

Ice Cream. BEST IN TOWN. 25c Per Quart. LACKAWANNA DAIRY CO. Telephone Orders Promptly Delivered 179-187 Adams Avenue.

Scranton Transfer Co. Baggage Checked Direct to Hotels and Private Residences. Office D. I. & W. Passenger Station. Phone 525.

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.

UNION LABEL. CITY NOTES.

CONCERT TONIGHT—A concert and entertainment will be held in the Adams Avenue chapel, New York street, this evening, at 7:30 o'clock.

HOME ENTERTAINMENT—Tickets for the Willard D. Howe entertainment at St. Luke's Parish house, tomorrow evening, can now be had at L. B. Powell's Music store.

FOR THANKSGIVING—Miss Hawley will be at the reading room of Elm Park church Wednesday, from 9 o'clock until 12 to receive contributions for Thanksgiving dinners.

WZOP WAS COMMITTED—Joseph Wzop, was last night, committed to the county jail by Justice of the Peace Cummings, of Olyphant. He is charged with non-support by his wife.

BUMMAGE SALE—The rummage sale for the benefit of the Summer Home for self-supporting girls, will open Dec. 4, at 130 Penn avenue. Those having articles for this purpose can send them there Dec. 1.

MEETING HELD—An "echo" meeting will be held at the Second Presbyterian church this evening to hear reports of the delegates who attended the Christian Endeavor state convention at Philadelphia.

LECTURE AT CLARK'S SUMMER—Rev. W. G. Simpson, D. D., of Scranton, will deliver his popular lecture on "Life in the Highlands of Scotland" in the Clark's Summit Methodist Episcopal church this (Tuesday) evening at 8 o'clock.

FIREMANS WERE FINE—Frank Zepke and Salvatore Melo, the two Italians who were arrested yesterday morning for shooting out the rear window of No. 39 Lackawanna avenue, were arraigned before Mayor Ross yesterday morning and fined \$5 each.

IMPORTANT MEETING—The officers and governing members of the Catholic Historical Society and Newman Magazine club will hold an important meeting this afternoon at 3:30 o'clock in the parlors of the Knights of Columbus rooms, on Washington avenue.

HOME DONATIONS—The following donations were yesterday received by the Home for the Friendless: W. L. Cornell, \$100; Washington camp, No. 25, Patriotic Order Sons of America, \$5; Mrs. C. S. Weston, \$10; Mrs. J. B. Duncanson, \$5; total, \$120.

THANKSGIVING SERVICE—The Rev. James Hughes will conduct a Thanksgiving service in the Adams Avenue chapel, New York street, Thursday morning at 10:30, to which the people of the neighborhood are invited. This service will be one hour long.

WERE HELD IN BAIL—Reese & Long, the well-known central city bill posters, were yesterday held in \$500 bail each, by Alderman Miller, on the charge of posting immoral billboards. They were arrested at the instance of the agents of the Men's union.

A SPEAKERS CASE—Anthony Behm was held in \$500 bail yesterday by Alderman Miller on the charge of selling liquor without a license. He was arrested at the instance of Agent Robert Wilson, of the Men's union. This is the second time he has been arrested for keeping a speakeasy.

FUNERAL OF WILLIAM LAMOND—The funeral of the late William Lamond, who was crushed to death in the Pine Brook mine last Friday, was held yesterday morning from St. Peter's cathedral, where a high mass of requiem was solemnized by Rev. P. J. Gough. Interment was made in the Cathedral cemetery.

HISTORICAL SOCIETY MEETING—The Catholic Historical Society and Newman Magazine club will meet this evening. There will be a musical program and a very much interesting meeting. Rev. John Griffin, moderator of the society wishes to meet all the members. A large attendance is earnestly requested.

INQUIRE FOR JOHN REESE—Postmaster Rippe received a letter yesterday morning from Ever Reese, of 127 Huron street, Milwaukee, inquiring for information regarding his nephew, John Reese, whom he believes to be in this city. There are so many John Reeses that the postmaster decided it would be a pretty big task to look them all up.

Thanksgiving Day at Niagara Falls. One Fare for the Round Trip, via the Lehigh Valley Railroad.

Tickets on sale and good going November 28, limited for return passage to December 3 inclusive, and will be honored on any train, except the Black Diamond express. For additional information, consult Lehigh Valley ticket agents.

