THE SCRANTON TRIBUNE-THURSDAY, NOVEMBER 22, 1900.



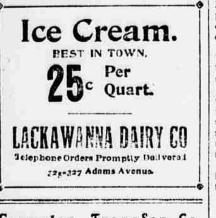
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gangway as a trip of cars went by. Suddenly a nucle nearby kicked out at its driver and the latter in endeavoring to dedge out of the angry animal's way collided with Ketchall, and threw him on the tracks. One of his lags fell under wheels and was fractured. He was taken to the Lackawanna hospital. DONATIONS ACKNOWLEDGED. - The directors

of the Florence Crittenton Home, 712 Harrison avenue, acknowledge with gratitude the follow-ing donations for any month of Octobert U. S. Woolworth, St water month of Octobert U. S. Woolworth, 85 worth merchandise; Mrs. Charlotte Savage, one cape; Mrs. Lattelle, pressed meat; Mrs. M. S. Knight, five glasses jelly; Grace or Mrs. M. S. Knight, five glasses july; Grace we-formed Harvest Festival, one-halt wargan load rolts and vegetables; Miss Resabel fless, vege-ides; Mrs. W. T. Hackett, clothing; Miss irry Waterfield, clothing; Mrs. J. A. Linen, Mr. M. S. Knight, five glasses july; Mrs. T. F. Welles, one bedstead, Kochler & Company, 500 Infolmet, actors. Welles, one budstead, kochier & Company, say bulftsheet atters, envelopes; Wrs. Thomas Dickson, two barrels potatoes; Mts. George Sum-ders, one anit, one bait; Mrs. L. R. Stelle, ore bagkot peaches; King's Damitters' circle, German Baptist church, South Side, \$1; Huntington, Zeidber, Lindner, tread, cake; Matherger, Mrs. Delid, Aylsworth, Armourst, Carr, Wormser, meat; Pierce, vegetables weekly; Consumers' Ice comdaily; Lackawanna Dairy company, mill, daily, ice cream monthly; Scranton Dairy company, milk daily; Miss Mamie O'Boyle, \$1.59;

Mrs. A. D. Stelle, \$5; Miss Anna K. Sanderson, 85; Mrs. G. W. Fritz, \$1, one-half hushel sweet atoes. Our special needs: Shoes, here.

'SQUIRE HOLLISTER HELD IN \$300 BAIL

He Is Charged with Embezzling \$500 from the Estate of the Late Mrs. Catharine Hochrein.

Alderman Myron Kasson yesterday

Squire

held in \$300 bail Squire Erastus B. Hollister, of Wayne county, who is charged with embezzling \$500 from the Catharine Hochrein estate, of which he was executor. Casper Hochrein, of 231 Lafayette street swore out the warrant for Hollister's arrest. When Mrs. Hochrein died, Casper

Hochrein was named as her helr and Hollister as executor. On March 1, 1898, William Fitzsimmons paid over \$500 into his hands for the estate, and this, it is alleged, the exlowing is a copy:

ecutor converted to his own use. At the hearing yesterday afternoon Fitzsimmons, Mrs. Fitzsimmons and Undertaker Dillett, all of Wayne county, testified. Fitzsimmons swore to viewers to assess damages to property injured, taken or destroyed; upon certain conditions. Section 1.—Be it ordained by the select and common councils, of the city of Scranton, and it is hereby ordained by authority of the same, that a certain violuct be constructed over and along a certain street, in the city of Scranton, known as West Lackawanna avenue, from Sev-enth street to Ninth street, across and over the tracks of the Delaware, Lackawanna and West-ern Railroad company, in accordance with the general plans and streifications adopted by the icity emitteer, and on file in his office, a copy of which is annexed kereto and made a part of this ordinance. having paid Hollister \$500, and all three told of hearing the squire say that he had taken the money and used it for his son-in-law, who was in

money at an early date. Hollister is a prominent character in Wayne county, where he is a justice of the peace and very well known.

