

Summer Clearing Sale At Deep Cut Prices.

Children's Carriages, Push Carts, Express Wagons, Velocipedes, Etc. Wall Papers and Mouldings. Photo Albums, Dressing Cases and other Fancy Stationery. Miscellaneous Books in Sets and Single Vols, to reduce stock and clear out odds and ends of spring stock at prices that will interest buyers.

M. NORTON, 322 Lackawanna Avenue.

There Are Bargains in Cameras In our window. Better look them over.

THE GRIFFIN ART CO., 200 Wyoming Avenue.

Ice Cream. BEST IN TOWN. 25c Per Quart.

LACKAWANNA DAIRY CO Telephone Orders Promptly Delivered 322-327 Adams Avenue.

DR. A. A. LINDABURY. Specialties—Surgery, Diseases of Women Office Hours: 11 to 12 a. m. 2 to 4 p. m. At Residence: 10 to 12 a. m. Office: 210 Connel Building, Residence: 210 South Main Avenue.

Scranton Transfer Co., HUGH J. KEENAN, Manager. Checks Baggage direct from residences to any part of the United States. Office 109 Lacka. Ave. Phone 525

It's the Easiest Thing In the world to launder linen glossy. To launder well without it is an art. Pressure and friction add gloss proportionate to its intensity. We give to our patrons that which they crave. If you don't see what you want ask for it here.

LACKAWANNA LAUNDRY

GUERNSEY BROTHERS.

132 Washington avenue, rooms 7 and 8 Burr building, have, by reducing their expenses to the lowest figure and raising their purchasing power so high by paying spot cash for every article the day it arrives, are in a position to make prices so low and payments so easy that they absolutely have no competition. As a proof of this fact, see the following prices:

- Ithaca Organ, 2 full sets, \$15.00. Bridgeport Organ, 3 full sets, high top, \$15.00. Monson & Hinckley Organ, 2 full sets, high top, \$20.00. Chase Organ, 2 full sets, high top, \$20.00. Worcester Organ, 2 full sets, high top, \$20.00. The above are sold at \$5 down and \$3 per month. The following bargains are at \$10 down and \$5 per month: Chase Organ, 6 octaves, full combination mirror top, \$60.00. Esty Organ, 6 octaves, full combination mirror top, \$55.00. Wilcox & White Organ, 3 full sets, plays automatically, regular price \$200.00; our price, \$100.00. Fischer Piano, square, good order, \$40.00. Arion Piano, square, fine, \$100.00. Sherwood Piano, upright mahogany finish, has been used less than six months, \$145.00. Weber Piano, two years old, perfect order, \$195.00. The above are all second hand and were taken in exchange for higher priced instruments, but every one is thoroughly guaranteed.

We also have some great bargains in new pianos, a few of which will be ready for mention: Schubert, latest and best mahogany case, \$200.00. Schirmer, a beauty, the best they build, \$200.00. These last named pianos, same styles, have in many instances been sold by long-time buying, heavy interest paying dealers as high as \$400 to \$450. Correspondingly low prices are also made on such pianos as Hazlet & Decker. Profit small and payments small are combinations seldom found together, but they certainly go hand in hand with Guernsey Brothers. Every long-time buying, large interest paying, heavy expense contracting, high priced getting dealer has some unkind word to say of Guernsey Brothers. Is not this a good reason why sharp buyers should investigate their methods, goods and prices before buying? Remember the place, "Burr Building." This is where the customer gets the greatest "HAUL" for his money.

Steam Heating and Plumbing. P. F. & M. T. Howley, 231 Wyoming Ave. When dizzy or drowsy, take Beecham's Pills.

BURGLARS ON CLAY AVENUE. They Visited the Home of Bernard D. O'Reilly.

The home of Bernard D. O'Reilly, 234 Clay avenue, was entered by burglars yesterday morning at 3 o'clock and a considerable amount of jewelry and other personal property taken. The burglars effected an entrance by means of a window opening into a small room off the kitchen. They then went upstairs and into the front room, where Mr. O'Reilly was sleeping. They went through his clothes, which were hanging on a chair and secured a gold watch, a silver chain, a fountain pen and a few dollars in change. They also went through the clothes of Edward O'Reilly, a son, and secured a wallet containing \$5 in money and several very valuable papers. They were interrupted in their work by Joseph O'Reilly, another son, who had been attending a social affair and who upon entering the house heard a noise in the kitchen. He thought it was his mother and called to her. She had heard the noise also and was upstairs in the hall. She answered back and forth until she was in the room where the burglars were. She had made their exit.