HEADQUARTERS FOR THE FINEST IMPORTED AND KEY WEST CIGARS. Especially Selected for the THANKSGIVING TRADE. Low Prices by the Box. Wholesale Price to Dealers.

E. C. Dean. 408 Connell Building. PHONE 8223.

GREAT FOOT BALL GAME. St. Thomas and Fordham Will Play Here Thanksgiving Day. Last Thanksgiving day saw the first foot ball game between college eleven played in this city. Another game between the most sensational teams has been arranged for this Thanksgiving. The contestants will be Fordham college, of New York, and St. Thomas college, of this city. Last Thanksgiving's game between St. Thomas and Villa Nova, the other teams in the national game over seen in these parts, and Thursday's game promises to far excel it.

Fordham has been scored upon only once during the last two years and that occurred last year, when West Point scored a touchdown. Her men have the reputation of being the fastest in training, both linemen and backs, and both ends being famous sprinters. She will rely upon end runs behind perfect interference and upon goals from the field. She hopes, by these means and by a superior quality of defensive work, to run up a high score.

The St. Thomas team does not indulge in predictions. It has well earned the title of "The Silent Eleven." It allows the other team to do the talking, while it is doing the playing. From the coach to the subs it is preserving a reticence as to its methods of offense and defense that bodes little good for Fordham. Secret practice has already begun and trick plays are said to be a feature.

The team will be selected from the following players: W. O'Horo, McAndrew, J. O'Horo, Hoagins, J. McDonald, A. McDonald, Manley, Vaughan, Kennedy, Farrell, Gallagher, O'Malley, Barrett, Burke, Langham, Thomas, Haggerty, Kollher. This is an aggregation of foot ball talent good enough to top up against the best in the land.

Elaborate preparations have been made for the convenience of spectators. The gridiron will be doubly roped and a squad of ten policemen will keep the field clear and provide an uninterrupted view for all spectators.

OUR CONGRESS THE MOST INTERESTING BODY OF MEN IN THE WORLD. "The congress of the United States is the most interesting body of men in the world. It comes nearer to being a representative body than any other assembly of men in the world. It is the only body of the public, presenting in concentration all the extraordinary peculiarities of the nation whose work it is selected to perform. Its average of ability is higher than that of any other parliamentary body on earth. Each of its members represents a larger constituency than is represented by any single member of a European parliament, and with very few exceptions each member is a good representative of the constituency for which he stands. Those who speak at congress and at congressmen sneer at the voters who selected them. Luckily that sort of thing is going out of fashion. People are beginning to appreciate congress for what it really is, and it is getting better all the time.

There are very few members either of the house or of the senate who are not of native birth. To be exact, there are just sixteen representatives and six senators who were not born in the United States. In the fifty-sixth congress, only one member, one of the numbers is Henderson, the speaker, who is a Scotchman. But he is as genuine an American as there is in the land. Considering the proportion of foreign to native-born in the United States, the percentage is insignificant, especially when it is remembered that the average member of congress is one who has been given to moving about the world and shifting his environment. Out of 352 members of the present house, only 27 represent the states in which they were born, and of this number only a few still live in the congressional district where they first saw light. The average congressman is a hustler. He has been ambitious or else he would never have found his present position. He has been successful in some measure goes without saying, and the fact that so many of them have broken away from their early surroundings, and have gained new successes in new fields, simply goes to show something of the energy and force that have helped to make the American congress what it is.

California Excursions. Leaving Washington every Monday, Wednesday and Friday at 10:45 p. m., via Southern Railway, New Tourist Sleepers, personally conducted, go through to San Francisco with out change of cars, conductors or porters. The route is through Atlanta, Montgomery, New Orleans, Houston, San Antonio, New Mexico, Arizona and Southern California. The cars are the very latest pattern of Pullman Tourist Sleepers, birch-wood finish, high-back seats, open sections, supplied with linen, etc., same as standard sleepers, lavatory and smoking room for gentlemen, and two retiring rooms for ladies. There are one-half days to Mexico and Arizona, four days to Los Angeles and five days to San Francisco. The Tourist Car fare is less than to any other route, saving from \$25.00 to \$30.00 for the trip. Chas. L. Hopkins, District Passenger Agent, Southern Railway, 828 Chestnut street, Philadelphia, Pa., will be pleased to furnish all information.

BOTHER OVER BASSETT POND

RIGHT OF PISCARY ATTAINED BY PRESCRIPTION. That's What the Defendant in the Gibbs Against Sweet Trespass Suit Says He Has and on That He Will Make His Defense—Another Trolley Company Case Settled—Arthur Frothingham Falls to Appear to Prosecute His Ejectment Case for the Lyceum Theater.

