auditor S. T. S. Heinz, of New York city; Secretary J. M. Olyphant and May, 1900, and until his successor shall several others. be duly qualified. Is there anything in the law or the decisions of the courts The services, which were strictly

the

private, were conducted at the resiwhich would change this view? I am unable to find anything. An examina-tion of previous acts of assembly and dence at 2 o'clock, and only the immedecisions somewhat analagous will conient. firm the express language of the statat. te already indicated. The Act of 1874, providing for the in ute church, of which deceased was an active member for the best part of his

corporation of cities, provides that the select and common councils " " shall on the last Saturday of February next succeeding the issuing of let ters patent to the said city or its aceptance of this statute, and biennially hereafter elect " * * the city solictor. He shall hold his office for two years from the first Monday of March succeeding his election and until his successor is qualified. It is to be noticed that the Act of

1574 fixes a specific day for the elec-tion of city solicitor; the Act of 1889 fixes a specific day, "or as soon there-after as practicable," and omits the words "biennially thereafter." Both ceased as paymaster. these expressions are significent. Both acts fix a term beginning on a day succeeding his election and until his suc-cessor shall be duly qualified.

SUPREME COURT DECISION. It was decided by the Supreme court

had him almost strangulated when that the time for the election under the Act of 1874 was merely directory succor arrived. The crazy man was taken to the and did not preclude the election of a city solicitor at a subsequent date. ounty jail. He bears a cut on the forehead which was inflicted by a blow from is to be remarked that there is a clear the track-walker's lantern.

intention that the term of the city solicitor is not confined to two years; it is never less than that period and may be more, and has always been more than two years when the election has not been on the day first indicated or before the time first intended if should begin. There is no shock there fore to the legal mind in a construc-

tion which prolongs the term beyond two years; it is provided for. There is made a report to the effect that the imalso apparent from the acts of assem peachment proceedings against Alderbly that there is an intention that there shall be no vacancy. man John P. Kelly, of the Eighteenth ward, of this city, be dismissed.

Another fact of intention is appar-ent, and that is not that there shall This terminates the long drawn out and expensive effort to remove Alderhe a fixed time when the term of city solicitor shall begin, but there shall be a fixed time when it shall end, the latman Kelly from the bench. ter being the first Monday, except in the instance of a predecessor who has held over, in which event it shall be when "his successor has been duly qualified." I find no decision ruling the exact facts of this case, but such as there are confirm the express language of the statute and indicate that the language should be strictly construed. In Commonwealth ex rel Roney tay receiver vs. Warwick, mayor, 172 Pa tax 140, it was held that the strict language of the act "until the next city elec-tion" must be followed even though the legislature by a special act had undertaken to construe the act differtion at one-quarter the ently (thus usurping the powers of the court) and although it fixed a time for price of market vegetables

choosing the successor when the voters would not ordinarily under existing laws vote for a receiver of taxes. WORDS OF THE ACT.

is to be observed that in the Act

n May

can: 3 for 25c; \$1 dozen. of 1889, where the term is not two years rom his election and entry into office. Fancy Maine Corn, 13c ut "two years from the first Monday n May succeeding his election," also

can: \$1.50 dozen. where his predecessor holds over under Lima Beans, 10c and 15c



was sent to take charge of the West Side district, continuing in that posiion until Mayor Fellows reduced him to the ranks.

When Chief Robling went out with he Thirteenth regiment in April, 1898, diate members of the family were pre- Mr. Gurrell was made acting chief. It was only at the urgent solicitation of the mayor and chief that he accepted the place. He served as head of the department until Chief Robling's return last month, and made a record

a few remarks of consolation to the that he might well feel proud of. bereft family. At the conclusion of Upon relinquishing the office of actthe service the remains were borne ing chief he was assigned to do duty to the Dunmore cemetery and interred as day sergeant at the Center street in the family plot. The pall-bearers station house, and in connection therewere John R., Thomas S. and Henry with to act as emergency man in the F. Atherton, Jr., sons of the deceased; central city.

Dudley R. Atherton, a nephew, and On the day the new mayor was in William R. Gates, assistant to the deaugurated he was notified that the office he filled was to be done away with, and that he would be compelled to resume regular patrol duty. After giving the matter due consideration. Escaped Crazy Man Murderously he concluded that he would retire rather than take up the onerous night vork again.

George Martin, an insane patient at During all his years of service he the Hillside Home, escaped last evenever lost a single shift from illness ing and attacking a track-walker, and was never subjected to any pennamed Connor, near Clark's Summit, alty for the infraction of a rule of the lepartment.