MORE CONTRACTORS SIGN One Hundred and Twenty-Five Carpenters Are Now at Work. Master Plumbers and Men Have a Conference.

It was given out at the strikers' headquarters yesterday that one member of the Builders' exchange had signed the agreement. It was admitted that he was only a small stone contractor employing somewhere in the neighborhood of a dozen men, but the agreement committee appeared to be exceedingly elated over what they termed "a break in the exchange." Seventeen more small contractors signed the agreement yesterday, making a total of thirty-five on Thursday morning. The estimated number of union men at work in the city now under the new conditions is one hundred and twenty-five. The majority of these are carpenters, but there are a few members of each of the following trades at work: Bricklayers, stone masons and tilters. There are no stone cutters working, because Mr. Carlucci nor any of the other stone contractors employing stone cutters have not yet signed the agreement.

The stone masons held a meeting yesterday morning and received twenty-five new members in their union. They now claim that every stone mason in the city is organized. None of the journeymen plumbers have returned to work as yet, for the reason that none of the master plumbers who have been affiliated with the Builders' exchange have as yet signed the agreement.

The Wood Workers desire to state that the five coffin makers now at work at John Benore's establishment are not "bolters," as has been stated by some, but are exempted by the organization from participating in sympathy strikes. The members of the Builders' exchange are still viewing the situation in their usual calm way. They say that their work is progressing nicely and that they feel no alarm in regard to the strikers' attempt to force them out of business. The plumbers had a conference last night with the master plumbers and expressed their willingness to work for any of their employers who subscribe to the union scale of wages. They will refuse to work on jobs on which non-union men are employed. The Plumbers' union will meet this morning, and it is possible they may decide to ask for an eight-hour day.

THE SOUTH SIDE SEWER. Bright Prospect for the Early Commencement of Work.

There is a bright prospect for the commencement of work on the South Side sewer within a few days. Three papers must first be deposited with the city solicitor and then City Engineer Phillips will direct A. H. Koons & Son, the contractors, to proceed with the work. The papers required are a bond to indemnify the city against loss of any kind, a waiver by the property owners permitting liens to be filed, although the six months allowed for that purpose has expired, and a paper showing that the Lackawanna Iron and Coal company is willing to pay its share of the sewer assessment. These will probably be filed today.

Ladies Want Them. Light, solid, flexible shoes that wear well, hold their shape and color and at a medium price, are something every lady is in search of. We have them and at prices that will truly astonish you. Try us for your next pair. Mahon's Shoe Store, 505 Lackawanna Avenue. Open late Saturday night.

Meat Market. Beef, lamb, pork, hams, Bologna, Frankfurters, lard, etc., sold by John Bone, 125 Washington Avenue. Price building. Come and see me.

FRESH IMPORTATION Havana Cigars

Garbolosa—Regalia Concha. Garbolosa—Camelia Especiales. Garcia—Concha Extra Especiales. Garcia—Concha Fina Extra. Garcia—Regalia Comme Il Faut. Vencedora—Puritanos Finas. Vencedora—Concha Especiales. Vencedora—Selectas. Upman—Puritanos Finas. Upman—Perfectos. Upman—Regalias Chicos. Walter Scott—Deliciosa. Africano—Jazmines. Eden—Puritanos Finas. Eden—Margaritas. Intimidad—Concha Especiales. At Park and Tilford's Prices.

E. G. Coursen 429 Lackawanna Avenue.

DECISION IN FAVOR OF THE CITY

OPINION OF JUDGE GUNSTER IN ANDREW SMITH CASE.

It is to the Effect That Although a Lien for a City Improvement is Not Filed Against a Property an Action in Assumpsit Can Be Brought and the Amount of the Assessment Collected—Decision Is of Great Importance to the City.

In the case stated of the city of Scranton against Andrew Smith, which was argued before Judge F. W. Gunster Monday, an opinion was handed down yesterday which declares that where liens for city improvements are defective the city can bring an action in assumpsit and recover the amount assessed against the property owner.