Bassett's pond, up in Henton township, bids fair to become quite as famous as a source of law suits, inspiration of poets, etc., as his neighbor, the celebrated Taylor pond. The late C. Gibbs, who had a paper title from the Commonwealth to most of the pond and claimed title to the remainder of it by purchase or lease from squatter owners, did considerable lawing with the adjacent property holders about the right of fishing and the like two years ago a number of them came back at him with a suit to prevent him from exercising "the right of flow" or, in other words, from damming up the outlet to raise the water for mill purposes. Gibbs won out and upon the strength of this verdict proceeded to excavate full and complete ownership of the pond.

One Dr. Wilson Sweet, who persisted in fishing in the pond, was warned to raise the water for mill purposes, Gibbs brought a trespass suit against him to recover \$500 damages. After the bringing of the suit, Gibbs died, but the suit did not die with him. His two sons, George G. and Herbert C. Gibbs, had themselves substituted as plaintiffs and after several delays, succeeded in getting the case to trial yesterday before Judge Edwards in the main court room.

Attorney W. W. Baylor, son of the Baylor of Bayport fame, who, as may be believed, is an expert in these cases, and S. B. Price are representing the plaintiffs. Attorney Aaron Augustus Chase, whose Benton home is on the shores of Bassett's pond, and his partner, Attorney James Mahon, appear for the defense.

PROVING PAPER TITLE. Yesterday was given over entirely to proving the paper title, and an examination of a map of the pond, made by County Surveyor A. J. Stevenson. Judging from the occupants of the witness' seats, some interesting testimony is to be expected when the oral examinations are begun.

Mr. Sweet will defend on the ground that he attained the right of piscary by prescription. Just what this will develop today. Around these parts, that's rather tricky, but up Benton way any child can tell you all about it. From a cursory inquiry among the attorneys, it was made to appear that it is a body of water which a squatter sovereignty is to land. If a man has fished in a pond, for instance, for twenty years, without molestation, and has done his fishing openly, adversely and notoriously, he can keep on fishing in that pond as long as he sees fit, no matter what changes of ownership the pond may undergo. Unconstitutionally, it is held, that Mr. Sweet did his recent fishing from off a promontory that a third party owns, and not from off the Gibbs' land.

Arthur Frothingham again failed to appear to prosecute his ejectment suit for the Lyceum theater against Charles H. Welles, trustee, and claimant, which was granted. When the case was last up for trial, a year ago, Mr. Frothingham, by his non-appearance, suffered a non-suit, but a few hours later instituted a new suit. This new suit was regularly ordered on the trial list, but, as in the previous case, Mr. Frothingham was not at hand to back his claim. Welles & Torrey and Willard, Warren & Knapp represented the defendant.

BEFORE JUDGE KELLY. The suit of Mary McGinniss and her husband, Michael McGinniss, against the Scranton Railway company, was settled before Judge Kelly. The defendant agreed to give Mrs. McGinniss \$800 and her husband \$25, each party to pay his own costs, and this being acceptable to the plaintiffs, a verdict to that effect was directed to be entered.

Mrs. McGinniss was injured in September, 1905, by the derailing of a Bellevue car, on which she was a passenger. She sued for her damages and her husband asked to be recompensed to the extent of \$5,000 for the loss of his wife's services and the expense to which he was put in caring for her.

Hon. John P. Quinnan and M. J. Donahoe were the plaintiffs' attorneys.

HYOMEI. ASK YOUR DOCTOR ABOUT HYOMEI. HE WILL TELL YOU. That without HYOMEI there is no hope for the Consumptive. That without HYOMEI, Catarrh and Bronchitis cannot be permanently cured. That HYOMEI is the only sure protection against respiratory diseases known to the medical profession. If this is not enough to satisfy you, send for five days' treatment and medical advice free.

HYOMEI. A capsule of Poultry-Turkey's Chickens, Ducks and Geese. The stock is very fine and will be sold at low prices. See us before placing your Thanksgiving orders. W. H. Pierce, 110, 112, 114 Penn avenue, 19 Lackawanna avenue.

SIZE OF THE SCHOOL BOARD

QUESTION THAT IS NOW BEING DEBATED. I. H. Burns Believes That When We Become a Second Class City in Fact Our School Affairs Will Be Conducted by a Board of Fifteen—Says That the Supreme Court Last Spring Reversed Its Ruling of 1895—Extracts from the Opinions of the Supreme Court.

