

It's a Waste of Time To try to tell you in this space what

THE ANGELUS

is. Call at our store and hear this wonderful instrument played. Anyone can play the best music ever written, the latest two-step or popular song at sight.

Perry Brothers

205 Wyoming Ave.

AMATEUR PHOTOGRAPHY

Depends largely upon the supplies. The right kind at

KEMP'S

DR. H. B. WARE, SPECIALIST.

Eye, Ear, Nose and Throat

Office Hours—9 a. m. to 12:30 p. m.; 2 to 4. Williams Building, Opp. Postoffice.

CITY NOTES

BANKRUPTCY HEARING.—Tomorrow Referee C. A. Van Wormer will conduct hearings in the Julius Traugott and Simon Kalaninski bankruptcy cases.

CHECK FROM MRS. POWELL.—The Home for the Friendless acknowledges with gratitude a check for \$25 from Mrs. R. Q. Powell.

THIRD ANNUAL PICNIC.—The third annual picnic for the benefit of the Montrose Hotel school will be held today at Laurel Hill Park. It is a worthy charity.

YOUTHFUL THIEVES.—George Seely, aged 12, and Martin Zupski, aged 9, were committed to the county jail yesterday for larceny by Squire George Smith, of Bieleky.

BOOK FOUND.—A Schiller Building and Loan association book was found in the vicinity of city hall yesterday. The book is now at the city controller's office, where owner can have same by paying penalty.

DISORDERLY HOUSE RAIDED.—A disorderly house at 142 Penn avenue was raided last night about 12 o'clock by Chief Fleming and several officers. Four women and three men were arrested. They were all of sabbie hue with the exception of one of the men.

PICNIC AT DENMORE.—The Italia society held their annual picnic at Harmony garden, Dunmore, yesterday afternoon and evening. The Italia band furnished the music and a large number of prominent Italians from all over the county were in attendance. President J. A. Cusness was in charge of the affair.

NEW DOCTORS.—The following from this city and vicinity were among the 25 out of 28 applicants who were granted state certificates in the regular method: Dr. J. P. Stanton, L. H. Raymond, J. J. Sullivan, J. W. Lacey, T. C. Jones and W. B. Davies, of Scranton; P. J. Risbon and Thomas Monie, of Archbald; A. D. Cutler, of Moscow; W. A. Peck, of Beckville; W. G. Higgins, of Carlisle.

YOUNG CHILD POISONED.

The Two-Year Old Son of Patrick Breen Drinks from a Bottle of Eye Wash.

The oft repeated mistake of placing poisonous fluids within the reach of children was unfortunately made at the home of Patrick Breen, of Pittston avenue, yesterday, resulting in the death of his bright son, Joseph, aged two years.

The mother of the child has been suffering from eye trouble for some time, and during the day she made several applications of atonia to her eyes.

About supper hour last night she used the wash and thoughtlessly laid it down, Joseph seeing the bottle, climbed to it and drank nearly a dram of the fluid. He was instantly seized with severe pain and was unable to speak.

He pointed to the bottle and the horrified mother dispatched a messenger for Dr. John Walsh whose office is close at hand. For an hour the doctor worked on the little fellow and applied a stomach pump. Dr. Walsh gave up all hopes of saving his patient's life and was astonished that he lived an hour. He died at 11 o'clock.

AN OPEN AIR CONCERT.

Given Tonight at the Residence of Hon. and Mrs. William Connell.

Bauer's band will give the following programme tonight at an open air concert at the residence of Hon. and Mrs. William Connell:

March, Paris Exposition (new).....Taylor

Overture, Maximilian (new).....Archer

Selection from Runaway Girl.....Caryl

The Chicken Brigade (by request).....Johnson

"Cambria" Selection of Welsh Melody.....Bonnissant

Romance, Queen of Love.....Rattala

Selection from the Serenade.....Herbert

March, Rival Rovers (new).....Alexander

Star Spangled Banner.....

Finest wines and cigars at Lane's, 250 Spruce street.