The case was brought as a test and the decision rendered yesterday by Judge Gunster is of great importance to the city. While work on section B of the Fifth sewer district was in progress it was discovered that liens for the assessment had not been filed against the properties. The time having expired liens could not then be filed and Contractor Vincent O'Hara was directed to stop the work of constructing the sewer, the city having no desire to be compelled to make good the share of the cost of construction assessed against her by the viewers.

To overcome the difficulty an effort was made to get the property owners to waive the expiration of the time for filing liens but some of them refused to do so. City Solicitor Vosburg thought the property owners could be sued in the usual manner prescribed for collecting debts and Andrew Smith, one of the property owners in the affected district, allowed the use of his name for the purpose of making a test case. The facts in the case were undisputed and were embodied in the form of a case stated which was argued before Judge Gunster Monday. His opinion filed yesterday is as follows:

JUDGE GUNSTER'S OPINION. This is an action of assumpsit brought by the city of Scranton against Andrew Smith to recover the amount of a sewer assessment. The facts in the case have been agreed upon in a case stated in the nature of a special verdict for the opinion of the court, and are as follows: An ordinance of the city of Scranton was passed and approved by the mayor, providing for the construction of a certain sewer system in said city upon Throop street and other streets in said city. The defendant was at the time and at the present time is the owner of a lot abutting upon Throop street.

In conformity with the provisions of the said ordinance, and according to law governing such cases, a contract for the construction of said sewer was regularly and legally made between the city of Scranton and V. H. O'Hara, dated May 6, 1899. By virtue of said contract work on said sewer has been commenced by said V. H. O'Hara. Viewers were appointed by the common pleas court of Lackawanna county on No. 714 March term, 1898, which said viewers made an assessment of the cost of constructing said sewer, and reported to said court, which was finally approved by said court on November 7, 1898. The defendant in the case was duly assessed by said viewers the sum of \$30.00, but on 18th of the month of June, 1899, the defendant was filed on behalf of the city of Scranton a writ of assumpsit against said defendant. It is agreed that if the court be of the opinion that the plaintiff is entitled to recover this assessment by an action of assumpsit, the judgment to be entered in favor of the plaintiff in the sum of \$30.00, but if not, then judgment is to be entered for the defendant.

DEFENDANT'S CONTENTION. NATURE OF ACT.

It is contended for the defendant that the act of assembly which authorized the assessment, provided for filing a claim, and a lien and providing thereon, and that this remedy is exclusive, and that no personal judgment can be recovered against the defendant; while on the part of the plaintiff it is contended that the act provides for an action at law to recover a general judgment against the owner as well as a lien, and that the remedy provided for is not exclusive, and that although no right to recover a general judgment was expressly given, it would exist at common law. There is no doubt but that authority for this latter position. Thus in New Haven vs. Railroad Company, 35 Conn., 423, the act there under consideration provided that the assessment should be a lien upon the property benefited. It was held that the right and power to assess were in no way dependent upon a lien, and that the lien was intended merely as a security for the assessment. It was held that an action of debt would lie to recover such assessment.

So also in the case of the city of Dubuque vs. Illinois Central Railroad Company, 29 Iowa 56, it was held that an action at law may be maintained for the recovery of taxes, although the legislature has provided for a special remedy therefor. And in Dillon in his work on municipal corporations lays down the rule as follows: "When the government levies the tax is plainly given the right to collect by suit should not be taken to be impliedly denied unless the intention of the legislature is clearly shown. The prescribed should be the only mode appears with reasonable certainty. If the special remedy is full and adequate, such an intention on the part of the lawmakers can be more readily deduced than under other circumstances." Dillon on municipal corporations, sec. 653.

STATE ACT THAT APPLIES.