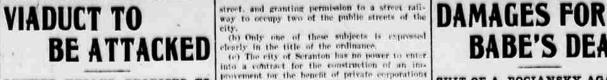
STATE ELECTION RETURNS. Official Count Completed by the State

Department. By Exclusive Wire from The Associated Press. Harrisburg, Nov. 21 .- The compilation of the official returns of the late election was completed today by the state department. The total vote cast for the various candidates follow:

President, McKinley, 712,665; Bryan, 424,232; Woolley, P., 27,908; Maloney, Soc.-Lab., 2,936; Barker, Peo., 638; Debs Soc., 4,831. Auditor general, Hardebergh, 676,846;

Meek, 110,746; Gill, P., 25,300; Eberle, Soc.-Lab., 2,636; Coughlin, Pco., 917; Seward, Soc., 3,797; scattering, 52. Congressman-at-large, two to be

elected, Grow, 683,941: Foerderer, 675,-099; Grim, 411,552; Edwards, 409,918; Hague, F., 24,531: Grumbine, P., 24,-412; Monroe, Soc.-Lab., 2,657; Root,



LUTHER KELLER PROPOSES TO ENJOIN THE CITY.

Papers in Injunction Proceedings Were Drawn Yesterday by Attorney I. H. Burns and H. M. Streeter. Validity of the Ordinance Attacked on Various Grounds, but More Particularly Because It Fails to

Secure Property Heolders in the Collection of Damages.

Papers were drawn yesterday by L H. Burns and H. M. Streeter, counsel

Moir last Saturday. Mr. Keller attacks the validity of the ordinance on various grounds, but more particularly protests against the proposed improvement because no proision is made to secure him and the

ther abutting property holders against he injury that will result to their properties. Appended is the full text of the bill

of complaint that will be filed in the case, probably today: To the Honorable the judges of the court of Common Pleas for the county of Lackawanna,

sitting in equity. Your orator, the plaintiff in the above entitled ase, complains and says: First-I am a citizen and resident of the city of Scranton and an owner of land abutting on that portion of West Lackawanna avenue between Seventh and Ninth streets, whereon the city of Seranton proposes to construct a viaduct. I am also a taxpayer in the city of Scranton

and interested in the legal and proper expenditure of the public money. Second-On the seventeenth day of November 1900, the city of Scranton, by her councils and mayor, passed an ordinance of which the fol-

An Ordinance providing for the erection of a via-duct upon and along West Lackawanna, avenue, city of Scranton, Pennsylvania, over the tracks of the Delaware, Lackawanna and Western Railread company, and for the appointment of viewers to assess damages to property injured,

need of money. He had declared at the time that he would pay back the

adinance.

ENTIRE COST. See, 2,—The entire cost of the building of the said viaduct to be paid by the Delaware, Lacka-wama and Western Ralboad company and the Scranton Ralbway company, in accordance with a written proposition presented by said compa-nies to the mayor and councils of the city of Scranton, and which said proposition is at-tached hereto and made a part of this ordi-nance; and it is further provided, that this ordi-nance shall not beccme effective until the said companies shall have furnished to the city of Scranton a bond in the sum of one hundred thou-sand dollars, to be approved by the city solicitor, binding themselves to pay the costs of building the said viaduct. The said compa-nics, however, will not assume the payment of any damage to land or property which may be construction of said viaduct, nor by the change of grade to the streets on account of this con-struction; nor do said companies assume any lia-bility for the change in water mains, severs, pass-pipes or other conditis pon said streets. It being the intent of this ordinance to provide that the total expense to be borne by the said companies shall be limited to the actual cost of the construction of the foundation and super-struction at he property of the city. See, 3,—The grade on West Lackawanna ave-nue, from Seventh street to Ninh street, is herely changed to contorm to said viaduct plans, and the avenue on the grade as now located is

y. the Only one of these subjects is concessed learly in the title of the ordinance. (c) The city of Scranton has no power to cut: ato a contract for the construction of an im-covement for the benefit of private corporation nd taking a bond from such corporations for re-

and taking a bond from such compositions for re-indumsement of the cost of the same. (d) The ordinance proposes to raise the grade of a longitudinal portion of Lackawanna avenue to with the portion between the curb line of that section of Lackawanna avenue occupied by the viaduct leaving the sidewalk on the present grade. This is not authorized by law and would completely shut off your crater's property from any connection with the street,