A Card. We, the undersigned, do hereby agree to refund the money paid for any bottle of Green's Warranted Syrup of Tar if it fails to cure your cough or cold. We also guarantee a 25-cent bottle to prove satisfactory or money refunded. G. H. B. & Co., Dunmore, Pa.; John P. Donahue, Scranton, Pa.

FRANCHISE FOR A TROLLEY ROAD

DIFFICULTIES THAT HAVE TO BE CONTESTED WITH.

Set Forth in the Testimony Taken Yesterday in the Injunction Case Against the Pittston and Scranton Railway Company—Majority of the Borough Council Held a Meeting to Consider Matters—Interesting Testimony of P. F. Coyne, the Star Witness of the Day.

P. F. Coyne, a member of the borough council of Old Forge, is not a cheap man if his own words are to be believed. The man who insults him by offering a bribe of \$100 and a street car pass makes a mistake.

That was the understanding yesterday at the hearing in the injunction proceedings against the Pittston and Scranton Street Railway company before Judge F. W. Gunster. He made a brave showing when his examination in chief was on, but after he was turned over to Major Everett Warren for cross-examination Coyne's reputation as a high-minded citizen who had an eye single to the interest of the people of the borough was badly tarnished. Here is a sample of what was dragged out of Coyne on cross-examination:

"The understanding was that first we would get what the people wanted, and then if they (the street railway people) wanted to pay our expenses they would have to pay more than \$100. That was the understanding, I said \$100 wasn't enough to pay any man's (election) expenses and as long as they were willing to pay they ought to give enough. Jermyn asked me what we would be satisfied with and I told him we would be satisfied with \$50, \$100 or \$150."

HISTORY OF CASE. To get an understanding of this case it is necessary to thrust over some ancient history. About the time the Taylor line, operated by the Scranton Railway company, was extended to Richman it was the intention to run the road as far as the Luzerne county line where it would connect with the Duryea line of the Wyoming Valley Traction company.

The legislature some time before this had passed an act which made it necessary for a trolley company in passing along the highways in townships to secure the consent of every person whose property abutted on the line of the road. This law was invoked by property owners of Old Forge township who objected to the trolley road and the road was not built.

At length the demand for the accommodations a trolley road would give became so great that it was decided to ask the court for a borough form of government, under which the borough council, if it saw fit, could grant a franchise for the construction of the road, the township law not applying to boroughs. This would overcome the obstacles put in the way of the improvement by property owners under the township law. The borough was created by the council early in the spring of this year and officers were chosen.

The borough movement was strongly opposed and after the favorable action of the court on the petition an appeal was taken to the superior court which appeal is now pending. The borough council organized immediately after the special election called to select borough officers and one of the first measures presented to it was an ordinance granting the Pittston and Scranton Railway company permission to lay its tracks on certain streets in the borough. This ordinance was killed because of certain objectionable features it contained and a second ordinance was drafted which modified the objections.

VEOTED BY BURGESS. This ordinance passed the borough council but was vetoed by the burgess, Andrew Kennedy, for the reason that it did not properly safeguard the interest of the people of the borough. The council promptly passed the ordinance over the burgess's veto and the law was enacted.

Work on the construction of the track began last week and the following property owners of Old Forge thereupon asked for an injunction to restrain the work, holding that the ordinance is illegal and that its passage was in violation of the township law. On the petition of these men an injunction was issued and the work of construction was stopped last Wednesday by the sheriff. The injunction proceedings came up yesterday for a hearing before Judge Gunster in the main court room. Attorneys H. M. Hannab, of this city, and McWilliam, of Bradford county, appeared for the property owners and Major Everett Warren for the defendant company. The Scranton Railway company is actively interested in the matter because it will operate the road.

The first witness examined was P. F. Coyne, an Old Forge merchant, and also a member of the borough council. He said his attention was called to the first ordinance by Thomas Stever, another member of council. Witness voted against both ordinances. Prior to the passage of the first ordinance he had a conversation with P. W. Gallagher, claim agent of the Scranton Railway company. About their first meeting which occurred at the residence of Rev. J. F. Jordan at Old Forge, Coyne said:

"He gave me a book, a pass to ride on the street car free, and he told me he would pay me and each and every one of the councilmen \$100 for election expenses when that ordinance would be passed. The second conversation was at my store and Gallagher said he would stand by what he said at our first meeting. I did not see him after that."

