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makes it ideal food for children—building strong bones, teeth, nerves, rich blood, solid flesh; the greatest restorative for workers; aging persons, invalids—equal to a diet of whole wheat.

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DR. HAND CONDENSED MILK CO. Scranton, Pa.



### CITY NOTES

**CHALK TALK.**—Rev. R. F. Y. Pierce will give one of his interesting chalk talks at the Rescue Mission, Franklin avenue, this evening.

**PAY DAYS.**—The Delaware and Hudson paid yesterday at the Baltimore No. 2, Baltimore Yacht, Coningham, White Oak and Jersey stations.

**PITTSBURGH COUPLE WEDDED.**—Frank G. Young and Miss Helen Winters, both of Pittston, were yesterday afternoon united in marriage by Alderman Rudy.

**ANNIVERSARY TONIGHT.**—The Independence Order of Foresters will celebrate their third anniversary this evening at their hall in the Germania building. All members with their families and friends, are invited to attend.

**CUT HIS HAND.**—While sharpening an axe at the Lackawanna car shops yesterday morning, E. F. Thomas, an employe, inflicted a severe cut upon one of his hands, gashing it seriously. His injuries received treatment at the Lackawanna hospital.

**REPORTERS PITTSBURGH.**—An involuntary petition in bankruptcy was yesterday filed with Clerk E. W. R. Searle, of the federal district court, in the case of E. S. McFarland of Harrisburg, by several Philadelphia creditors. They

are Asom Bros., Carey Bros. & Grevenyer, and Crosswell & Washburn.

**PRESENTED WITH A WATCH.**—Max Ziehlman, the popular treasurer of the Phœnic Chemical company, was last night presented with a handsome gold watch by the members of his company at his home on Webster avenue. The presentation speech was made by Joseph Danner and was formally responded to by Mr. Ziehlman, who entertained the members with a beautiful repast.

**LEG BROKEN.**—J. C. Zarbello, the real estate man, is at his home on May avenue, suffering from a broken leg. Wednesday night he was out driving at Factoryville with Arnold Ziehlman, J. C. Butterfield and Henry Shaffer. As they were crossing the Delaware, Lackawanna and Wyoming tracks they saw a train come thundering along and lashed the horses and got the carriage off the track, but in doing so the vehicle was upset and the men thrown out. Mr. Zarbello sustained a broken leg. He was brought to his home in this city yesterday.

### POLICE AND ALDERMEN.

Peter Albrecht, who lives near Mountain Lake, was arrested yesterday at the instance of Mrs. W. B. Duggan, who charged him with cruelty to his children and with pointing firearms at them. He will be given a hearing tonight before Magistrate Miller.

Vandebilt Simpson, the colored youth arrested on the charge of larceny, was sentenced to six months in the county jail yesterday by Magistrate Miller.

### Westminster Auction Sale

of bedroom suites, 2,000 yards of carpet, chairs, tables, blankets, sheets, silverware, crockery and household articles. E. M. Strong, auctioneer.

Smoke the Pocomo cigar.

## DECIDES FOR THE PLAINTIFF

### OPINION IN GANLEY-KIRST EQUITY SUIT.

**Judge J. W. Carpenter Rules That the Defendant Must Cease the Excavations Which Threaten to Injure the Property of the Plaintiff—Answer Filed in Three of the Suits Brought by the Rocky Glen Water Company—A \$20,000 Trespass Suit—Other Court Matters.**

Judge J. W. Carpenter yesterday filed the following opinion in the equity case of Mary Ganley against William Kirst: Mary Ganley vs. William Kirst. No. 6, May Term, 1901, in equity.

From the pleadings and evidence in this case I find the following facts: The plaintiff, Mary Ganley, is the owner in fee of a lot of land situated on the northern side of Pear street in the city of Scranton, forty feet in width and one hundred and thirty feet in depth. It is improved with a frame dwelling house in which she lives.

The defendant, William Kirst, is the owner of two lots adjoining the plaintiff's on the western side of the same street. He has been engaged in excavating on his lots to a depth of from twenty to thirty feet for the purpose of taking out a bed of sand which underlies the surface, and in doing so he has approached so near to the plaintiff's land that the soil of his lot has fallen and slid down so that the upper surface line of said excavation, at one point, is within about four feet of the plaintiff's land, and if the excavating should be pursued farther in this direction there is danger that the surface of the plaintiff's land will slide into such excavation and damage her lot.