DEBT OF THE CITY. . Fifth-Your orator is informed and believe that the debt of the city of Scranton is already could to 2 per cent, of its assessed valuation and the city cannot be further obligated without the onsent of the electors thereof at an election duly had for that purpose. The assent has not been obtained. On the contrary, it has

been twice attempted and on both occasions mus-been refused. The construction of this viaduct would cause damages that would increase the for Luther Keller, in injunction pro-ceedings to prevent the building of the West Latekawanna avenue viaduct un-der the ordinance signed by Mayor Moir last Saturday. without any authority of law. If such increas of debt should not be adjudged illegal uni after the construction of such vinduct, it would

wholly deprive your orator of any means of cola toy express wagon. lecting his damages from the city. Sixth—The ordinance on the dry. Sixth—The ordinance on its face purports to be ineffective until the city solicitor shall give it validity by approving the bond to be given by the two railway companies before mentioned, and until the engineers of such companies shall

approve the plans and specifications for such work. Such legislation by the city authorities is wholly illegal and void.

Seventh-The ordinance aforesaid, if carried out, will cause great and irreparable injury to your erator's property for which he has no ade-quate remedy at law. It makes no provision for ecuring to your orator compensation for such injury, as provided by law and the constitution of this commonwealth. Your orator is furthlescent. informed and believes that it is the intentio of the said city to proceed with the constr tion of said viaduet without first securing your orator compensation for the injury thereby caused

Eighth-No appropriation has been made for the expenditure contemplated by the above ordin

Your orator therefore purys: First-That this court declare and decree above stated ordinance null and void.

Second-That an injunction may issue restrain-ing the said defendants, each and all of them, by the pilot board. from further proceeding under the provisions of said alleged ordinance and from further increas-

electors of the city of Scranton first had and ob tained. Third-For such other and further relief a

ORDINANCE WILL

No Further Action Will Be Taken with the Far-Famed License Tax Measure.

It is not likely that any further acing. tion will be taken by the present councils on the far-famed license tax ordinance, for the reason that the various children to be playing on the street acts of assembly governing secondwhere there is a cartrack, was met class cities provide for many different by the counter charge that teh parents features than does the act governing entrusted the children to an 11-yearthird-class cities. old daughter of the Boeianskys, and

It has been discovered, for instance, that in the eyes of the law, she is a that there is a provision in the Act of capable care-taker. 1887 which permits cities of the second The ejectment case of the Electric class to levy an annual business tax, lity Land Improvement company "such as may be deemed just and was equitable," upon the toal deposits of all morning by Judge Archbald directing banks within said cities. Under the a verdict for the defendant. He held that the proper remedy was a suit for third-class city law a tax up to but not beyond \$100 can be levied on a damages. banking institution. It will be noted

The case of the Exeter Machine comthat the Act of 1887 fixes no limit. pany against the Pine Hill Coal com-The same act provides that a just pany is on trial before Judge Arch-



We are now located in our new store. 406 Lackawanna Avenue, formerly occupied by Siebecker & Watkins.

We are showing a superior line of Furniture and Carpets, and invite inspection

BE ALLOWED TO DIE ENTIRE COST.

ing the city debt without the consent of the to the court may appear just and proper.

CITY NOTES

NEW ENGLAND DINNER - The Catholic Young Women's chab will serve a New England dinner from 5 to 8 o'clock this evening, in the ans, 124 Washington avenue. The public is invited.

