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Eve. Ear. Nose and Throat Office Hours-9 a. m. to 12.30 p. m.; 2 to 4. Williams Building, Opp. Postoffice.



CITY NOTES

WILL SERVE SUPPER.-This evening the ladies of Eina Park church will serve

D. & il. PAYS.—The Delaware and Hudson company paid yesterday on the Nineveh branch and at the Clinton mines,

ALDERMANIC MARRIAGE.-William

3. Bevan and May E. Benedick were fuesday joined in marriage by Alderman Myron Kasson. MAYOR'S UNDERSTUDY .- Alderman

Myron Kasson is hearing cases in police court during the absence of Mayor James Moir from the city. SELECT COUNCIL MEETING .- Select

council will meet in regular session this evening when a report from the special committee on water rates is looked for.

WILL GIVE READING.-Mrs. Ruth McEnery Stuart will give a reading of her dialect stories in the Bicycle club house Monday evening, January 22, at

MUSIC SECTION MEETING. - Th music section of the Green Ridge Wo-men's club will hold no meeting until Friday, January 21, when the music of Bac

NEW OFFICERS.-The stockholders of

***** GRANDEST DISPLAY AT "THE MODEL."

DELICATESSEN L. PORIUM. Fresh invoice of firest table deli-actes. Imported Harcs, Landjager cactes. Imported Hares, Landjager Saurage, Nova Scotla Salmon, Pates of all kinds, Imported and California Fruits and Jellies, Naldmeister Delleatess Herring in Wine Sauce, Italian Chestnutz, Leb Ruchen, Marzipan and Honey Cakes of all descriptions, and full line of fancy groceries for the olidays. Catering orders taken ow for the holidays. Dinner able d'Hote. Breakfast, Lunch-on and Supper a la carte. Oys-ors served in any style. 221-223 Washington Avenue.

the Scranton Iron Fence company at a meeting held on Tuesday elected the following officers President, Gus Krugerman; secretary, A. L. Frink; treasurer, Willia A Kompany

SALE OF ARTICLES.—The young la-dies of the First Presbyterian church will hold a sale of useful household articles, such as aprons, towels, etc., at the par-sonage, 515 Olive street, this afternoon, from 3 until 6 o'clock.

meetings at the Second Presbyterian church will continue during the week. Rev. C. E. Huriburt will give a Bible reading this afternoon at 4 o'clock, and will preach at 8 o'clock this evening.

REV. HURLBURT TO PREACH-The

THROWN FROM HIS WHEEL.-Ed-ward Cource was thrown from his bi-cycle on Washington avenue near the postoffice yesterday morning and sus-tained several severe gashes on his head, which were dressed in a nearby drug

WAS NOT PRESENT.-In the report of the water rate meeting held in the council chamber The Tribune mentioned Marshall Keller, the harness dealer, as one of the men present. It was a mis-take in writing the first rame. Marshall Keller was not the Mr. Keller who at-tended the meeting.

IN COMMON PLEAS.

Defense Opens in the Big Coal Case. Verdict for the Plaintiff-The May Habeas Corpus Case.

The plaintiff in the big assumpsit suit of the Winton Coal company against the Pancoast Coal company closed yesterday morning and now the defendant's side is presenting its testi-

Ex-Judke Knapp, in his opening for the defense, said it was proposed to prove that the Fischer title, on which the plaintiff partly rests, was invalid by reason of having become obsolete, and that the Bidlack reservation was effective.

James Anderson, it was contended, owned only a half interest in the coal, and consequently when he sold out to Allen Anderson and James Savage he could only sell them each a quarter interest, and Allen Anderson, from whom A. H. and W. W. Winton secured title, could give them but an

eight apiece.

The case will likely be closed today.
In the main court room, before Judge Edwards, the entire day was consumed in the trial of Pfieffer against Schubmehl. At adjourning time the attorneys were arguing law points. In the case of Mary A. Pelton against I. C. Cobb the jury yesterday returned a verdict of \$317.28 in favor of the plaintiff.

Judge Archbald yesterday discharge! he rule for a new trial in the case of Connor against the traction company. which was decided last week in favor of the plaintiff.

Witness Against Her Father.

