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M. NORTON, 322 Lackawanna Avenue.

Your Attention

IS CALLED TO OUR SHOW WINDOW. DON'T ASK US WHAT'S IN IT, BUT COME AND SEE.

THE GRIFFIN ART CO.

DEWEY CELEBRATION

all this and next week at NETTLETON'S, Washington Avenue, Commonwealth Building.

BOOTS, SHOES and RUBBERS

Wholesale and Retail. Fall Styles now on.

Special prices on Rubbers to the Trade before Nov. 1st. Rubbers advance after that date.

Lace Curtains Cleaned

Entirely by Hand. Returned Same Size and Shape as Now.

LACKAWANNA, THE LAUNDRY 208 Penn Avenue. A. B. WARNAN.

PERSONAL

Eli Vail, of Moscow, was in the city yesterday. Mrs. D. D. Jones left yesterday for Philadelphia. C. T. Bellamy, of Delaware street, is visiting in Omaha, Neb. Miss Murray, of Pittston, is the guest of the Misses Hanaway, of Vine street. Professor G. W. Phillips, ex-principal of the Scranton high school, is in the city. Richard Stack and Charles Scanlon, of Great Bend, were among the visitors in town yesterday. Mrs. Selinda Jones and Miss Sadie Watson have gone to Philadelphia to attend the Export exposition. Mrs. George Field, of Washington avenue, has returned after a two weeks' visit with relatives in New York city. Mrs. C. A. Graham, of Tunkhannock, is the guest of her nephew, D. L. Jones, of North Main avenue. Henry M. Utley, who is the librarian of the Detroit public library, is visiting Mr. and Mrs. H. J. Carr, of this city. Mrs. Fred Rupp, of Port Jervis, N. Y., is visiting her sister, Mrs. William J. Morgan, of 138 South Red Bank avenue. Tony Herberster, of the Scranton House, has returned from a week's visit to New York, which was spent with Mr. Mass, a former Colliery Engineer attaché. Mrs. Thomas L. Morgan, of Audenried, spent the fore part of last week with her cousins, Mr. and Mrs. William J. Morgan, of 128 South Rebecca avenue. Among the Scranton passengers on the 2:33 Lackawanna train for New York yesterday were Mr. and Mrs. John R. Farr, Captain W. A. May and H. C. Wallace. Dolph B. Atherton, secretary of the Scranton board of trade, returned yesterday from Philadelphia, where he attended the international congress at the industrial exposition. At the Peon Avenue Baptist church this evening Severin C. Fagard and Miss Maude A. Crowder will be married. The next six months will be spent by them in visiting Mr. Fagard's father and relatives in Belgium. They will also travel in other parts of Europe, and will be present at the Paris exposition. Their permanent residence will be established in this city.

Millinery. Rush of orders has deferred Mrs. Cushman's millinery opening. I will exhibit choice and select styles in winter headgear on Thursday, Friday and Saturday this week. Mrs. Cushman, 324 Lackawanna avenue.



They Can't Be Beat

That is one dead sure thing, which you will realize when you have tried yourself our price in Scranton as you will find in our stock of Ranges. That obtains in both price and quality. We've tried to beat them ourselves, but we can't do it.

THE LACKAWANNA HARDWARE CO. 221 Lackawanna Avenue.

LIBEL CASE ON TRIAL

Little and O'Toole Arraigned Before Judge H. M. Edwards.

MADE A VARIETY OF PLEAS

One of Their Attorneys Said the Libellous Editorial Was Written While Editor Little's Anger Was Aroused and That It Was Taken Too Seriously and Given Too Much Importance—Another Makes a Determined Effort to Prove Justification—Trying to Save O'Toole by Showing That He Was Only an Ordinary Reporter and Had no Connection with the Paper Save as a Salaried Employee.

In the main court room yesterday morning before Judge H. M. Edwards, Richard J. Little and Michael J. O'Toole, editor and associate editor of the Scrantonian, were placed upon trial on a charge of libelling Colonel Ezra H. Ripple in the columns of the paper of which they have charge. The articles in question were printed in the issue of July 23.