SEVENTH ANNIVERSARY .- The seventh at niversary of Hiram Marsh will be celebrated at the Rescue mission on Monday next, November 25, at 7,30. Refreshments will be served at close of service.

CAUGHT UNDER FALL OF ROCK .- Join Me-Nulty, of West Scranton, was Saturday caught under a fall of roof at the Continental minand received injuries which resulted in his bein taken to the Moses Taylor hospital.

CARS RUN OFF TRACK .- A rail which turned in one of the side tracks of the New York, On-tario and Western railroad at Peckvilla Lanight resulted in a train of nine coal cars being thrown off the track. No damage was done

LEFT VOLUNTARILY .- Thomas D. Lewis, West Seranton, takes exception to the statement that on "October 21 her husband turned her out of their home on Latayette street and since that time has refused to support her." Mr. Lewis says his wife left his home on to tober 21 of her own accord and has not since returned.

BOYS' ENTERTAINMENT .-- The Boys' Indutrial association will give an exhibition in physi-cal training in St. Luke's Auditorium on the evening of Thursday, Dec. 13, at 7,30 o'clock. Exhibition to consist of tumbling, jumping, div-ing, bell and club exercises, rending, marching, etc. The proceeds will be used to more they. oughly equip the B. I. A. gymnasium.

FREE ENTERTAINMENT,-The ladies of Wo men's Relief corps, No. 50, will give a literary and musical entertainment at Griffin post room; Thursday evening, commencing at 8.15 o'clock, The drawing for the set of storling silver teapoons, given by their president, Mrs. Lizzle War-ner, will also take place. As there are many the have taken numbers outside the corps, the ladies extend a cordial invitation to the public generally to be present.

FRATERNAL VISITS,-The remainder of No vember will be devoted to fraternal visits of the various Knights of Malta commanderies to each other. Anthractic commandery, No. 211, and several other of the local knights will to-ing. The course will include table setting and serv-ing. There will be no charge other than the morrow visit Temple commandery of Carbondale, the latest organized body of Maltans in the county. The night will be spent in *lriendly* in-tercourse and Monday Abiagton commundery at Clark's Summit will be visited.

A DISORDERLY YOUNGSTER .- A diminutiv colored urchin who reloices in the explositous title of Thomas Jackson Sampson, was arrested at the Academy of Music last night by Patrolman Louis Goerlitz on the charge of disorderly conduct. The little fellow was molesting the persons going into the theater and was warned away from the premises. He returned, however, with a number of apples, the cores of which he used as a novel kind of projectile, and was then

ACCUSED OF FRAUD. - Mortis L. Brnovitz, who up to very recently was the proprietor of a saloon on South Washington avenue, was arrested yesterday morning on a warrant issued by Alder-man Kasson, at the instance of William Craig, a representative of the Central Pennsylvasia Brewing company. It is alleged that Benovitz by misrepresentation succeeded in obtaining from the company goods valued at \$120.12. Bene-vits was held in \$300 bail for his appearance at further hearing.

FELL UNDER CAR WHEELS .- George Ketchall, a minor at the Mt. Jessup shaft, Marshwood, bas seriously injured yesterday as the indirect soult of a soule's kick. He was standing in a

Soc.-Lab., 2,669; Bingham, Peo., 795; Main, Peo., 775; Slayton, Soc., 4,026 Kuppinger, Soc., 3.995; scattering, 327. STORM AT LOCK HAVEN.