The hearing in the May habeas corus case, which was scheduled to take place before Judge Archbald, yesterlay morning, was posponed until this norning at a o'clock.

Mrs. May May, who is accused of piriting away Mamie May, the fifteenyear-old daughter of the petitioner, Mrs. Mary Ann May, when brought into court by Deputy Sheriff J. R. Ferber, made positive denial of any knowledge of the whereabouts of the child or that she had any hand in her disappearance. The petitioner claimed to have half a dozen witnesses to prove that the accusation is true. Accordingly, the hearing was adjourned to give her an opportunity of producing the witnesses.

last grand jury for an unnatural offense against her. His wife wants to have him presecuted but his relatives, it is claimed, are not similarly disposed. Mrs May, the mother, alleges that the girl has been spirited away so that she can not appear against her father at the trial.

Suit in Equity Instituted.

Monroe Brown yesterday instituted suit in equity to test the title of a property at Bulls Head. The plaintiff on March 1, 1899, leased the lot for a year from the Providence Store comoany. A few days ago Nathan Thompson began excavations with a view of erecting a building thereon

The plaintiff prays that Thompson be compelled to file an answer showing by what right he enters upon the prop-

Marriage Licenses.

Albert YarosefskiScrantor
Mary TarbaScrantor
Richard DoggettJersey City, N. J.
Nellie MartinJermyr
Frank Geliski Avoc:
Francis StrickScranto:
Michael Clenicz
Eva WodukaMayfield

Court House News Notes.

The county commissioners have deeided to file exceptions to the report of the viewers in the matter of the condemnation of the Ridge turnpike.

Attorney R. J. Bourke yesterday filed an application for a charter for the German Ladies' society, of Scranton. It is an organization which purposes to improve its members and them in time of need. The subscribing petitioners are Barbara Shoemaker, Agatha Hower, Theresa Breig. Maria Martin and Margaret Bruner. The trustees are Theresa Breig. Antoinette Albrecht and Barbara Shoe-

A Delightful Trip to Florida or California.

It will be of special interest to those contemplating a trip to the Land of Flowers or to the Pacific Coast to know that he undersigned, or any ticket agent of the Lackawanna railroad, can sell round-trip tickets to all principal points at the very lowest rates. Also send to residences for baggage and check same through to destination. Reserving all sleeping car space desired in advance; in short, furnish maps, time-tables and full informa-

Remember the Lackawanna has three trains daily with through sleepers and day coaches to Chicago. No change of cars.

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ENDS ITS SESSION

LARGE NUMBER OF OPINIONS ARE HANDED DOWN.

Decisions of the Local Court in the Matter of the Incorporation of the Boroughs of Old Forge and Moosic Are Affirmed-No Opinion Handed Down in the Little Libel Case. Most of the Opinions Affect Appeals from the County of Philadel-

After handing down a large number of opinions the superior court adjourned at 12:30 p. m. yesterday to meet February 12, in Williamsport. Most of the opinions were on ap-peals from Philadelphia county. The only local decisions were in the Old Forge and Moosic berough cases, in both of which the local court was affirmed. Judge Archbald passed upon the Old Forge case and Judge Edwards on the Moosic case, in the court of first instance. The expected opinion in the Little libel case was not forthcoming and likely will not se handed down till the end of the Williamsport session, which will be about February 21.

Below are given in full the opinions in the two local cases, written by Judge W. D. Porter, of Allegheny: In re: incorporation of the borough of

Old Forge, No. 29, January term, 1900. Appeal from the court of quarter ses-lors of Lackawanna county. Opinion by W. D. Porter, J.

The complaint of the first specification of error is that the petition for incorporation was not verified by affidavit. It would certainly be preper to inquire into the necessity for the verification of such a petition by artidavit, if the record pre-sented was lacking. The record shows that there were two affidavits attached to the petition in the present case; one of said affidavits set forth the total number of freeholders residing within the limits of the proposed borough, and that more than a majority of said freeholders had signed the petition, all of whom resided within the limits of the said proposed borough; the other affidavit set forth that all the persons who signed the pe-tition for the incorporation did so subsequently to September 1, 1898. These af-idayits alleged that the requisite number of resident freeholders had, within the time required by law, signed the pe-tition. This was sufficient to invoke the jurisdiction of the court. The first speci-fication of error is without foundation.