On account of the brutal and vicious character of the libel and the prominent position Colonel Ripple occupies in this community the case has attracted wide-spread attention. The court room was crowded all day yesterday and many were compelled to stand. Another thing which compels to lend interest to the case is the fact that it is one of the first important suits to be tried under the libel act passed in 1897. The case is being tried in a very able manner.

It required only a few hours for the commonwealth to present its case yesterday and then the defense opened. It was Mr. Vidaver who outlined the defense to the jury. It threw a flood of light on the reckless methods of the Scrantonian. O'Toole, the associate editor, according to Mr. Vidaver, met one John Courier Morris on the street. Morris told him that Colonel Ripple had given orders to the Tribune to pitch into the Scrantonian. What Morris said of knowing this did not appear. But O'Toole took it for granted that it was true, rushed to the office, told Little what he had heard and Little thereupon penned the malicious editorial complained of. More than that, according to Mr. Vidaver, Little had a conversation with Morris at his desk for several days which made a vicious attack on Colonel Ripple and while laboring under the excitement incident to the information that trickled down to him through Morris and the communication Mr. Vidaver said Little was fighting for his existence for his very life.

A moment later Mr. Vidaver disclaimed there was any malice in the article and that it was a fight between the Scrantonian and the Tribune. He further said that the libel was not a very serious affair and that although too much importance had been attached to the outrageous things said about Colonel Ripple.

An effort was made to get O'Toole out of the case by stating that he is only a salaried reporter on the paper and in no wise responsible for what appears in it.

When the work of offering testimony was begun it was seen that Mr. Vidaver's opening was out of tune with the case. The defense held by John T. Lenahan, who tried hard all afternoon to get in evidence for the purpose of justifying the libel. When court adjourned Judge Edwards had under advisement the question of admitting evidence with reference to alleged acts of political corruption on the part of Colonel Ripple.

THE CASE CALLED. A few minutes before 10:30, when the motions and other matters to come before the court were disposed of, District Attorney John R. Jones called the case of the commonwealth against Richard Little and Michael J. O'Toole, editors of the Scrantonian, a Sunday newspaper, who were indicted for libel on complaint of Colonel E. H. Ripple, postmaster of this city. Last Tuesday when the case was continued until yesterday John T. Lenahan, of Wilkes-Barre, one of the attorneys for the defense, said he would be engaged in the trial of cases in Wilkes-Barre on Monday and Tuesday of this week and asked that the case go over until Wednesday. It was believed that he would adjourn yesterday morning renew his motion to adjourn until Wednesday, but since last week he succeeded in arranging his affairs in Wilkes-Barre so as to permit of spending this week here, and a motion for continuance was not necessary.

The case was called for trial in the main court room before Judge H. M. Edwards, and all of the parties were promptly in their places. Colonel Ripple took a seat at the commonwealth's table with his attorneys, Joseph O'Brien, Hon. John P. Kelly and E. C. Newcomb. District Attorney Jones is also assisting in the trial of the case. Messrs. Little and O'Toole went to the table set apart for defendants and joined their attorneys, John T. Lenahan, of Wilkes-Barre; Cornelius Smith, Nathan Vidaver and T. P. Duffy. On the afternoon of Wednesday, Attorney R. H. Holgate reinforced the counsel for the defense.

Judge Edwards directed Clerk of the Courts Daniels to draw a jury, which was selected according to the rules of quarter sessions court; that is, twenty jurors are summoned and out of this number twelve are selected, commonwealth and defense having the right to strike four names from the list. The following are the twenty who were drawn:

E. R. Allen, company hand, Scranton. D. E. Bell, coal dispatcher, S. Abington. James Conlin, laborer, Scranton. Geo. T. Emerson, farmer, N. Abington. Henry C. Hoffman, laborer, Jefferson. John Harris, brakeman, Scranton. John McAlone, laborer, Scranton. Charles Murray, laborer, Scranton. John McGarragh, miner, Mayfield. George F. Walker, carpenter, Scranton. Walter Siglin, coal miner, Scranton. Eugene H. Reed, farmer, Glenburn.