But we must not be misled by those authorities, for questions of this kind may be controlled by our own Act of 1887, which provides that where a remedy is provided, or duty enjoined, or anything directed to be done by any act, or acts of assembly of this commonwealth, the directions of the act shall be directly pursued, and no penalty shall be inflicted or anything done agreeably to the provisions of the common law in such cases, further than that be necessary for carrying such act or acts into effect. In the present case the lien of the assessment and the right to file a claim therefor against the property are admittedly gone. But while this is, it does not follow that the debt created by the assessment is gone, too. The debt still exists and can be recovered if there be a remedy. City of Philadelphia vs. Cook, 20 Pennsylvania 56. It is necessary therefore to inquire what remedy is given by the act under which the assessment was made. Section 22 of Article 15 of the Act of May 23, 1889, P. L. 277, entitled "An act providing for the incorporation and government of cities of the third class," is as follows: "Recovery may be held on claims for city taxes, lighting rates, sewer-

age taxes, piping, paving, re-paving, curbing or re-curbing, sidewalks, grading, macadamizing, or paving any public street, lane or alley, or part thereof, or for assessments for damages, or benefits, and contributions lawfully imposed for the opening or vacation thereof, or the changing of water courses and of other matters that may be subject of claim, registered in pursuance of this act and the laws and ordinances of said cities in the court of common pleas of the city personally, or before any magistrate having jurisdiction of the amount, by an action at law to recover a general judgment against the owners of the property upon which assessments were made, or proceedings thereon may be had by scire facias similar to proceedings in a case of mechanic's lien," etc.

TWO REMEDIES.

It will be seen that this enactment gives the lien remedy, and the assumpsit remedy. That recovery may be had for said claims in the court of common pleas of the city, or before any magistrate having jurisdiction of the amount, by an action at law to recover a general judgment against the owners of the property upon which assessments were made, or proceedings thereon may be had by scire facias similar to proceedings in a case of mechanic's lien."

The power of the legislature to make the lien of the city the primary remedy for such assessments as well as making the property liable therefor can no longer be questioned. This point was raised in the matter of vacation of Center street in Philadelphia. Mr. Justice Sterrett in delivering the opinion of the Supreme court in that case, said: "While it is perhaps true that such assessments are generally against the property benefited, and not against the owner thereof personally, the fact that the legislature has authorized them to be made against the owner as in this case cannot affect the constitutionality of the law. The object in either case is to provide for a mode of collecting the assessment, and that is wholly in the discretion of the legislature. Desty on Taxation, 286, assessment against the property itself is only in the nature of a lien against the owner, and thus relieve his property from the charge of lien against it. In some cases a lien may be found, and perhaps conclusions also to the effect that assessments of such nature cannot be made or enforced against the property benefited, but the principle is unassailable. As already marked, the remedy for such assessments or taxes, as well as every other species of tax, is a matter of legislative discretion." In re vacation of Center street, 115 Penna. 247.

ACT HE RELIES ON.

But counsel for the defendant relies on the Act of June 4, 1897, P. L. 116, the title of which is as follows: "When the court has made its final decree confirming the said report, or fixing the amount of assessment in each case, the collector of such assessments shall, if properly filed as a municipal lien, or sued within six months, be a lien upon the property assessed, and shall be due and payable to the treasurer of the proper city, borough, township, or other municipal division within thirty days from date of said decree, and the court of the proper court of such decree shall deliver to said treasurer a certified copy of the decree and report. Said assessment shall bear interest beginning at the date of such decree of thirty days from date of said decree. If not paid within thirty days, the said treasurer shall deliver the same to the city solicitor or the attorney of the borough, township or other municipal division, who shall proceed to collect the same by action of assumpsit, or to secure the same by filing a lien upon the property assessed, and reported to said court, which was finally approved by said court on November 7, 1898. The defendant in the case was duly assessed by said viewers the sum of \$30.00, but on 18th of the month of June, 1899, the defendant was filed on behalf of the city of Scranton a writ of assumpsit against said defendant. It is agreed that if the court be of the opinion that the plaintiff is entitled to recover this assessment by an action of assumpsit, the judgment to be entered in favor of the plaintiff in the sum of \$30.00, but if not, then judgment is to be entered for the defendant.

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TO RESUME WORK.

Contractor O'Hara will at once resume work on section B of the Fifth sewer district. City Solicitor Vosburg has prepared a paper and by attaching their signatures to it the property owners of Section C of the Fifth sewer district waive their objections to the filing of the sewer liens at this time. All who desire to do so can call at the city solicitor's office and sign it. Those who do not avail themselves of this privilege within a reasonable length of time will have actions in assumpsit brought against them which will entail costs of from \$4 to \$5 in each case. These costs will have to be borne by the property owners against whom suits are brought. Smoke the Pecono Co. Cigar. Mrs. Winslow's Soothing Syrup. Has been used for over FIFTY YEARS by MILLIONS OF MOTHERS for their CHILDREN WHILE SUFFERING WITH PERFECT SUCCESS. IT SOOTHES THE CHILD, SOFTENS THE GUMS, ALLAYS INFLAMMATION, AND BRINGS THE CHILD TO THE BEST REMEDY FOR DIARRHOEA. Sold by Druggists in every part of the world. Be sure and ask for "Mrs. Winslow's Soothing Syrup," and take no other kind. Twenty-five cents a bottle.