The plaintiff filed her bill in which she prayed that the defendant might be restrained by injunction from continuing to excavate and remove the surface of his lot. She also asked that the court ascertain the value of the damage which it was claimed she had sustained in the depreciation of the value of her property, by reason of the excavating which the defendant has heretofore done, and that the defendant be compelled to pay her such amount.

Upon the hearing, however, her counsel withdrew the question of damages, and we have before us to consider only the right of the plaintiff to have the defendant enjoined from excavating on his lot so near to hers as to cause the soil of her lot to subside and fall into such excavation.

An owner of land has an undoubted right to have the soil of his land supported by the soil of his neighbor, and one has no right to so excavate his own land as to deprive the other of this lateral support. Where, under this Appeal, 81 Pa. 203; Albrecht vs. Woods, 1 W. N. C. 23.

It is also settled that this rule extends only to support for the ground in its natural state, and does not include such support for the protection of buildings or other structures placed upon it. Metcalf vs. Potts, 119 Pa. 132.

The latter rule, however, not applying to this case, for the reason that the character of the soil of these lots, as shown by the evidence, is such that the excavating which is being done by the defendant should be continued until the soil of his lot is nearly to the surface of the soil of the plaintiff's lot, at one point at least, the soil of her lot would necessarily fall and slide into such excavation even if there were no buildings upon it.

The law gives her the right to have her land supported by that of her neighbor, and if he wishes to remove this natural support he must protect her land from the injury which would result from so doing.

I am of opinion that the defendant's excavation, supra, restrained this case and that the defendant is enjoined from continuing to excavate and strip the soil from the plaintiff's land as to take away its lateral support, and cause her land to slide or fall.

It is ordered that notice of the filing of this opinion be given by the prothonotary to the parties or their counsel, and if no exceptions thereto are filed in the proper office within ten days after such notice said decree will be entered thereon and the same will be enforceable. J. W. Carpenter, A. J. J., June 27, 1901.

**Three Defendants Make Answer.** The Central Valley Railroad company, the Connell Park and Speedway Street Railway company and the Transit Contract company yesterday filed formal answer to the equity suit brought by the Rocky Glen Water company against them and against Scranton and Northwestern Railroad company, and Contractors John R. Lee, John T. Dolan and Joseph Page.

The suit was brought to restrain the new trolley company from entering upon a tract of land at Moose creek which was owned by Annette Reynolds and which she turned over to the Rocky Glen Water company, of which she and Arthur Frothingham are the principal owners.

The water company dedicated the tract for residential purposes. The trolley company had already surveyed a right of way through it. The water company claims the trolley company has no right of eminent domain and at all events such right, if possessed, would not extend to this tract, as the water company has dedicated the land for public use as a reservoir and made it free from the operation of the power of eminent domain.

The answers of the three companies filed yesterday are for the most part denials of the averments of the plaintiff. The Transit Contract company's answer recites in addition to the formal denials, that before entering upon the tract in question the Scranton and Northwestern Railroad company, for which the Transit Contract company is working, offered a sufficient bond to indemnify the owners of the tract for any damages that might accrue, but the bond was refused and the court has been petitioned to accept the bond for the company.

The answers were prepared by Attorneys Read & Pettit, of Philadelphia; James E. Burr and Joseph O'Brien, of this city; and Henry A. Fuller and E. M. Wheaton, of Wilkes-Barre. The plaintiff company is represented by E. C. Newcomb and Willard, Warren & Knapp.

C. V. Boughton, president of the Transit Contract company; T. F. Pennell, president of the Connell Park and Speedway company, and C. V. Boughton, secretary of the Central Valley company, make the affidavits in the answers.

**Hearings Before Referees.** The case of Nelson, Morris & Co. against Joseph and Leola Labotsky of Throop, was heard yesterday before Referee Joseph Jeffreys.