SECOND SPECIFICATION. The second specification of error al-leges that the petition was not signed by a majority of the freeholders of the incorporated district. This question was raised in the court below by an exception to the petition. A large amount of testimony was taken and the court, after careful consideration, overruled the exception, filing an opinion which the appellants have not printed. This was a determination of the ques-tion of fact adversely to the contention

of appellants. The record shows no error in this disposition of the question and we must accept the conclusion. The court, upon petition, under the act of April 1, 1863, P. L. 200, excluded certain ands of the Delaware, Lackawanna and Western Railroad company from the bo-rough, which action is the subject of the

third specification of error. The court found that the land in ques-tion was used exclusively for purposes of farming, and did not belong to the village. This was a matter in which the law invested the court with discretion to determine all questions of fact and expediency. This court will not reverse the conclusion reached, unless for an abuse of discretion, distinctly charged and clearly established, or for error appearing upon the face of the record proper. We cannot consider the evidence, and the record discloses no error is the exclusion of the lands. The third assignment of error cannot stand.

The court found "That the condition been fully com plied with, and that it is expedient to grant the prayer of the petitioners. This was almost a literal compliance with the provisions of the act of June 25, 1825, and was all that was required. The fourth specification of error is dismissed. The record shows a plot or draft of the pro-posed borough attached to the petition, and the fifth specification of error mus have been filed inadvertently.

A number of the petitioners who had

invoked the jurisdiction of the court and in motion the machinery of the law for the incorporation of the borough ubsequently discovered that they could not control the court, in the exercise of its discretion, in passing upon the petition of the Delaware, Lackawanna and Western Rallroad company for the exclusion of farm land. Said petitioners then signed remonstrance against the incorpora tion. The court in determining whether the original petition had been signed by the required number of freeholders counted as signers these parties who has signed but changed their minds when the proceeding was almost finished.

NOT TO BE TOLERATED. Petitions cannot thus play tast and loose with the court, joining with other, to make up the number necessary to confer jurisdiction, and then threaten to de prive the court of jurisdiction by with drawing, if all collateral questions are not decided as they suggest, Flemington borough, 168 Pa. 628. The sixth specification of error has no merit whatever None of the remaining specifications are worthy of consideration. The assignments of error are all dismissed. Decree affirmed and appeal dismissed at

In re: incorporation of the borough of county.

costs of appellants.

No. 4 January term, 1900, appeal from Opinion by W. D. Porter, J.

The first assignment of error is to the action of the court below on overruling the first exception prescribed by appell-The exception alleged that the afidavit accompanying the petition, which set forth that all the signers of the pe-tition were freeholders residing within the limits of the territory specified at the petition, was by the exceptants be lieved to be false. This raised a question of fact. The court overruled the excep-tion, which was an adjudication of the fact contrary to the contention of appellents and, being one of those things committed by the legislation to the discretion of the quarter sessions, we have no authority to review that finding. The second specification of error com plains that the boundaries of the proposed borough are not set forth as re-quired by law, in that the courses and distances are not set forth at length in

The special defects relied upon are that the lines along Mill creek and the Lackawanna river, respectively, give the dis-tances and call for low water mark of the streams as the boundaries, but not give the courses of the curves of the

The purpose of the requirement of the statute that the courses and distances of the boundaries be set forth in wards at length, was that the limits of the proposed borough should be established with accuracy, and that all persons might know whether they were within or with-out the lines. No boundary is easier to fix than one along the course of a stream. In this case the streams seem to be well known and of considerable size. We are of opinion that the boundaries set forth in the petition substantially complied with the statute. Duquesne bo-rough, 147 Pa. 58

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The third assignment of error is to the The third assignment of error is to the overruling of an exception to the form of publication of notice of the presentation of the petition. The appellants do not print the notice in their paper book, and we must assume that the action of the court below was correct.

The fourth, seventh, eighth and ninth specifications of error relate to the action.

specifications of error relate to the action of the court below in passing upon ques-tions of fact and expediency, which have been by law committed to its discretion. In the absence of an abuse of that dis-cretion, the determination of such questions by the court of cuarter sessions is not renewable. See Swoyerville borough, recently decided by this court.