Building Blown Down-An Employe Injured.

its double tracks, with overhead wires, upon said viaduct when completed; and consent is also given to the Seranton Railway company to tra-porarily locate its tracks on Sixth street and Linden street, so that continuous travel may be maintained between that port of the city lying east of the Lackawanna river. See, 5.—The city of Seranton assumes no lia-bility for the payment of any part of the costs of the foundation and superstructure of the vis-duct, and the construction of the same, is to be paid by the Delaware, Lackawanna and Western Railroad company and the Seranton Railway company, as the work progresses, in accordance with the certificates to be furnished by the city engineer, and the entire work of the said coa-By Exclusive Wire from The Associated Press. Lock Haven, Pa., Nov. 21 .- A violen: wind storm passed over this county today. The building now under con struction for the Pennsylvania Fire Brick company, at Beech Creek, was blown down, and Thomas Stahl, an employe, had his leg severely injured. Two tobacco sheds belonging to Rob-

ert McCormick, below this city, were town to pieces, and the crop of twelve engineer, and the entire work of the said coa-struction is to be under the direction and superhundred acres of tobacco leaf stored cision of the city engineer. in the sheds was destroyed. TO ADVERTISE FOR BIDS.

The tobacco shed of Thomas Me-Keague, at McElhattan, was also destroyed, and two iron stacks at L. M. Patterson & Company's pipe works this city, were blown down.

TRAM CARS RUN AWAY.

Two Men Crushed to Death in a

TO ADVERTISE FOR BIDS. See, 6.—Immediately after the passage of this ordinance, the city clerk shall advertise tor bids for the construction of the foundation and the superstructure of said viaduct and the said con-tract shall be let to the lowest responsible bid-der, by action of the councils of the city of Scranton, duly approved by the mayor. The suc-cessful bidder shall then enter into a contract with the City of Scranton, which shall be ex-cessful bidder shall then enter into a contract which contract shall be prepared by the city so-licitor; and said contractor shall furnish bond with surelies to be approved by the city so-licitor; and said contractor shall furnish bond with surelies to be approved by the city so-licitor; and said contractor shall nor become tor in the sum of twenty-five thorisaid dollars, for the faithful performance of said work, and the payment of all labor and materials in con-nection therewith. See, 7.—This erdinance shall not become effec-tive until the bond to be furnished by the Dela-ware, Lackawanna and Western Railroad com-pany and the Scranton Railway company, as pro-vided by Section 2 of this ordinance, shall have be due with the city solicitor and approved by but the bond to the sub reliance the station of the state of the sub solicitor and approved by the bear. Mine. By Exclusive Wire from The Associated Press, Birmingham, Ala., Nov. 21 .-- A string of empty tram cars broke loose and ran away in the Sloss ore mines of the Sloss, Shoffield Steel and Iron comcany, near Bessemer, this morning, Nape Thompson, the superintendent, been filed with the city solicitor and approved was run over and instantly killed; Charles Kelly and Andrew Hart, who vere working nearby, were struck by two cars, which jumped the track and

crushed them to death against the wall of the mine.

Y. W. C. A. NOTES.

A new evening class in cooking is just being formed. This is a good time to enter. These who wish to learn to make Christmas candy hould talk with Miss Smith about the forming f classes. Those who need systematic physical correl-

should visit the gymnasium. The aim of the work is to produce strength and grace. Mothers with little children are invited to visit the Sat urday morning classes, from 9 to 11. There will be no charge other than the ing. junior membership fee.

Scranton Business College. Since the ending of the strike students have been securing positions al-

most at the rate of one a day. Were Principals Buck & Whitmore able to qualify them rapidly enough the rate would be much higher. The demand is greater than the supply.

\$100 Reward \$100.

The

the tracks of the said Delaware, Lackawanna and Western railroad and on which the cars of the Scranton Railway company will be allowed to readers of this paper will be pleased to learn that there is at least one dreaded discase pass over the said tracks of the Delaware, Lacka that science has been able to cure in all its stages and that is catarris. Hall's Catarrh Cure wanna and Western railroad, and this solely for the benefit and advantage of the said two com-panies, which companies are to pay the actual is the only positive cure now known to the medical traternity. Catarrh being a constitu-tional disease, requires a constitutional treat-ment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous sur-faces of the system, thereby destroying the foundations of the disease and givine the retired ast of construction, but the city to pay all lamages to property owners. Such damages to property will aggregate a very large amount, especially to my own land abutting on said via-duct, as it will be almost entirely runned and faces of the system, thereby destroying the foundation of the disease, and giving the patient councation of the obseace, and giving the patient atrength by building up the constitution and assisting nature in doing its work. The proprie-tors have so much faith in its curative powers, that they offer one Hundred Dollars for any cars that it fails to cure. Send for list of testi-monials

nonials. Address. F. J. CHENEY & CO., Toledo, O. ...