WHITE OAK BREAKER DESTROYED BY FIRE

LOCOMOTIVE SPARK SUPPOSED TO BE THE CAUSE.

Flames Spread with Lightning Like Rapidity Through the Big Structure—Archbold Fire Companies Could Do Nothing to Save the Breaker and Boiler House from Destruction But Did Splendid Work in Saving Adjoining Property—Loss Upwards of \$60,000.

The White Oak breaker at Archbold, which was owned and operated by the Delaware and Hudson company, was entirely destroyed by fire last night. It is supposed that a spark from a locomotive on the Delaware and Hudson railroad, which runs close to the breaker, was the cause of the fire. Flames were first discovered in the new annex to the breaker about 8.45 o'clock and spread with lightning-like rapidity. In a few minutes it was apparent that the building was doomed to destruction.

The Archbold fire companies were quickly on the scene and did magnificent work in saving adjoining property. The breaker and boiler house were entirely destroyed, but the weigh office, powder house and the shops about the breaker were saved. There were dwellings within fifty feet of the breaker and these, too, were saved from injury through the efforts of the fire-fighting force.

BUILT YEARS AGO.

The original White Oak breaker was built forty years ago, but has been overhauled several times and within a year was enlarged and remodeled and made one of the best breakers in the valley. It was valued at not less than \$60,000. The breaker occupied a position on the east side of Archbold, not far from the Delaware and Hudson station, and furnished employment to over 500 men and boys.

It was shut down for upwards of a week for repairs and had only resumed operations yesterday morning. Delaware and Hudson officials could not say last night whether or not the breaker will be rebuilt. The coal that supplied the breaker was taken from a drift in the hillside nearby. At Archbold the impression prevails that the breaker will not be rebuilt on the old site but will be located somewhere in the borough.

ASSISTANCE ASKED.

In the early career of the fire it was feared that the flames would communicate with nearby buildings and assistance was asked from the fire companies of Jermy. The Crystal and Artesian companies of that place promptly responded. The borough building, St. Thomas Catholic church and many of the best buildings of the borough were within a short distance of the breaker which was destroyed but all escaped without injury.

Epworth League National Convention Indianapolis, Indiana.

For this occasion the Lehigh Valley railroad will sell tickets to Indianapolis and return at one fare for the round trip. Tickets will be sold good for all trains (except the Black Diamond express) July 18th and 19th, limited for return passage to July 24th. By deposit of ticket with joint agent at Indianapolis not later than July 24th and payment of fee of 50 cents, return limit will be extended to leave Indianapolis to August 20th inclusive. For particulars, consult Lehigh Valley ticket agents.

We Are Closing Out.

Fifty pairs Men's Tan Oxford at \$2.00 a pair. Call and see them. Mahon's Shoe Store, 505 Lackawanna Avenue. Open late Saturday night.

A Japanese Fan given to every purchaser today in addition to the prize at the Grand Union Tea Co., 311 Lackawanna Avenue.

PLAY SHOES For Misses and Children

Which are good values, but we have small lots and will close them out at such prices which you must come quick to get them. Sale opens today

- Misses' Russet, button, spring heel, value \$1.50. Now... 98c. Children's Russet, button and lace, value \$1.25. Now... 89c. Children's Spring Heel, sizes 5 to 10 1/2, value \$1.00, tan and brown color. Now... 69c. One lot of Boys' and Youths' Russia Calf, Vici Kid and all Calf Skin, sold formerly for \$1.50 and \$2. Good sizes to be had. Now 98c.

SCHANK & SPENCER 410 Spruce Street.

RIDE The Scranton Bicycle

BEST MADE. Bittenbender & Co. Manufacturers.

EDITORS ENTERED BAIL.

Little and O'Toole Will Take Their Cases to Court.