When Coyne was turned over to Major Warren for cross-examination he was asked about a meeting in the Rockaway hotel at Old Forge which was attended by Coyne, William Monroe, Robert Staff and Patrick Gallagher, who constituted a majority of the borough council. For a long time it was hard to bring any admissions from him, but he finally admitted that the four councilmen had talked with Ed Jermyn at the hotel about demanding money.

"The understanding was," Coyne then went on to state, "that first we would get what the people wanted (in the way of an ordinance) and then if they (the street railway people) wanted to pay our expenses they would have to pay more than \$100. That was the understanding. I said \$100 wasn't enough to pay any man's (election) expenses and as long as they were willing to pay they ought to give enough. Jermyn asked me what we would be satisfied with and I told him we would be satisfied with \$50, \$100 or \$150."

THEY HAVE BEEN RECEIVED FROM SUPREME COURT. One Is in the Case of Williams Against Moore and the Other in the Action of Gunster, Assignee, Against Jessup and Others—Both of the Opinions Were Written by Justice Green—Other Court Matters—Michael Walters Asks for a Divorce.

The opinions in two Lackawanna cases recently decided by the supreme court were handed down yesterday by John Copeland yesterday. Both of the opinions were written by Justice Green. In the case of William W. Watkins, now assigned to Edward J. Williams, etc., against Emily J. Moore, administratrix, etc., appellant, the opinion is in part as follows:

"It must be conceded that the plaintiff's cause of action as set forth in his statement is of an exceedingly misty, vague and uncertain character, hard to understand and difficult to reconcile with the facts averred for it stated in the first clause of the statement it is said that the plaintiff claims of the defendant \$3,000 with interest from Jan. 15, 1885, and that it appears from the facts that the plaintiff, William Moore, was the owner of a tract of supposed coal land in Lackawanna county, containing 122 acres and 72 perches and that he made a written agreement or option with Williams, Watkins and Edward J. Williams, (plaintiff) to sell them the said land at some time thereafter, and after that had been given an opportunity to test the land for coal, but that he cannot describe the option because of the loss of the paper.

OPTION WAS EXTENDED. "He then adds that the option was verbally extended to May, 1890, and that before that time during the life of the option, said Watkins and Williams had expended \$6,000 in testing the land for coal, of which \$3,000 was a total loss, and he further says they continued such expenditure upon the promise of Moore to reimburse them afterwards, when the amount should be ascertained, and that it was afterwards ascertained to be \$3,000.

Lally Injunction Case. There was a hearing before Judge H. M. Edwards yesterday afternoon in the case of Mary Lally to restrain her father, John Lally, from interfering with the tenants of her mother's estate in Bellevue. On March 23, 1892, Mrs. Lally, mother of the plaintiff, died. She named her daughter Mary as executrix of her estate. Her husband was the husband to have a life interest in the estate, the daughter to have charge of collecting the rents and the management of the estate.

The object of the injunction is to stop him from interfering now with her in the care of the property. She alleges he wants to collect the rent, and that he does not use it carefully. Under the law he is entitled to a life tenancy of his wife's real estate after her death, but the question in the case is, Did he waive his rights in that respect and allow his daughter to carry out the provisions of the will? Attorney John F. Murphy appeared for the plaintiff and Senator J. C. Vaughan for the defendant. Judge Edwards took the papers.

Eighth Ward Contest. There was another hearing in the Eighth ward election contest yesterday, when the following witnesses were examined before Commissioner E. W. Thayer: Thomas O'Brien, Charles W. Jones, John Capone, S. V. Hall and M. E. Rowley.

WHAT MOORE PROMISED. "The next clause of the statement avers that in the spring of the year 1882, after the final deed was made to the parties to whom Fellows sold the land, Moore promised Watkins and Williams to pay them \$3,000 in consideration of the testing for coal which was done by them as one of the causes of the sale by Moore for many thousands of dollars more than he would have received had it not been for the expenditures and that another cause was a fraud practiced by Moore by inducing an employee to introduce a ton of coal core from another tract of land into the core barrel of the drilling machine. What relevancy this fact had, or could have to the plaintiff's cause of action cannot be known or imagined from anything contained in the statement.