Sold by druggists, 75c. Hall's Family Pills are the best.

ane, from Seventh street to Ninth street, is accely changed to conform to said viaduct plane, and the avenue on the grade as now located is hereby vacated and will no longer constitute a street of said eity after the construction of said viaduct is commenced under the terms of this and equitable tax may also be levied upon the average yearly receipts of all insurance companies doing business in any city of the second class. Under 4.-Consent is hereby given to the Scran-

the third-class city law no insurance company can be taxed over \$100. ton Railway company to construct and operate its double tracks, with overhead wires, upon said

Then the matter of the taxation of that were made to receive it, although street railway companies is also changed. The third-class city few althe timbers were put together after lows municipalities to levy tax of \$100 plans sent on by the plainitff company. Furthermore, it did not come up to on the cars of all street railway comrequirements and had to be supplanted panies, and a number of good lawyers in this city hold the opinion that a tax by another style of screen. The screen on the gross receipts of such a comin dispute is now lying alongside the railroad track, awaiting a claimant. pany cannot exceed what the aggre-The coal company will not have it gate amount of a tax of \$100 per car would foot up to. and the machine company refuses to As far as can be learned, there is no take it back.

vent the accident.

brought to an end yesterday

hald. The plaintiff sues for \$700 for

the construction of a Parson's shak-

provision in the general acts of assem-The defendant company, through its bly governing second-class cities for superintendent, Clarence Sturges, maintains that the machine company's any tax whatever on street railway agent. Mr. Jenkins, when informed

companies. It must be stated, however, that the city of Allegheny is levythat the screen was not working successfully, said he thought his coming and collecting without any trouble pany would make it right. a tax of four per cent. on the gross re-The plainith avers that it simply contracted to build a screen accordcelpts of its street rallway companies so that second-class cities, in the ab-

ing to the instructions of the coal sence of any specific legislation, probcompany, and that if it does not work ably have more power in this particusuccessfully, the fault lies with the lar direction than third-class cities. plans and not with the workmanship.

BACK TO THE REFORMATORY.

cer. Both left on the 1.55 train for the

with

west.

yesterday.

quired by law

Philip McManus Taken to Elmira Yesterday.

esented by T. F. Wells, and Welles Torrey. In the case of Enos Flynn against he Father Whitty Young Men's Total An officer from the Elmira reforma-Abstinence and Benevolent society, the tory arrived in this city yesterday jury yesterday returned a verdict in requisition papers for Philip favor of the defendant society, which McManus, the young man who es was represented by Attorney E. C. caped from that institution some few Newcomb. A rule for a new trial was months ago. The papers were presecured by R. J. Beamish and Vossented to Judge Kelly, who committed ung & Dawson, the attorneys for the McManus into the charge of the offi

plainitff.

Claims Costs Are Excessive.

Watson, Diehl & Kemmerer repre-sent the plaintiff. The defense is rep-

McManus, it will be remembered, was Richard H. Holgate again rises to obarrested in a Penn avenue saloon lect. This time his protest comes in about two weeks ago with George Dathe shape of an exception to the bill of vis by Detective Moir, Officer Bloch costs filed by the plaintiff in the case and Constable Will Thomas. The men of Harry A. Depuy against Mrs. Jennie were selling cheap jewelry, which, it was suspected, they had stolen. Davis E. Brink. He deales that the arbitrators sat was discharged, but McManus was

sixteen and one-half days; that there held, and about a week ago it was learned that he was wanted by the were as many witnesses as the plaintiff taxes up; that the mileage charges Elmira reformatory authorities. for serving subpoenas are right, and that W. J. Hand, being an attorney, is COURT HOUSE NEWS NOTES. entitled to fees as a witness. The whole bill amounts to \$164.16. The amount of The return of the sale of realty in the estate

the verdict was \$418.25. of Louisa M. Cure was confirmed conditionally Two Applications for Divorce.