The plaintiff company is trying to collect \$100 from Mrs. Labotsky, for a bill of goods sold to her husband and his partner, Mrs. Labotsky, who owns real estate, guaranteed the account of her husband's firm with Miller & Watts, the predecessors of the plaintiffs. The husband's firm continued to do business with the succeeding firm, and got into their debt to the extent of \$150. They are now trying to hold Mrs. Labotsky's property for the account. Mrs. Labotsky defends on the ground that she only guaranteed the account of her husband's firm with Miller & Watts, and that she can not be held for any

debt contracted with their successors. H. D. Carey represents the plaintiff company, and Taylor & Lewis the defendant.

Attorney George S. Horn, sitting as referee, heard the case of B. Englander & Co. against H. Goldsmith & Co. It is a suit growing out of a transaction in children's clothing. The goods were refused on the ground that they were not what was ordered. The seller refused to take them back and they were sold by the railroad company for freight and storage.

W. H. Gillespie, of Pittston, sat as referee in a damages suit brought by Henry Howells, of Taylor, against the City of Pittston. Charles E. Daniels is attorney for the plaintiff, and City Solicitor George O'Brien for the defendant.

**Two New Trespass Suits.** Suit for \$20,000 damages was instituted yesterday by John Murray and Martin Murray against the Greenwood Coal company. C. H. Soper is the plaintiff's attorney.

John Murray is a 15-year-old boy, and Martin Murray is his father. The boy was working for the company as a driver's helper, in April, 1899, and while in the act of hitching a team of mules to a trip of cars, the mules started up and he was thrown under the cars, suffering the loss of his right leg.

Dr. J. J. Brennan, of Jackson street, brought suit against the Scranton Railway company for \$5,000 for personal injuries and damages to his buggy, resulting, as is alleged, by driving into an unguarded excavation, made by the company, on North Main avenue, near Bull's Head, in May, 1900. Evan Thomas is the plaintiff's attorney.

**TREASURIES AT LOW EBB** School Teachers Have to Go to a Bank to Have Their Orders Cashied. Treasurers Are Complaining.

City school teachers who were paid yesterday, had to go to the Third National bank to have their orders cashied. The school district treasury is depleted and the city was unable to loan it any money, as has been the wont in such emergencies, because of there being but very little cash in the municipal strong box.

The school board arranged with the bank for a temporary loan of \$15,000 to meet salary and other pressing claims during the interim that will elapse before the tax duplicates are ready for the collectors.

The city had only \$12,000 at its command, yesterday morning, but during the afternoon, in response to a requisition from Treasurer Robinson, a \$20,000 check was received from County Treasurer Scranton to apply on the \$128,000 that was still owing the city from liquor license fund.

This makes \$20,000 that has been paid over to the city, thus far, by Treasurer Scranton. Treasurer Robinson is complaining that it is not dealt out liberally. Treasurer Scranton points out that he has already remitted as much as Treasurer Kelly paid over all together last year, when the revenue from liquor licenses was only \$68,000, as against \$164,260 this year under the doubled fee.

When the matter of the complaint of Treasurer Robinson and the treasurers of the other municipalities throughout the county was laid before Treasurer Scranton, yesterday, he stated that under the law this money is not due to the municipalities until September 1, and that any payments made by a county treasurer before that date are by way of recommodation. The shortage in the city treasury, Mr. Scranton explained, was due, not so much to the want of the liquor revenue, as it was to the fact that the delinquent tax collectors should collect them.

Of the moneys collected this year from liquor licenses, \$164,260 goes to the city of Scranton; \$8,000 to the city of Carbondale; \$37,764.40 to the boroughs and \$2,415.20 to the townships, a total of \$214,139.60.

**BALL WAS A SUCCESS.** Committee Reports That \$3,117 Was Cleared—Members Lunched with Colonel L. A. Watres.

At a meeting of the executive committee in charge of the opening of the armory was held yesterday afternoon for the purpose of reporting on the satisfactory sum of \$3,117 cleared by the big ball. The committee lunched with Colonel L. A. Watres at the Scranton club, and after dining conducted the business meeting with Major J. W. Oakford in the chair.

Colonel D. B. Atherton, the board working chairman of the sale of tickets committee, reported receipts from the sale of tickets as being \$4,428, and receipts from the sale of boxes, \$3,200, a total sum of \$7,628, which when \$4,511 expenses were deducted leaves a balance of \$3,117. W. G. Parker, Lieutenant W. E. Gunster and A. C. Hunt were appointed an auditing committee to look over the treasurer's books and the accounts of the tickets' committee.