TWELVE MORE RECRUITS.

Sent from the Recruiting Station on Spruce Street Yesterday.

Having passed the necessary mental PROCEEDINGS ARE DISMISSED. and physical examinations, twelve more en were sent from the recruiting sta-Action of the Senate Committee on tion on Spruce street yesterday to beome "regulars." Seven were sent to At Harrisburg yesterday the gen-Fort Columbus, O., for the infantry, eral judiciary committee of the senate | and the other five went to Fort Meade, South Dakota, for the cavalry.

Those sent for the infantry were John as an inducement to you to let us J. Powell, of Company B. Thirteenth regiment, P. V. I.; Martin Cunningtry, offer you some low prices that ham. Company C, Thirteenth regiment in effect until May 1st-positively P. V. L.; W. J. Schultz, Company H. no longer. We are responsible and Thirteenth regiment, P. V. L. and lacob Yasshan, all of Scranton; James reliable and refer you to any of the McDade, jr., Company A, Ninth regi-ment, P. V. I., and William Freeby, jr., thousands of our patrons in this city and county. -x-member of Battery I. Sixth artillery, U. S. A., both of Wilkes-Barre, and Robert Willis, Sibley Patch.

A GOLD CROWN, 18K. A GOLD CROWN. 22K. good weight, high polish, accurate fit, no brassy taste, never wear out. Exact duplicate in gold of natural For the cavalry were Cornelius Bren nan, ex-member of Battery B, Third tooth. Others charge for such a crown as high as \$10. My price, \$5.00 \$4 00 and. artillery, Wilkes-Barre; Frank Schere, paring our vegetables as- Moosic; William Trotter, Jermyn; Joseph Steiner, Waverly, and Marvin BRIDGE WORK, or teeth without \$2.50

etable in natural condi- The New York, Ontario and Western Railway Company

FULL SET OF TEETH, life-like in appear ance, palent suction, never drop; ever break, restored lost expression, good as nat-ural teeth. When others make you such a set you pay \$12.00. My price, \$8.00 \$7.00 and propose running an excursion from all stations to New York city on Monday, April 10. Round trip tickets will be We offer sweet, choice Corn sold on the basis of a fare and onehalf, and will be good for return passand Peas, N. Y. State, at 10c age up to and including April 15. With the Ontario and Western's excelient train service, and the low rates offered,

it is anticipated that this will be one of the largest excursions ever run. Just at this season the large stores of

other places of amusement offering the best of attractions. If you are looking for a pleasant outing, and appreclate picturesque scenery, fine equip-

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Dental Prices

We are doing the best dental

work for less money than any other

dentist in Scranton. No matter

how low a price you get elsewhere

you get still lower from us. We

want to convince you of this and

speak for themselves. These prices

FULL SET OF TEETH, good and durable, cannot be duplicated elsewhere for \$5.00 less than \$5. My price, \$4.00 and

GOLD FILLINGS, absolutely pure, high pulish, ne er come loose, as low 75c

Plano Bargains

A Fine Upright Grand Piano, el-

There is no one feature egant rosewood case, cost when + which can so distinguish the home or be so productive of so much comfort and enjoyment to the family as

Awnings at the Windows

They have, however, heretofore been made to order only, and required the services of an expert to put up. It has practically been impossible to obtain them in some places . remote from the makers, and everywhere the cost has been so great as to be almost prohibitive.

The Climax Awning

Is not only first-class, it is distinctly "gilt edge." not only possesses all the features of an awning made to vour order, but it improves upon and adds to them. It is

HANDSOME. CONVENIENT, DURABLE. CHEAP.

It can be put up by anybody without tools or experience and guaranteed to fit.

For Sale Only at

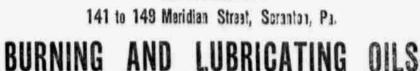
the

225-227 Wyoming Ave. **BELL & SKINNER** ***************** Hotel Jermyn Building.



Manufactured by SHORT & HIGGINS, No. 207 Lackawanna Ave.





PAINT DEPARTMENT .-- Pure White Lead, Colors and Varnishes.

SILVER FILLINGS GOLD ALLOY FILLINGS, good color, best tooth saver. Do not discolor. 500 75c New York will be displaying their Easter goods, and the theaters and OTHER FILLINGS. DR. BARRET

ment and superior service, we have simply to say that you should not miss this opportunity. The date, remember, Is April 10,