Unfaithfulness Is Charged. Michael Walter yesterday through Attorney H. A. Zimmerman brought a bill to secure a divorce from his wife, Christianna Walter, to whom he was married Sept. 12, 1888.

They Entered Bail. Before Judge Edwards yesterday Andrew Sucha, who is charged with assault and battery, entered bail in the sum of \$200. George Bochok is his bondsman.

Yesterday's Marriage Licenses. George Boskopic.....Scranton. Joseph Chlanski.....Scranton. Joseph Noszalski.....Minoaka. Lucyza Polzaguska.....Minoaka. Mozart T. Lewis.....Plymouth. Mary Jane Hadley.....Mayfield. Arthur Hall.....Priceburg. Bridget Grady.....Glynnhalt.

HICKEY CLAIM PIGEON-HOLED. He Will Now Have to Sue in Court to Collect. The auditing committee of council last night received City Solicitor Vosburg's opinion deciding against the claim of ex-Chief P. J. Hickey for \$120, for the five weeks' detention between the date of his dismissal and the date of the confirmation of his successor, and after a brief debate decided to take the claim indefinitely.

NOT ABSOLUTE PROMISE. "It is not claimed that this was an absolute promise by Williams and Watkins, but only a conditional promise to pay it, if and when he received that particular mortgage money. It was not the previous loss sustained in 1889, and before 1889 that was the consideration for the \$3,000 of the mortgage money in 1885 that constituted the basis and therefore the consideration of Moore's promise to pay the \$3,000 claimed by the plaintiff. But that money belonged in its entirety to Moore and Watkins and Williams with the others owed it.

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OPINIONS IN TWO IMPORTANT CASES

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the plaintiff's claim to have the \$3,000 paid by Moore is the fact that Watkins and Williams sustained a loss of \$5,000 by their boring and testing operations. Without these there is the least ground to sustain their claim.

"If that fact did not exist they certainly had no right in law or morals to recover the money claimed. If then it was true that they never furnished the money expended for testing purposes, but Fellows furnished it all, they sustained no loss and there was no kind of consideration for the alleged promise of Moore. \* \* \* What the court said as to the incompetency of Moore to sue for the money is not entirely clear that the cause should have been withdrawn from the jury with a binding instruction for the defendant.

THE JESSUP CASE. The other opinion was in the case of Joseph H. Gunster, assignee, appellant, against George A. Jessup and others. Among other things the opinion says: "While it appears that there was any specific appropriation of any particular payments made by the bondsmen, it did appear very clearly that the payments they did make were largely in excess of the whole penalty of the bond and the payment being actually applied to the satisfaction of George A. Jessup's indebtedness to the bank we think the learned court below was entirely right in submitting the question whether the bond had been paid or not to the jury for their decision.

"It is not necessary to review the testimony in detail or to dwell upon the various aspects. It certainly did raise the question of actual payment of the whole amount which could in any event be claimed under the bond, and the jury has decided that question in favor of the defendants. This verdict was satisfactory to the learned judge who tried the case and it is satisfactory to us. The case was twice tried and the first verdict being against the defendants was set aside by Judge McPherson, who presided at the trial, because he regarded it as against the weight of the evidence.

"After a careful examination of the testimony we are of opinion that the verdict on the last trial was just and proper. We do not think that there is any error on the part of the court in the matters covered by the several assignments and they are therefore dismissed. Judgment affirmed."

FITZSIMMONS CHOSEN.

Selected for the Honor of Making the Formal Speech of Notification at Williamsport to the Democratic State Candidates.

John S. Billing, of Erie, chairman of the Democratic state convention, has notified Colonel F. J. Fitzsimmons that he has been selected to make the speech formally notifying the candidates selected by the last Democratic state convention of their nomination. The candidates are: Judge Stephen Leslie Mestrezat, of Fayette county; Judge of the supreme court, Charles J. Jolly, of Lycoming county; Judge of the superior court, William T. Creasey, of Columbia county, for state treasurer.