Colonel Watres thanked the members of the executive and other committees for the care and energy they had evidenced, and declared that in his opinion the committee was too valuable an adjunct to the regiment to allow it to be discharged, and this was by unanimous consent conceded.

A sub-committee was appointed consisting of Colonel L. A. Watres, T. H. Watkins, Captain E. M. Vandling, A. G. Hunt and Captain D. B. Atherton. This committee will consider future plans and report at a meeting to be called by the chairman of the committee. While the monetary results of the ball were not as large as had been hoped for yet it was the unanimous sentiment of the committee that generally speaking the affair had been a success.

Those present at the meeting were Colonel L. A. Watres, Major J. B. Fish, Major W. S. Miller, Joseph Levy, Conrad Schroeder, Colonel C. W. Mattes, T. H. Watkins, Major J. W. Oakford, Lieutenants D. B. Atherton, W. E. Gunster, W. E. Gunster, Captain W. A. May, Albert G. Hunt, Colonel Herman Osthaus.

**OUR METHODS** Are calculated to insure prompt and efficient service in every department of banking. Perhaps you would like to try us.

**The People's Bank**

## Music.

Students' recitals are usually income functions to attend and a thing to avoid if possible. In striking contrast to this was the closing recital given by the students of the Artistic Vocal studio last night at College hall to an enthusiastic audience, which taxed the seating and standing capacity of this spacious auditorium.

The recital opened with the distinct pronunciation and expression with which each number was given.

The first soloist was Miss Jessie Britley, who displayed a good stage presence and a well-trained voice which has made progress since last year. Her singing of "My Heart at Thy Sweet Voice" was well received. J. C. Winke, tenor, sang in sweet voice and taste, "The Diamond Store," which was well suited to his voice. "When We Love," given by Miss Edith Fowler, in a pure, rich contralto voice of volume and power, was received with favor. A pretty song, "The Gray Swan," was sung by Miss Mary N. Lamb. She displayed a voice of great flexibility and wide range and ease of tone production that was refreshing. Much applause followed the recital opened with this song, singing in excellent voice and style, portraying his teacher's excellent method.

The recital chorus aroused the audience to a high pitch of enthusiasm by their rendition of "The Soldier's Chorus," from the opera "Faust." The martial rhythm, the attack and precision were almost perfect. The whole chorus was sung throughout with great spirit. "On Dreams," an exquisite song by Tosti, was sung by Daniel Jones with fine style and feeling. Mr. Jones' voice is a pure, high tenor. The next selection was a powerful number from the opera "Don Carlos," known as "O Don Carlos," given by Miss Kathryn Morgan in superb voice and with dramatic intensity.

The sweet ballad, "Forgotten," was much enjoyed, as sung by Miss Edithson, who possesses a contralto voice of great fulness and sympathetic quality, well adapted to the proper execution of this favorite ballad. Miss Teresa M. Hanaway's charming personality and pretty voice, together with the character of her song, "The Spirit of Spring," made a delightful impression. The audience showed much favor at her singing, which has considerably broadened in style and expression.

The magnificent "The Song of the Lark," which sings with taste and much feeling. His song, "Patria," was well adapted to his voice and style.

The estimated "Jewel Song," from Gounod's "Faust," brought out the beauties of Miss Martha Matthews' vocalization in all its brilliancy. This aria presents technical difficulties far from being ornamental and are used by the composer as vehicles for a logical and logical, pleasant and pure, Miss Matthews, by her splendid voice and artistic style, made a deep impression. The trills were clear, light, joyous and rippling, the nature clear, exact and secure in time and pitch. She was applauded to the echo.

The grand aria, the last of the first act of "Lohengrin," sung for the first time in Scranton by the recital chorus under the magnetic baton of the indefatigable director, Mr. Watkins, was a glorious ending to a brilliant recital. The chorus this year is not only capably balanced, but it is a splendid body of vocalists, of whom Scranton can well be proud. The tenors and basses, with resonant voices; the rich quality of the altos, and the manner in which the sopranos attacked the high notes, made the whole ensemble fitted for the high standard of singing called for by this master work of the great Wagner. The highest praise of their wonderful achievement is Mr. Watkins' just due.