COMMONWEALTH OPENS. Attorney E. C. Newcomb opened the case for the commonwealth. He began by defining the law of libel, as laid down in Pennsylvania law, and the constitution guarantees the entire freedom of the press in the state, but at the same time holds a man to a strict accountability for what he prints and publishes in his newspaper by making it a penal offense to defame the name of another, or to hold, or to publish, or to circulate, or to give aid or comfort to any person who has been injured by him, or to recover damages for injury he may have sustained through such publication.

Mr. Newcomb referred to the great power of the press of today, and therefore those who are responsible for what appears in the newspapers are held, and ought to be held, to greater accountability. While the modern newspaper is a great engine for good, when wisely directed, in the hands of cowardly, scurvy and emaculated knives it may do great injury. On July 23 the defendants published a highly defamatory article calculated to do great injury to Colonel Ripple. These libellous articles, Mr. Newcomb said, would be submitted to the jury, and under the charge of the court the commonwealth would expect a verdict of guilty.

James Mahon, at one time one of the proprietors of the Scrantonian, was the first witness called. He disposed of his interest in February last. Prior to that Richard Little had been engaged with him in publishing the paper. Mr. Lenahan made a very strong effort to prevent the witness from testifying, but Judge Edwards overruled his objections. It was shown by the witness that the paper is published in this city and county.

W. D. Coston, one of the court stenographers, was next sworn. On Dec. 24 he took testimony in a suit to reinstate Cornelius Smith as a member of the Lackawanna bar. On that occasion Richard Little swore he was one of the publishers of the Scrantonian and had been since April 1, 1897, when the paper was started.

LAYTON M. SCHOCH, who is also a stenographer, was called. A protest against hearing his testimony was entered by the counsel for the defense, but Judge Edwards overruled it. He was time for the noon recess and Judge Edwards adjourned court until 1:30. He warned the jurors not to allow any one to talk with them regarding the case and not to discuss it much among themselves until it was actually in their hands for deliberation.

Mr. Schoch testified that in March last he was the official stenographer of a legislative investigation that was in progress in Harrisburg. On March 15 O'Toole appeared before that investigation committee and was examined in connection with an article that appeared in the Scrantonian. Before that committee O'Toole swore that he was associate editor of the Scrantonian.

J. B. Gilroy, justice of the peace of Dursey, testified that on Oct. 3 both Little and O'Toole testified in a suit before Alderman Thomas L. Fure, of Pittston. Little testified that he was editor of the Scrantonian and O'Toole said he was associate editor.

John Osmond, of Dunmore, bought a copy of the Scrantonian of July 20, 1899, in the publication office of that paper. The purchase was made on July 21. The paper was presented to Mr. Osmond, and was identified by him from a mark he placed on it at the time for the purpose of identification.

Deputy Constable Jacob Ellman, of Emmett street, said he knows the defendants. On Aug. 3 last he met O'Toole and had a conversation with him. O'Toole told him he wrote Colonel Ripple up in the issue of the Scrantonian of July 23, and would write him up again on the following Sunday. On the cross-examination Mr. Duffy attempted to get into the personal history of the witness, but Judge Edwards said that while he was willing to give the attorneys a good deal of latitude in the examination of witnesses he would have to confine them to some extent to the case at bar. He could not allow them to draw in other cases. Mr. Vidaver drew from Ellman the fact that he had O'Toole arrested for libel before the conversation to which he testified.

HAWTHORNE'S TESTIMONY. J. C. Hawthorne, manager of Jonas Long's Sons' store, testified that he has charge of the advertising for the firm, by which he is employed. He made advertising contracts with Mr. Little for space in the Scrantonian and identified a check given for advertising in that paper. One of the Sundays this check paid for was June 30, when the libellous article was printed.