The formal notification will take place at Williamsport at 2 o'clock on the afternoon of Aug. 3 and the committee of notification will consist of one member from each senatorial district in the state. Colonel Fitzsimmons was selected for the honor of making the formal speech of notification because of his reputation as a prominent figure throughout the length and breadth of the state.

OFFICERS OF TRADES' COUNCIL.

Were Chosen at a Meeting Held Last Night. The Building Trades' council met last evening in Carpenters' hall and elected officers for the ensuing year. Those chosen were: President, John Devaney; vice-president, William Cutler; recording and corresponding secretary, George D. Osman; financial secretary, Stewart Hutchinson; treasurer, William Eckman; and John Wardell, J. M. Knowlton and Frank Bruck; sergeant-at-arms, Michael Laughton.

BLACK DIAMOND STRUCK THEM. Boy Ground to Pieces and Mother Seriously Injured. Mrs. M. Gilron and sixteen-year-old son, of Mt. Zion, Pa., were run down by the east bound Black Diamond car on the Lehigh Valley road at 2:15 o'clock yesterday afternoon at Raton, the boy being ground to pieces and the mother injured so seriously that it is feared she will not recover.

They were alighting from the up-bound local train at Raton, when they were crossing the tracks to reach the station platform when the express bore down on them.

FITZSIMMONS-JEFFRIES FIGHT. Will Be Reproduced at the Lyceum Theater. At the Lyceum theater on Thursday, Friday, and Saturday evenings of this week the Fitzsimmons and Jeffries fight can be seen in moving pictures.

Lost, Strayed or Stolen. Black horse, with bald face, weighing 1,250 pounds. Liberal reward for return to Culek's livery. Smoke the Hotel Jermyn Cigar, 10c.

Glassware

We carry a large line of inexpensive Glassware that has merit. Perfectly plain crystal. Not the common, dull clouded kind, which looks as though it were dirty and breaks if you wash it.

China Hall. Millar & Peck, 134 Wyoming Ave. "Walk in and look around."

CONTRACTORS ARRESTED.

Fined \$50 Apiece for Failing to Take Out Building Permits—Claimed No One Else Was Doing It.

Contractors H. R. Hurlbutt and M. E. Worden were fined \$50 each yesterday by Mayor Moir for failing to take out a permit before beginning the construction of a building. They were arrested yesterday by Mounted Officer Joseph Block on warrants sworn out by Building Inspector Jackson and given a hearing before the mayor in police court at 4 o'clock.

Both paid the fines, but not without a vigorous kick. Their defense was that other contractors are not observing the law and that they did not propose to pay the fees when no one else was doing it. Building Inspector Jackson says that he made a tour of the city and found that there were twenty-three buildings in course of construction only one was warranted by a permit from his work. He ordered work suspended in every instance until he approves the plans and a permit was taken out.

FUNERAL OF MRS. MOORE.

Held From Her Late Residence on Electric Avenue. The funeral of Mrs. Mary Moore, widow of the late Thomas Moore, was held from the family residence on Electric avenue yesterday afternoon at 3 o'clock. A very large number of friends gathered to express by their presence the honor and affection in which she was held by the community.

The services were conducted by Rev. R. F. Y. Pierce, pastor of Penn Avenue Baptist church, assisted by Rev. Dr. A. A. Marple, of Norris town. Father of Mr. W. H. Marple, whose wife is Mrs. Moore's only daughter. Mr. Pierce read many comforting passages of Scripture and followed with a brief discourse based upon the thought, "He Giveth His Beloved Sleep," and relating particularly to the life of a Christian woman as exemplified by Mrs. Moore in her blessed earth journey. He spoke of her tender charity and of the care for the suffering, the distressed and the poor in which she held the memory of the founding of the Home for the Friendless. Rev. Dr. Marple offered prayer, and a quartette from the Penn Avenue Baptist church, directed by Professor Haydn Evans, sang "The Christian's Good Night" and "We Shall Meet Beyond the River," favorite hymns of the deceased.