The soloists who were Miss Matthews, Miss Morgan, David Stephens, Will Watkins and John W. Jones, at whose hands the solos received their full measure of artistic interpretation. The accompaniment for this chorus was played upon two pianos by Miss Clara H. Richmond and Charles Doersan, in a most praiseworthy manner. The other capable accompanists were Mrs. D. B. Thomas and Miss Rose Conway.

The Conservatory of Music has marked the close of a most successful year's work by a series of six closing recitals in the auditorium of the Lackawanna Hotel, the last recital of the series being given last evening to an audience which packed the house.

These recitals have been unique in the large number of students who have appeared on each programme, the uniform excellence exhibited in the playing of students of all ages, and in the exposition of the splendid effects to be obtained from the use of several pianos at the same time, or ensemble playing, made the recital the customary use of the piano as a solo instrument.

The programme of last evening was so arranged that piano solo numbers alternated with ensemble numbers, the most of the latter being performed at six pianos by twelve players. The soloists who appeared in pieces of varying difficulty were Miss May Bedford, Miss Margaret Law, Miss Ethel Bryan, Miss Norma Jones, Miss Lillian Kroutier, Miss Mary Fowler, Miss Katharine Hicks, Miss Hildegard Conrad, Miss Anna Vior and Miss Mary E. Wagenhuber. Four young ladies, the Misses Caroline Neuffer, Elfrida Sylvester, Marjorie Roberts and Susie Watkins, rendered the Concerto Sonata in D, op. 66, in mission at four pianos, and six little misses played in the same way several pieces from Burgmuller's opus 100 from memory, with a degree of accuracy astonishing in such young students.

The ensemble or eight playing selections, which were played by five classes of twelve players each, and a boys' class of eight players, were: "The War March," from "Bismarck," by Wagner; Galop, opus 29, by Dana; "On the Carousel," by Waltz; "Lullaby," opus 178, by Gullit; "The Gipsy Song," by Gullit; "On the Lake," and the Potpourri, by Valdemar, from opus 112; Alla Siciliana and March, from opus 69, by Von Weber, and Grand March, from "Tambour-major," by Richard Wagner. All these numbers, and especially the last, were received with marked favor by the audience. The educational value of these pieces performed in this way was shown by the deep interest of the players and the accurate and correct execution.

Special mention should be made of the playing of the first movement of a concerto in C major, by Mozart, by Miss Mary Wagenhuber, the accompaniment played on a second piano by Mr. Paul Gullit. Maria, by Wagner, played at four other pianos by the Misses French, Browning and Bone, and Mr. Hoffmann. The difficult solo part was played by Miss Wagenhuber with adequate technique and the playing of the cadenza, especially, gave evidence of the highest musicianly qualities.

The "Humage a Handel," by Moscheles, written for two pianos, was played at six pianos, by the Misses French, Browning, Bone, Wagenhuber, Messrs. Pennington and Hoffmann. This was one of the most delightful numbers on a programme of unusual merit and, armed with the march from Tambour-major, a brilliant ending to an audacious concert.

The fifth and last of the season of closing recitals by the Southworth studio pupils will be given at Powell's, this evening. Following is the programme:

- Sonata, first movement, by Beethoven
- Adagio Favoni, by Mozart
- Miss Mariel Weston
- Larghetto, Allegro Polacca, by Kuhlau
- Miss M. G. Harris
- Mozart, op. 92, by Beethoven
- Biedermann
- Miss Celia Rine
- (a) Confession, by Rogers
- (b) Lullaby, by Scott
- Miss M. G. Harris
- Nocturne, by Chopin
- Jola Field
- Miss Tristine Morris
- Fisher
- Intermezzo, by Schumann
- Miss M. G. Harris
- Melody, by Ernest Ford
- Miss Lella Woodruff
- Valse, by Strauss
- Gullit
- Scherzino, op. 64, No. 2, by Handrik
- Miss Mary O'Malley
- In Twilight, melody, by Ganschals
- Miss M. G. Harris
- Use Nait Etoile, by Smith
- Miss Helen Gibbons
- Violin Ensemble, Gavotte, by Goillard
- Miss Carl, Walter, Hower, Mr. Robinson
- Rustic Dances, by Gounod
- Miss Edna K. Sanborn
- Tarentello in D, by Silas
- Miss Florence Kline
- (a) Volkstied, by Niels
- (b) Impromptu Scherzo, four hands, by Niels
- Miss Laura Meldrum, Mr. Norman Pittsner

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## WILTON RUGS

\$1.25.