Walanty Kopinski, charged by Leon Suboski with robbery, was released from jail yesterday on \$500 bail furnihed by Jacob Yearks, before Judge Archbabl. Attorney Frank E. Boyle yesterday filed with Prothonotary Copeland libels in two divorce cases for Dunmorparties. In the case of the commonwealth against John

Jennie Dougherty wants to be freed Macken, a rule was granted yesterday on Jus-tice of the Peace Michael Lynch, of Fell townfrom James Dougherty, because o cruel treatment. They were married ship to compel him to show cause why he re-fuses to make a return of the certiorari as re-August 11, 1897, and separated January 26, 1900.

Marriage Licenses.

Joseph Stein asks for a divorce from The will of James O'Malley, late of Olyphant Jennie Krimer Stein, on the grounds of desertion and cruel treatment. They was admitted to probate yesterday and letters testamentary were granted to Peter O'Malley. In were married July 5, 1889, and lived

the estate of Anna J. Bloom, late of Scranton letters testamentary were granted to Josephina C. Kizer, Mary E. Ives and Burton G. Bloom ogether till May, 1897. of Kansas City.

Mrs. Winslow's Soothing Syrup

made valueless for the purpose for which it is now used.
Fourth-Your orator is informed and believes that the said ordinance as above set forth is wholly illegal and void and for particularity specifies the following reasons:
(a) It contains more than one subject, to wit: the construction of a viaduct, changing the grade of a street, vacation of a portion of a bottle.



A GREAT SHOW OF TOYS

The man who buys our Toys has made a study of the happiness of children. He starts out early in the year to do his buying-and nothing worthy gets past him. This year our stock is immense-enough of everything in novelties to please the youngsters far and wide. Toy Pianos and Baby Beds, Uniforms to make the boys look like Soldiers, Policemen, Firemen and Rough Riders. Might go on and fill this paper with a list of the many things in this Toydom. Come in and see for yourself.



then filed with the city solicitor and approved by him. And it is further provided that before the contract for constructing said viaduct is cherred into the said contract, and the details of the plans and specifications upon which the same is based, shall be submitted to and receive the approval of the engineers. Sec. 8.—immediately after the passure of this ordinance, and the filing of the bond toferred to in Section 2, and the commencement of the work of contruction, the city solicitor shall apply to coart for the appointment of viewers to assess the damages occasioned to any of the adjacent properties, which may be taken, injured or destroyed by reason of the change of grade of work actuation and and the tract of the construction of said viaduct, which viewers shall proceed to view the premises and make a report to the cont in accordance with the taw. Sec. 9.—All necessary changes in the swater mains, sewers, gas pipes or other conduits on said West Lackawanna avenue, made necessary by the construction of said viaduct, shall be under the direction and supervision of the street commissioner and the city engineer of said city. Sec. 9.—All necessary changes in the swater mains, sewers, gas pipes or other conduits on said west Lackawanna avenue, made necessary by the construction of said viaduct, shall be under the direction and supervision of the street commissioner and the city engineer of said city. Sec. 9.—Immediately upon the completion of the said viaduct the Scranton Railway company shall vacate the streets upon which they have irreport tacks and put them in the same con-dition as before they were occupied. dition as before they were occupied. INTENTION OF THE CITY. Third-Under the supposed authority of th have ordinance your orator is informed and be

lieves that it is the intention of the city e Scranton to enter into a contract for the benefi of the Delaware, Luckawanna and Western Rail-road company and the Scranton Railway com-pany whereby a viaduct will be constructed over