The question of the hour with the twenty-one members of the Scranton board of control just now is, When Scranton becomes a city of the second class will the school board consist of twenty-one members, one from each ward, as at present, or will it consist of fifteen members elected from the city at large, as provided in the Act of 1895?

This question revolves around another question, which is this: Is the Act of 1895 constitutional or unconstitutional? The Supreme court in a decision handed down in 1896, or one year after the act went into effect, unequivocally declared it to be unconstitutional, but Ira H. Burns and several other local attorneys contend that the Supreme court reversed its ruling in a certain portion of the opinion handed down in April of this year in the case of Commonwealth versus Gilligan, the same opinion which settled the question as to whether a board of twenty-one or a board of six was the legal board in a city of the third class.

The Act of 1895, above referred to, provides for the election of fifteen school directors in cities of the second class, said directors to be elected for three years, and no two to come from the same ward. It further provides that they shall draw slips on the morning of the organization of the first board for the purpose of appointing who shall serve for one, who for two and who for three years, five slips to be marked with each of these numbers.

CASE IN QUESTION. The case in which the opinion of the Supreme court, declaring this act unconstitutional, was handed down was the case of Chalfant vs. Edwards et al., and has been widely quoted. It was a bill in equity to restrain a certain sub-school district in Pittsburg, provided for by this same Act of 1895, from selling and delivering certain school bonds. Mr. Chalfant, the appellant, was a citizen, and his attorneys contended that this act was unconstitutional.

The lower court declared it to be unconstitutional and the matter was carried to the Supreme court. In declaring the act unconstitutional this tribunal gave as its reason for so doing that it was a violation of the constitutional prohibition against local or special legislation for school districts. This is what the court then said:

In every instance we have asserted the same rule, saying that the effect of classification must not be carried beyond its purpose as declared in the original classification law and that a law relating to school districts, though embracing all the cities of a given class, or all the cities into which cities are divided, is local and unconstitutional if the subject be one which local and special legislation is forbidden. The regulation of the affairs of school districts is such a subject.

The act before us was passed to establish a local system. Its results were intended to be local and only local. They can be no possibility be anything but local. This act is therefore squarely within the works of the constitutional prohibition against local or special legislation to enact and is absolutely void.

It will be seen that the Supreme court at that time declared that when the classification of school districts was based upon the classification of cities, as in the act of 1895, the act classifying such districts is local and unconstitutional.

MR. BURNS' STATEMENT. Mr. Burns admitted yesterday, when seen by a Tribune man, that as far as the above-quoted opinion goes, the act is unconstitutional. "But," said he, "the Supreme court this last spring has reversed its ruling on the question of classification and reversed it in an unequivocal manner. The opinion of 1896 and this year's opinion cannot possibly stand together, because one is contradictory of the other."

SIZE OF THE SCHOOL BOARD

QUESTION THAT IS NOW BEING DEBATED. I. H. Burns Believes That When We Become a Second Class City in Fact Our School Affairs Will Be Conducted by a Board of Fifteen—Says That the Supreme Court Last Spring Reversed Its Ruling of 1895—Extracts from the Opinions of the Supreme Court.

The question of the hour with the twenty-one members of the Scranton board of control just now is, When Scranton becomes a city of the second class will the school board consist of twenty-one members, one from each ward, as at present, or will it consist of fifteen members elected from the city at large, as provided in the Act of 1895?

This question revolves around another question, which is this: Is the Act of 1895 constitutional or unconstitutional? The Supreme court in a decision handed down in 1896, or one year after the act went into effect, unequivocally declared it to be unconstitutional, but Ira H. Burns and several other local attorneys contend that the Supreme court reversed its ruling in a certain portion of the opinion handed down in April of this year in the case of Commonwealth versus Gilligan, the same opinion which settled the question as to whether a board of twenty-one or a board of six was the legal board in a city of the third class.

The Act of 1895, above referred to, provides for the election of fifteen school directors in cities of the second class, said directors to be elected for three years, and no two to come from the same ward. It further provides that they shall draw slips on the morning of the organization of the first board for the purpose of appointing who shall serve for one, who for two and who for three years, five slips to be marked with each of these numbers.