The fifth and sixth assignments of er ror refer to the action of the court be low in overruling the fifth and sixth exceptions filed by the present applicants. These exceptions set forth that the territory proposed to be incorporated con-tains four or five widely separated settlements, and a large amount of farm or wild land not appurtenant to any of said settlements. There were thus raised questions of fact which were to be determined upon evidence, and questions of expediency which were the subject of the discretion of the court below.

DUTY OF THE COURT.

Upon these exceptions it was the right of the parties, respectively, to produce evidence, and it was the duty of the court, upon consideration of the evidence, to determine, whether the territory was composed of several distinct vil-lages having diverse interest, or was, in fact, one village, with its properly appur-

The extent and character of the lands are not, per se, controlling elements in the determination of the question. Bor-ough of Blooming Valley, 66 Pa. 66. It is the duty of the court of quarter sessions to exercise a wise discretion in passing upon these questions, and carefully avoid joining in an incorporated borough two or more separate and distinct villages.

The judgment arrived at is not renewable by the appellant court unless an abuse of discretion by the court below is distinctly charged and clearly established. In the present case there is no suggestion of an abuse of discretion. As to the farming lands alleged to be improperly included within the limits of the borough, it is most significant that not a single owner presented a petition, under the act of April 1, 1863, P. L. 200, asking that his lands be excluded. The inhaoitants of the proposed borough are practically unanimous in desiring its incor-poration. We are not convinced that there was error in overruling the excep

The tenth assignment of error alleged that the court disregarded the remon-strances filed against the incorporation of the borough. We can not find from the record that court did not consider the remonstrances. That the court did not decide in favor of the remonstrants does not establish that it did not give their representations all the weight which they

The remonstraces set forth facts, which required the support of evidence, or made suggestions as to expediency, which were merely arguments. All the assignments of error are dismissed. Decree affirmed and appeal dismissed at costs of the appellants.

FULL LIST OF DECISIONS. The full list of the decisions follows:

Per Curiam: Thomas against Knights of Birming-ham, Philadelphia county; rule dis-

charged. Taylor against Platt, Montogomery Sheehan against Rosen, common pleas No. 4, Philadelphia county; affirmed. Sulzer against Ross, common pleas No Halahan against Cassidy, common pleas

No. 4; affirmed. Fairbank's company against City Trusts, common pleas No. 1, Philadelphia county; affirmed. Yeager against Cassidy, Lancaster coun-

ty; affirmed. By Rice, P. J.; Buckwalter against County, Lancaster county; reversed. Turner against Larkin, Delaware coun-

Palethorpe against Schmidt, No. 3 Philadelphia county; reversed. Fischer against Ruch, common pleas No. 2. Philadelphia county: affirmed. Bement against Ruch, common plea No. 2. Philadelphia county; affirmed. Haster against the city, common plea No. 1. Philadelphia county; affirmed, Quirk against the Insurance company,

ommon pleas No. 3, Philadelphia couny; affirmed. Road in Manheim township, Lancaster ounty; affirmed. Wetherill against Erwin, Northampton

Youst against Beatty, common pleas No. 4. Philadelphia county; quashed. By Beaver, J.;

Jones estate. Doane's appeal, Potter cunty; affirmed Hayes against Lentz, Montgomery ounty: affirmed McCabe against the city, common pleas No. 4. Philadelphia county; reversed.

Ellis against the city, common pleas No. 4, Philadelphia county; reversed. Sparks against the Brick company,com mon pleas No. 1, Philadelphia county; Ross against the Mutual Accident com-

pany, common pleas No. 1, Philadelphia county; affirmed. O'Brien against Sylvester.common pleas No. 1, Philadelphia county; affirmed. Commonwealth against Pepperman, Allegheny county; reversed.

Ice Manufacturing company against Armour, common pleas No. 3, Philadelphia county; reversed.