Size 4 feet 6 inches by 2 feet 3 inches. Choice line Oriental designs. Real value, \$2.

## RUFFLED CURTAINS

65 Cents

The pair—choice grade of Swiss, well made. An exceptional bargain. Real value, \$1.00.

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Full Set Teeth.....\$5.00 (Fit or No Pay.)  
Gold Filling.....1.00  
Silver Filling.....50c  
Painless Extracting Free  
Gold Crowns.....\$3.00 to \$5.00  
Cleaning Teeth.....50c  
Teeth Without Plate.....\$5.00

You can leave your order for teeth in the morning and get them in the evening if desired. All work done by graduate dentists of experience and ability, and guaranteed for twenty years. Examination and estimates FREE.

Hours—8 to 8. Sundays—10 to 4.

## The White Dental Parlors,

Corner Lackawanna and Wyoming Aves. Over Newark Shoe Store, Entrance on Wyoming Avenue. Scranton.

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**Marrriage Licenses.** Pittston M. Helen Winters.....Pittston William Emmel, Jr. North Fillmore avenue Maggie Reilly.....Battle street William H. Holtbam, E94 Washington avenue Bridget Roland.....322 Meridian street  
**Court House News Notes.** Attorney F. F. Loughran applied to court yesterday for a charter for the St. Stephen the Martyr Beneficial society, of Dunmore. The hearing in the equity case of C. D. Simpson et al. against the Cherry Valley Boom and Lumber company et al. will take place today. Pension Granted. An Exclusive Wife from The Associated Press. Washington, June 27.—A pension of \$12 a month has been granted David B. Hall, of Dan-

## Special Bargains Saturday and Monday

### Notions

- 100 pieces beautiful new Neck Ribbons, pure silk, soft finish, all late pastel colors, white cream, light blue, light pink, rose pink, rose, geranium, violet, navy, Nile, grass, etc., 25c goods. Special.....15c
- White Lawn Collars—prettily made up with val. lace and insertion, a 50c collar. Special.....35c
- Velvet Ribbons—Black satin back, not the best grade, but good enough for wash dresses. A piece.....18c
- Velvet Ribbons—Full line best at the lowest prices.
- Corsets—All fine grade and popular makes in the longer lengths at half price.
- Lace Insertions—Beautiful line of White Linen and Black Serpentine Insertions at 8c, 10c, 12 1/2c, 15c and up to.....50c
- All Parasols at half price.
- Umbrellas, fast black, natural handles.....30c
- Umbrellas, black with silk, new handles.....\$1.00
- Umbrellas, black union taffeta silk, \$2.00 grade.....1.50
- Palm and Japanese Fans, large.....3 for 50c
- Shirt Waists—Just received 300 Fancy Stripe Madras and Percale Waists, all sizes, choice styles, a lot of waists made to sell at \$1.00. Our price.....59c
- Lot 2, made to sell at \$1.25. Our price.....75c

### Wash Goods New Arrivals Today.

- Lace Stripe Grenadines—White and colored grounds, with stripes and figures. Were 25c the first of the season. Now—new styles, at.....15c
- Swisses—White and black fancy.....12 1/2c
- All of our desirable 30c, 45c and 50c fine Colored Grenadine Silk Stripe Gingham, open work goods.....25c
- Dimities—Another lot of Shear Fine Plain Dimities, all the new shades.....12c
- India Batiste—Fine firm fabric sure to wash and wear.....12c
- White Pique—34 inches wide.....10c
- India Linons—See the qualities at 6c, 8c, 10c, 12 1/2c, 15c, 19c and.....25c
- White Lace Stripe Muslins, Dimities, etc., for waists. 8c, 12 1/2c, 15c, 25c, up to.....50c
- Counterpanes—Special at.....60c, 80c, \$1.00

## Mears & Hagen

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