Bert Devo, a newsboy, identified a

copy of the Scrantonian of July 20, which he obtained at the Scrantonian office.

Attorney John P. Kelly then offered in evidence a copy of the Scrantonian of July 20, which was identified by John Osmond. Mr. Kelly specified the libellous articles it contained.

Judge Edwards was at this point asked by Attorney John T. Lenahan not to allow the articles in question to be offered against M. J. O'Toole. He said O'Toole is the associate editor of the paper but no more responsible for what appears in it than the man who sets the type or collects the bills. It had not been shown, Mr. Lenahan said, that O'Toole had written the articles in question and unless this could be done there was nothing to warrant the matter in going to the jury to his prejudice.

Mr. Kelly quoted the testimony that has been offered with reference to O'Toole's connection with the paper and his conversation with Ellman, and said it was a question for the jury to consider.

Judge Edwards remarked that as he viewed the matter it was a question for the jury and he dismissed Mr. Lenahan's motion. The next step in the case was the reading of the libellous articles to the jury by Mr. Kelly, after which Colonel E. H. Ripple took the stand. On direct examination he said his full name is Ezra H. Ripple. He is often referred to as Colonel Ripple. There is no other Colonel Ripple in this city.

CROSS-EXAMINATION. On cross-examination by Attorney Lenahan, Colonel Ripple said that he is engaged in the coal business, is postmaster of Scranton and is interested in The Tribune. It was also brought out that he has been entitled to the title Colonel for about fifteen years, and that he was at one time mayor of Scranton.

With his testimony the commonwealth rested, and Attorney C. Smith asked that the case be taken from the jury with the exception of the question of costs. Judge Edwards reminded Mr. Smith that unless the defense rested such a motion could not be entertained.

Mr. Smith said the defense was not prepared to rest and Mr. Vidaver opened the case to the jury. He admitted that Little wrote the libellous editorial but said that O'Toole was never in any way connected with the Scrantonian as an ordinary reporter of news, but that the article complained of was written by Little because O'Toole told him that John Courier Morris had told him that Colonel Ripple had given orders to The Tribune to attack the Scrantonian. Mr. Vidaver said it was more of a newspaper than anything else and that the matter had been taken altogether too seriously and given an importance it did not merit.

John O'Grady, of West Scranton, was the first witness called for the defense in the purpose of proving that Colonel Ripple had been guilty of political corruption. The commonwealth was asked to make an offer stating the object of the testimony and Mr. Lenahan said the purpose was "to show that the publication in question was justifiable and warranted under the constitution and statutes of our state. To be followed by evidence that the facts the witness would testify to were communicated to the defendants before the publication in question."

MALICE NOT INTENDED. "This is offered for the further purpose of rebutting malice or any inference that the publication was negligently made, it appearing in the evidence that Ezra H. Ripple was postmaster for the last year or two. It is offered also for the further purpose of explaining the motive for which the publication was made and to rebut any inference of malice."

Mr. Lenahan argued to the court, said they admitted the publication and pleaded justification and right, believing that the publication could be sustained on two grounds. First, for the purpose of calling public attention to a violation of the election laws, and second, because the man referred to in the article is a public officeholder.

Attorney O'Brien, in reply to Mr. Lenahan, took the position that the evidence it was proposed to introduce was in no way competent under the law of the state and under the opening to the jury: "It is not a privileged communication because nothing had occurred or was about to occur at that time to warrant such a publication. The mode of the publication also removed it from the catalogue of privileged communications. He quoted decisions to show that sensational newspapers have no claims to the protection offered by the term 'privileged communication.' Opinions of the supreme court in three leading cases were also read by Mr. O'Brien to show that the offer under discussion was not competent and that the court could not allow the testimony it was proposed to introduce.

Attorney Smith, in reply to Mr. O'Brien, said the question was merely the admission of testimony not the offer of testimony. He quoted the opinion of Judge Parsons to show that somewhat similar testimony has been allowed in a somewhat similar case. NO EXCUSE FOR IT.