DECISION BY JUDGE SMITH. By Smith, J.:

Eberz against Heisler, common pleas No. 3, Philadelphia county; affirmed. By W. D. Porter, J.: Borough of Moosie, Lackawanna county; affirmed. Leach against Alexander, Cumberland county; affirmed Borough of Old Forge, Lackawanna

ounty; affirmed. Hildebrand's appeal, Delaware county; eversed. Weckerly's appeal, Delaware county; reversed. By W. W. Porter, J.: Oil company against Hughes, Clearfield

county; affirmed. Construction company against Wolf, Blair county; reversed. Reel against Martin, Lancaster county; reversed. Rice and W. D. Porter dissent. Knitting Mills against Manufacturing ompany, Berks county; affirmed. Mendenhall's appeal, Chester county;

affirmed.

By Beeber, J.:

Rice against Wallinszius, Schuylkill county; affirmed. Insurance company against Downing receiver, common picas No. 2, Philadelphin county; reversed. Stevens against Sharpless, common pleas No. 2. Philadelphia county; affirmed. Stray against the Water company. Schuylkill county; affirmed.

Reed ngainst the County, Clearfield county; affirmed.
Rafferty against Norris, Clearfield county; affirmed. Goodman against Coude, center county; Weed against Cummings, common pleas Philadelphia county; reversed.

Fischer against Sanford, common plea

1, Philadelphia county; affirmed.

LAID TO REST WITH

FUNERAL OF LAMENTED LIEU-TENANT REES WATKINS.

Services Attended by Many Officers of the Thirteenth Regiment with Which the Deceased Was So Closely Identified During the Past Two Decades-Tributes from the Officiating Clergyman - Ex-Chaplain Logan Says He Never Heard a Complaint Against the Deceased.

Surrounded by a large number of members of the Thirteenth regiment, so dear to his heart in life, and with all the honors of a military funeral, the body of the late Lieutenant Rees G. Watkins was yesterday afternoon laid in the grave.

Prior to the regular funeral services the remains of the dead man were viewed by, it would seem, thousands of his old friends, as they laid in the front parlor of the family home at 2011 Edna avenue. The room was almost completely filled with floral tributes, notable among these being a magnificent piece representing stacked arms, sent by the staff officers of the regiment.

After the remains had been viewed by all who desired to see them, the coffin was closed, wrapped in a large American flag and placed in the hearse by the six pall-bearers, who were as follows: Colonel L. A. Watres, Col-onel E. H. Ripple, Colonel Herman Osthaus, Major Frank Robling, jr., Major W. S. Millar and Licutenant Colonel F. W. Stillwell, all of whom vere attired in full military uniform. The funeral procession then pro-ceeded to the Providence Presbyterian hurch. First came Bauer's band, playing a solemn funeral march; then came a number of the line officers of the regiment followed by a detachment of about 100 men from various companies. These were followed by the firing squad of twenty men in command of Lieutenant David J. Davis. Then came a carriage containing the floral pieces followed by the hearse and carriages containing the nourners.

When the church was reached the coldiers lined up in a dcubic file and uncovered while the hearse was driven between them. The church itself was crowded with the friends of the deceased when the choir sang the opening hymn.

HIS FAVORITE CHAPTER.

Rev. R. S. Jones, D. D., pastor of Welsh Congregational church, read the 15th chapter of the gospel according to St. John, which chapter Lieutenant Watkins had read aloud to his family the night before he died. Dr. Jones was followed by Rev. S. G. Reading, D. D., pastor of the North Main Aveneu Baptist church. who offered a brief and fervent prayer. The choir then sang "Jesus. Lover of My Soul," which it was announced the deceased had also sung last Saturday night, a few hours before his

Rev. George E. Guild, D. D., pastor the Providence Presbyterian church, then delivered a beautiful eulogy to the memory of the deceased. He traced his life back to his poyhood days in Wales, told of the religious training he received in carly youth and how he had been faithful o that training up to the hour of his death. Dr. Guild said in part: "When the last bugle call of all early Sunday morning, this Christian man and citizen whom we are honoring today, could respond in all confidence and assurance of reaching that happy abode of eternal life. He has left us the heritage of a strong, unselfish, pure life, a life lived for his fellow men, his family, his

country and his church. "Friends, soldiers, citizens, I recommend to you the life of this Christian nan, I recommend to your memory and devoted love, the life of Lieutenant Rees G. Watkins, now safe in God. Let us so live that when the summons comes for us to join the innumerable caravan which moves toward the mysterious realm beyond, we may go not like the scourged slave but with unfaltering footsteps like one who wraps the drapery of his souch about him and lies down to

oleasant dreams." NEVER COMPLAINED OF. Rev. S. C. Logan, D. D., was the

next speaker. He referred to the fact that he was asked as a former chaplain of the regiment to speak and then pointing to the coffin said: "There lies the body of the real chaplain of the Thirteenth regiment, a chaplain with no power from earth but with unlimited power from above." He referred to the willingness of the deceased to do anything asked him and stated that he was the only man he wer knew against whom he had never heard a complaint.