Funeral Director Price provided the carriers. The honorary pall-bearers were Nathan Hallett, Dr. N. Y. Leet, William Stuedeman and J. P. Filtmore. A touching incident which appealed to those who followed their friend to her flower hidden grave in Forest Hill, was the silent line of children from the Home for the Friendless who as the cortege passed, stood at the roadside near the cemetery entrance with heads uncovered in honor of the noble friend who had ever been so generous to this institution.

Among those in attendance from out of town were: Mrs. Warren G. Partridge, of Cincinnati; Mr. and Mrs. T. Gains, of New York; Mr. H. Marple, of Brooklyn, N. Y.; Rev. Dr. A. A. Marple and Miss Marple, of Norris town, Pa.; Mrs. M. R. Cone, of River ton, Va.

TO MAKE MONTHLY REPORTS.

Controller Bent on Preventing a Repetition of Bailey Dispute. City Controller Howell has given notice to all the heads of departments of the municipal government who collect fines or fees that they are required under the law to make monthly returns to the treasurer and that he proposes to see that the law is enforced.

His purpose in being insistent on this is to prevent a repetition of the dispute now existing between the city and ex-Mayor Bailey as to the amount owing from police fines. The controller's audit fixes it at \$14,800, but the ex-mayor contends that it is only \$600. The accounts are in such a condition that it is a question which way a court and jury would decide.

JUNKMAN FETZ IS ARRESTED.

Stolen Goods Found at His Shop on River Street. About a month ago the Economy Light, Heat and Power company's plant on Cliff street was ransacked by brass thieves and over \$300 worth of damage done by stripping the machinery of brass and copper fittings.

C. E. & M. C. JOHNSON, Managers. Postoffice Address, Danduff, Pa. NEW JERSEY.

CASTORIA

For Infants and Children. The Kind You Have Always Bought. Bears the Signature of J. C. Watson, Proprietor.

THE POPULAR HOUSE-FURNISHING STORE.

Muddy Water. Is made clear and pure by the CHAMPION NATURAL STONE WATER FILTER. Germ Proof.

The very best Faucet Filter in the market, as attested by 30,000 families in the United States alone.

FOOTE & FULLER CO.,

Clears Building, 140-142 Washington Ave.

Free to All

5000 Samples To Give Away. The Buell Company has placed their Photographic Supplies for sale at our establishment, 227 Lackawanna avenue, in which we have a large selection to give away as samples. Everybody that has a Kodak is welcome to call and will receive samples free of charge.

Davidow Bros

227 Lackawanna Ave. Closing Out Fans Cheap. For this Season New and Second-Hand Fans Cheap.

Chas. B. Scott

119 Franklin Avenue. SUMMER RESORTS. PENNSYLVANIA.

Elmwood Hall

Elmhurst, Pa. (Formerly Hotel Elmhurst.) Open All the Year. This hotel has been remodeled and refitted throughout and will open its doors June 14. For rates, etc., call on or address

DR. W. H. H. BULL

ELMHURST, PA. THE WINOLA, An Ideal Health Resort, Beautifully Situated with Full Lake View.

Absolutely free from malaria and mosquitoes; boating, fishing, tennis, croquet, etc.; pure Litchia water spring; plenty of old shade, pine grove of large trees surround hotel; excellent table; rates reasonable; capacity of house, 20. Illustrated booklet and references on application.

C. E. FREAR, LAKE WINOLA, PA

SPRING GROVE HOUSE, Lake Carey, Wyoming County, Pa. Beautifully located; good fishing; boating and bathing. Table unexcelled. Dr. W. H. H. Bull, Bloomburg division, Pa. leaving Scranton at 12:25 p. m. makes direct connections via Lehigh Valley to Lake. JOHN H. JONES, Prop.

FERN HALL,

Crystal Lake—Refined Family Resort. Also leave Carbonate for Fern Hall at 8:30 p. m. stage leaves Fern Hall for Carbonate at 12:25 p. m. Telephone Connections. Rates, \$9 to \$25. Two in room. Special June and family rates. Send for booklet. C. H. MILLER, Prop.