Mr. Kelly replied to Mr. Smith and dwelt upon the provision in the constitution with reference to privileged communications. He stated that he was going on at the time to give the slightest excuse for the publication of the articles under consideration. If the position of the defendant is correct, then the public has no protection from such newspapers. "Such is not the law of Pennsylvania, and it never has been the law," Mr. Kelly said.

Mr. Lenahan said they were not seeking to justify because Colonel Ripple is postmaster, but because what was printed is a matter of concern to the public. He stated that they were not going to ask the jury to draw inference from the facts."

It was then 5 o'clock and Judge Edwards said he would not announce his decision in the matter until court meets at 9 o'clock this morning.

Martin Bold has opened a barber shop in Hotel Terrace. Give him a call.

MISSIONARY WORK IN LARGE CITIES

RE. DR. F. M. NORTH SPEAKS ON CITY EVANGELIZATION.

Corresponding Secretary of the National City Evangelization Union Is Heard at Elm Park Church in a Thoughtful Address—The Population of Cities Is Thirty Per Cent. of the Whole and This Population Offers a Wide Field for Missionary Work—Concentration of Effort Is Necessary.

Methodists do not turn out any better than other people to be enlightened on religious topics on a week night. Rev. Dr. F. M. North who spoke last evening in Elm Park church in the interests of city evangelization was heard by a small audience, chiefly made up of clergymen, although a general notice had been given in the Methodist churches of the city.

Rev. Dr. Giffin presided over the meeting and made a brief introductory address. The church quartet, accompanied by Professor Pennington, sang an anthem.

Dr. North is the corresponding secretary of the National City Evangelization Union, which was formed in Pittsburgh nine years ago, and which has forty local unions in various cities have been organized. The ninth convention will be held in Philadelphia November 23 and 24. The discourse of the evening was an ardent appeal for more home missionary work for a determined united effort at improving the moral life in the cities, 400 of which have been built in the century. The population in the cities is thirty per cent of the whole. In 1920 there will be ten million more people in the cities than in the rural districts. Six per cent of these people have no interest in the property which constitutes their homes. When thirty-two families live in the same house, using the same front door the same playground, the same coal cellar, the question of "meum and teum" becomes a vital one.

The people who have no part in ownership in property in the great cities are the ones who are presenting a problem to the moral life of the community. The speaker then said:

FINAL TEST OF GOVERNMENT. "Perhaps you know nothing of bosses in Scranton. In New York they have not. He is not responsible to any one but himself. When he meets government nodes. He controls everything. We often think the test of democracy is being made in the far off Philippines or in Cuba, but the real and final test of our government is in the cities. Unless we can get the government to be equal to self control unless we can prove that the government is for the people and of the people and for the people and is as powerful in cities as in the nation the government of democracy is dead. It is not so important what form of government is being set up in beautiful France as in our Anglo-Saxon cities, although Mr. Dealey has given views of what an Anglo-Saxon is which may differ from those generally accepted but in the cities which we call Anglo-Saxon—here is the test.

"The question is whether we can have any personal relations to this matter.

"The isolation of the individual church is a menace to its success. It is a fault of Methodism. There should be more united effort. Methodism in a city ought to be one with a common cause, a common motive. Concentration is necessary. The work for the foreigners should be taken up by Methodists in a city like this. The advantage of Methodism among the Italians in New York was commended and an impassioned appeal was made for these stranger peoples who are sent here not as a menace but by God's order.

The president of this society, who is a faculty of Methodist, writes not to discourage foreign work, but from a sense of what might be needed at home he believes there is as great work in New York city as lies before the missionary in the heathen lands. It is important to build up great missions in the cities and teach foreigners what American religion is to bring them up to noble citizenship.

THOSE AT OUR DOORS. Dr. North closed his remarks by saying: "Daily we see the thousands of people who are passing by with all kinds of beliefs and all kinds of misconceptions of Christianity floating past our churches as if no churches are there. What will the master say to us if we neglect those at our doors."