Rev. W. H. Swift, of Honesdale, chaplain of the regiment, offered prayer at this point after which Rev. Dr. Guild pronounced the benediction. The funeral procession then formed as above noted and marched to the Forest Hill cemetery.

Here the remains were interred Chaplain Swift reading the brief and simple but impressive burial service The firing squad then fired three volleys over the grave; the regimental bugler sounded taps and as the last schoes of the bugle call sounded over the hills, those present turned away with the memory of Rees G. Watkins

appermost in their minds. The officers present at the funeral in addition to the pall-bearers were: Colonel H. M. Boles, Colonel F. Hitchcock, Chaplain Swift, Major Whitney, Captain F. M. Vandling, Kambeck, Captain Poste, Captain Burkhouse, Captain Drake, Lieutenant Mills, Lieutenant Relph, Lieutenant D. J. Davis, Lieutenant Benamin, Lieutenant Ripple, Lieutenant Pross. Lieutenant Daley, Lieutenant Cutler, Lieutenant Cooper.

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MILITARY HONORS WANTED Buyers for the following articles, which will be sold cheap, as we need room. r China Cabinet, hard wood, bevel glass, 5 feet pieces, worth \$40.00, sell at..... 1 Bric-a-Brac Cabinet, Mexican Mahogany, French Plate, Bevel Edge Mirror Back, 5 feet high, 3 feet wide,

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1 Handsome Haviland & Co.'s French China Roast

Set. 70 pieces, worth \$65.00, sell at \$50 China Hall.

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All \$15.00 Jackets go for	10	00
All \$17.00 and 18.00 Jackets go for	12	50
	All \$7.00 and \$8.00 Jackets go for	All \$5.00 Jackets go for

Tailored Suits, Up-to-Date.

All \$10.00	Suits go	for	٠.												٠	. \$	7	50
All \$15.00	Suits go	for						•					٠				10	00
All \$20.00																		
All \$25.00																		
All \$30.00																		
All \$35.00	Suits go	for	٠.							٠		٠					25	0

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BY ONE WHO WAS THERE. Lecture on the Battle of Santiago by

Dr. J. Tracy Edson. The glorious victory of the American feet in the battle off Santiago de Cuba when Spain's navy was completely wiped out will be described in a forceful and graphic manner, at St. Luke's parish house this evening, by Dr. J. Tracy Edson, one of the most distin-guished of the "men behind the guns." Dr. Edson is an Annapolis graduate who retired from the United States navy some years ago. During the Spanish war he served as a volunteer

officer on the Gloucester, under "Fighting Dick" Wainwright. The splendid work of the staunch little Gloucester so ably handled by Wainwright and his men not only gave her crew an opportunity of showing what Yankee tars could do. but placed the vessel in such positions that her officers had better opportunities to see the details of the fight than any others. Dr. Edson is a pleasing and

forceful speaker. The lecture is the fourth in the course for the benefit of that worthy charity, "The Summer Home for Poor Women and Children." Those not holding season tickets, can procure tickets and good seats, at 75 cents each, at the parish house, this evening.

LAST INSPECTION HELD.

Company D Examined Last Night by Major Millar. The last local company of the Thir-

Major W. S. Millar, was Company D. which was put through the mill last night at the armory. This body is commanded by Captain Arthur R. Foote and the first and second lieutenants are Alonzo Bisble and Ezra Ripple, jr. The company made

teenth regiment to be inspected by

a very good showing. A Card.

We, the undersigned, de hereby agree to refund the money on a 50-cent bottle of Greene's Warranted Syrup of Tar if it falls to cure your cough or cold. We also guarantee a 25-cent bottle to prove satisfactory or money refunded:

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