Editor Richard Little and Associate Editor M. J. O'Toole of the Scrantonian, waived a hearing yesterday before Alderman Kellow, of the Fourteenth ward, and entered bail for their appearance at court.

The proceedings were instituted on the charge of criminal libel preferred by Alderman John P. Kelly and Constable Elliman, of the Eighteenth ward.

"During the hot weather last summer I had a severe attack of cholera morbus, necessitating my leaving my business," says Mr. C. A. Hare, of Hare Bros., Pincastle, Ohio. "After taking two or three doses of Chamberlain's Colic, Cholera and Diarrhoea Remedy I was completely relieved and in a few hours was able to resume my work in the store. I sincerely recommend it to any one afflicted with stomach or bowel trouble." For sale by all druggists. Matthew Bros., wholesale and retail agents.

Finest wines and cigars at Lane's, 220 Spruce street. Smoke the Popular Punch Cigar, 10c.

GREAT Clothing Bargains For Saturday and Monday.

25 Suits of Men's Fine Clothing, consisting of Blue Serge and Light Mixtures. They are actually worth \$12 per suit. The goods are strictly all wool and guaranteed color. Bargain Price... \$7.98

50 Suits of Boys' Clothing in light and dark Cassimere Mixtures. These Suits are all wool and beautifully lined and trimmed. Any Suit in this lot is worth from \$7 to \$9 per suit. Bargain Price... \$5.00

100 Suits of Children's Fine Regular Clothing. These Suits are of good make and trimmings, and you will find no better at \$2.50 elsewhere. Bargain Price... \$1.49

Clarke Bros Our Victor Bicycles

Are nearly all gone, but we expect another consignment soon to sell at

\$28 Cash.

J. D. WILLIAMS & BRO 314-316-318 Lacka. Ave. SCRANTON, PA.

Great Value

- Ladies' Silver Watches, \$3.50. Boys' Fine Watches, \$2.75. Gold Filled Waist Sets, 50 cents. Solid Gold Baby Rings, 50 cents. Solid Gold Misses' Rings, \$1.00. Fine Belt Buckles, 50 cents. Solid Gold Spectacles, \$3.50. Solid Silver Thimbles, 25 cents. Fine Silver Tea Sets, \$3.50. Roger Bros' Teaspoons, 50 cents. Roger Bros' Sugar Shells, 37 cents. Alarm Clocks, warranted, 69 cents.

DAVIDOW BROS., JEWELERS 227 Lackawanna Ave.

SOLID COMFORT. Everything for the Summer Man's Comfort is found in our stock of MEN'S FURNISHINGS.

BELL & SKINNER, Hotel Jermya Building.



The Celebration of the Fourth is often attended by some minor accident which calls for the use of LINIMENTS, SALVES, PLASTERS, ETC. They are here, amongst a large stock of DRUGS AND MEDICINES of which an adequate supply can be obtained at small cost. Our line of Toilet Articles, Perfumery, etc., contains many things needful for personal decoration on Independence Day.

MATTHEWS BROS., 320 Lackawanna Avenue.

Fishing Tackle The Best Assortment The Lowest Prices

FELTON'S Removed to 119 Penn Ave.

Hand & Payne Straw Hats

Knox \$3.00 and \$4. Other well known makes at \$1.00, \$1.50 and \$2.00. Best for the money.

HAND & PAYNE, "ON THE SQUARE," 203 Washington Ave.

PIERCE'S MARKET All New and Modern Fixtures.

Perfect sanitary plumbing. Goods not exposed to dust and dirt from the street. Everything a market should have you can find here. Competent salesmen. Prompt service.

110-112-114 PENN AVENUE.



You May Not Know It

but we're selling a great number of STRAW HATS. Now that you do not know it, you'll naturally ask the reason for this. The price is one reason. The other reasons are seen upon inspection.

CONRAD, Hatter 305 Lackawanna Avenue.

The Mid-Season Carnival

The principal topic for conversation among our conservative housekeepers, and it is not to be wondered at, for the marvelous reductions in price of Baby Carriages, Go-Carts, Porch and Lawn Goods, and everything conceivable for the comfort of home during the hot days, would convince the most skeptical of the wonderful bargains offered. This entire newspaper could not do justice to our immense stock therefore we solicit your early inspection and visit to our Summer Carnival of Low Prices at the large warehouses of

the ECONOMY 221-223-225-227 Wyoming Ave