At the conclusion of the address Rev. W. G. Simpson pronounced the benediction, after which J. G. Shepherd presided over a meeting of pastors and official members. He stated that a city union existed, but has not yet done any practical work. Dr. North was invited to give his advice as to future movements. He described some of the plans pursued in various cities. Kipling's story of "How the Ship Found Itself" is the idea needed for each church to realize that it is but a part of the whole. The body of Methodism "finds itself" when it has something definite to do. Work among foreigners, securing property where later on a church may be built as advance of civilization demands, helping feeble churches, establishing missions, etc., were among the objects suggested.

The organization in this city is

known as the Methodist Episcopal alliance, the membership of which consists of the pastors, official boards of the churches and contributors to the funds. A general meeting will be held two weeks from last evening in Elm Park church.

J. G. Shepherd, Presiding Elder Austin Griffin and Rev. William Edger were elected delegates to the national convention in November.

Reduced Rates to Philadelphia, on Account of the National Export Exposition, Oct. 18th, 1900. The Lehigh Valley railroad will sell tickets to Philadelphia and return Oct. 18th, at one fare for the round trip, plus 50 cents for admission coupon to the exposition. Tickets will be honored on any train, except the Black Diamond express, and good for return passage to October 27th, 1899, inclusive. Consult Lehigh Valley ticket agents for further particulars.

Will Continue Business. Miss Etta Green will continue the piano broker business at 197 Lackawanna avenue which was conducted by her father, the late Joseph Green.

Finest wines and cigars at Lane's, 320 Spruce street.

DIED. MILNES—At Esop, Pa., October 15, 1899, Miss Siddle Milnes, daughter of Mr. and Mrs. John Milnes.

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The quality of the oils used in mixing colors determines the durability of the paints.

Oils such as we offer will make paint of great smoothness and durability. A large surface can be covered and the coating will not peel, crack or wear off until it has done its full duty. These prices will show that good oils are not expensive.

MATTHEWS BROS., 320 Lackawanna Avenue.



A CRITIC OF STYLES will pronounce perfect the line of Fall Furnishings shown by us. Have you seen them?

BELL & SKINNER, Hotel Jersey Building.

SHOOTING TACKLE. See my stock of Guns, before you buy, at

FELTON'S 119 PENN AVENUE.

SCHANK & SPENCER, 410 SPRUCE STREET.

Columbia Beat

Just as easy as the Columbia beat the Shamrock just so easy do the Edison's Phonographs and Records beat the rest of the talking machines. Edison's Records 50c apiece; \$5.00 per dozen.

Charles B. Scott 119 Franklin Avenue.



Conrad Sells 'Em 305 Lackawanna Avenue.

Pierce's Market Receiving daily - Turkeys, Fowls, Springers, Ducks and Squabs; also Rock-away, Maurice River and Blue Point Oysters. Everything the market affords in fruits and vegetables. Your orders will be filled promptly with best goods at reasonable prices.

PIERCE'S MARKET 110-112-114 PENN AVENUE.

By the way, you may like to know that we have reduced a Bedroom Suite, 3 pieces, from \$20 to \$15. And while we are on the subject of beds and low prices, we'll tell you that we sell an honest set for as low as \$12, Bed, Bureau and Wash Stand. Your credit is good at

the ECONOMY

FOOTE & FULLER CO., 140-142 Washington Ave.

A Special Cutlery

Something you must use every day. Why not have the best, especially if the price is reasonable. We think our prices are. It's for you to decide when you have seen the goods. We have over 50 patterns of table knives and forks from which to make a selection. Almost the same number of carving sets. Some very nice sets in boxes which will make acceptable presents. Special patterns in Fish and Bird sets.

A cigar guaranteed all Havana wrapper and filler. Cannot be bought in any market for less than \$50.00 per thousand. We offer today at

\$3.90 Per Hundred.

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