CASE IN QUESTION. The case in which the opinion of the Supreme court, declaring this act unconstitutional, was handed down was the case of Chalfant vs. Edwards et al., and has been widely quoted. It was a bill in equity to restrain a certain sub-school district in Pittsburg, provided for by this same Act of 1895, from selling and delivering certain school bonds. Mr. Chalfant, the appellant, was a citizen, and his attorneys contended that this act was unconstitutional.

The lower court declared it to be unconstitutional and the matter was carried to the Supreme court. In declaring the act unconstitutional this tribunal gave as its reason for so doing that it was a violation of the constitutional prohibition against local or special legislation for school districts. This is what the court then said:

In every instance we have asserted the same rule, saying that the effect of classification must not be carried beyond its purpose as declared in the original classification law and that a law relating to school districts, though embracing all the cities of a given class, or all the cities into which cities are divided, is local and unconstitutional if the subject be one which local and special legislation is forbidden. The regulation of the affairs of school districts is such a subject.

The act before us was passed to establish a local system. Its results were intended to be local and only local. They can be no possibility be anything but local. This act is therefore squarely within the works of the constitutional prohibition against local or special legislation to enact and is absolutely void.

It will be seen that the Supreme court at that time declared that when the classification of school districts was based upon the classification of cities, as in the act of 1895, the act classifying such districts is local and unconstitutional.

MR. BURNS' STATEMENT. Mr. Burns admitted yesterday, when seen by a Tribune man, that as far as the above-quoted opinion goes, the act is unconstitutional. "But," said he, "the Supreme court this last spring has reversed its ruling on the question of classification and reversed it in an unequivocal manner. The opinion of 1896 and this year's opinion cannot possibly stand together, because one is contradictory of the other."

Blessings to Be. Thankful for. This Thanksgiving season has once more set us a-thinking what a host of blessings one has to be thankful for. Right here in our store are many. When you can buy a 100-piece Vitreous China Decorated Dinner Set for \$8; a 10-piece decorated gold stipped Toilet Set for \$5.50; a large gold ruby etched Lamp with centre draft burner and 11-inch globe to match for \$6. Our primitive forefathers had little to be thankful for as measured by these modern ideas and advantages.

China Mall. Geo. V. Millar & Co. 131 Wyoming Avenue. Walk in and look around.

TEETH \$5 SET \$5. Our Teeth Improve the appearance of the face and the comfort of the mouth and make the health better, too. A little time spent here will benefit you greatly.

Gold Crowns..... \$3. Gold Fillings..... \$1. Bridge Work (Per Tooth)..... \$3. Set of Teeth..... \$5. All work guaranteed for 15 years. Call and have your teeth examined free of charge. Satisfaction or no pay.

Dr. Reyer, Dentist. 514 Spruce St., Opp. Court House.

Call and Examine Our Line of Horse Shoe Pads. A great variety of styles constantly on hand. No slipping and falling. No more sore and contracted feet. BITTENBENDER & CO., 126 and 128 Franklin Ave.

50 Couches. Handsomely upholstered in finest qualities of velour, in both solid color and fancy figured designs (more than twenty distinctly beautiful patterns to choose from). Until December 1st for only \$8.00. Sold in most stores at Twelve Dollars. Always considered a bargain at Ten Dollars. Every Couch guaranteed by us for five years—absolutely.

In Our New Store 406 Lackawanna Ave. Scranton Carpet & Furniture Co. (REGISTERED)

House Heating. Simple as a Stove. is a simple thing when you have a Sperl Heater (coal required once in 12 to 20 hours). It is so simple any one can keep it going and have the house heated to a degree as you want it, day or night. Every part of a

Sperl Heater. (Steam or Hot Water). is made extra heavy, with every joint iron to iron. There is no heat lost, and at the end of the winter the heater shows no sign of wear. It is made for heat and wear. Let us send you our booklet, you will know all about heaters that is worth knowing. The Sperl Heater Company, Carbondale, Pa.

Iron Toys Tin Toys and Dishes. We make better Iron and Tin Toys here than they do in the Old Country. That is why you pay us so much less for them. Everything in Iron and Tin Toys is here. And the Dishes. What a galaxy of pretty things they represent; copies of the most exquisite designs in real big sets. And all so little priced. Look over the assortment while it is large and complete.

J. D. WILLIAMS & BRO. 312 and 314 Lackawanna Avenue. Miss Clara E. Potter, eighteen years' experience in teaching all branches of art needlework, has opened women's exchange at M. Norton's, 322 Lackawanna avenue.