VOGUE OF THE AUTOMOBILE

LIST OF SCRANTON OWNERS GROWING RAPIDLY.

City Now Has a Large Number of Ardent Automobilists—They Have Formed a Club and Club Runs, Races, Etc., Are Some of the Events That Will Shortly Be Arranged—Scranton Men Who Are Owners of the Horseless Vehicles Seen on the Streets.

The merry sport of automobiling is the latest form of athletic diversion to take hold upon Scrantonians, and the grip which it has obtained certainly has the full Nelson on any other patent grasp beaten to a standstill for tenacity.

All sorts and conditions of autos are seen on the local streets, and now that an automobile club has been organized, exhibitions, tests of speed and races will be soon familiar sights. It is estimated that there are from twenty-five to thirty horseless vehicles now owned by Scrantonians, and besides these there are many rented autos in daily use.

The first one to be viewed in Scranton was the Winton gasoline machine, in which W. W. Scranton was frequently seen riding about the city or spinning about Lake Scranton. C. S. Weston was the second gentleman to invest in one of the heavy puffing automobiles, and since then all grades of autos have been introduced, the last being a graceful double-seated surrey owned by C. D. Jones, which arrived two weeks ago, and is such an easy moving, light and comfortable equipment that there will no doubt soon be many more of them owned by Scrantonians.

SEATS SIX PERSONS.

It will easily seat six persons, and moves noiselessly and smoothly. One of the first horseless carriages to be used in Scranton was that owned by Harry L. Strong, of West Scranton, which can be still seen and heard as it whizzes over the city streets. Young Strong, who is considerable of a mechanical genius, built the machine himself while he was yet a student at the Scranton high school and soon after he graduated from that institution in 1899, the automobile made its initial appearance, since when it has been a familiar spectacle to Scrantonians in general.

Those in order after Mr. Scranton and Mr. Weston as the first mobiling enthusiasts came H. L. Jones, Dr. Rice, E. G. Conners, A. P. Redford, Dr. Heermans, Frank Silliman, jr., Ralph Megargel, J. L. Atherton, J. H. Brooks, C. D. Jones, Dr. Peck, J. S. Cox, Charles Hill, C. L. Watkins, L. T. Canfield, Dr. H. B. Ware and Nicholas Rice. The majority of these and Rolin Manville, of Carbondale, are the members of the Automobile club.

A number of the earlier machines were run by gasoline, W. D. Boyer possessing one for awhile, but later disposing of it. The steam mobiles are now becoming recognized as the most easily managed and least cumbersome machines, and are in vogue. So far there have been few long runs, but of late decided enthusiasm has been shown along these lines, and it was only last Friday that A. P. Redford and Dr. Peck left in their automobiles for Philadelphia.

Harry Jones' run to Buffalo, made in record time, is now a matter of local history, he making the trip in twenty-eight hours and fifty-five minutes, and the return in twenty-eight hours. Monday he will start out on another trip, Philadelphia and Baltimore being the terminal points this time. He may be accompanied by Ralph Megargel. The same auto will be used by Mr. Jones as in his Buffalo trip.

CLUB IS TO MEET.

President Weston has called a meeting of the Automobile club for the latter part of this week and it will be held either Thursday or Friday to effect permanent organization. John H. Brooks, one of the city's most enthusiastic mobolists, is secretary, but there are still a treasurer and vice-president to be elected.

The association's objects are the bettering of Scranton roads, the protection of automobilists' interests and for social purposes. Club rooms will soon be secured, and it is very likely that a club house will be a possibility of the near future. This is the only club of the kind in Northeastern Pennsylvania. Philadelphia has its Automobilists' clubs and so has Pittsburg, but there are no banded aggregations of auto owners in this section of the state.

A Pennsylvania State association may be formed of the clubs of the three places and inter-city meets arranged. For the present, however, the local club men will content themselves with exhibition runs, short country outings and easy racing. The first run will take place the second week in September.

THEY GET AN ADVANCE.

Switchmen Successful in Their Agitation for Better Wages.

As a result of the recent conferences between General Superintendnt Clarke and the grievance committee of the Lackawanna switchmen, the latter have secured an advance in wages and assurances of the redress of grievances on other scores.

The grievance committee will report the result of its work to the local lodges before making it public

REMAINS LAID AT REST.

Funeral of John B. Reilly Attended by a Great Concourse.

The esteem in which John B. Reilly was held in this community was demonstrated yesterday by the great concourse of people who attended his funeral from the residence of his brother-in-law, P. H. Gilroy, of Pleasant street, West Scranton. Mr. Reilly died Saturday at South Orange, N. J., where he has resided for the last eight years, from injuries sustained on the previous Wednesday. The remains, accompanied by his wife and their four children, and a number of his friends and relatives arrived in this city Monday night.

Though it was eight years since he left this city remembrance of him was not dead in the minds of those who had enjoyed his acquaintance. They recalled their admiration for him because of his manliness, honesty of purpose and the sturdy courage, saved from any semblance of brusqueness, by his unfailing courtesy and consideration for others and yesterday they came to pay their tributes of respect to his memory and to gaze for the last time upon the kindly features. For the young widow, so sorely afflicted, and her little children the most unbounded sympathy was expressed.

For an hour before the time fixed for the funeral a stream of people passed through the parlor, where the body lay, surrounded by masses of beautiful flowers, to take their final farewell of the dead. At 9.30 the body was removed to St. Patrick's church on Jackson street, where a high mass of requiem was celebrated by Rev. P. E. Lavelle. At the conclusion of the mass he delivered a short sermon, taking for his chief thought the everlasting reward waiting for those who are true to themselves and obey the laws of God during their earthly pilgrimage. He referred to the deceased as a man who had been true to his religion. He was not a cold formalist, but one to whom the practice of his religion was a joy. He was a good husband and father, a good living man and had been granted the grace of being prepared for death. Certainly he had attained to his reward in the great beyond.

From St. Patrick's church the remains were taken to the Cathedral cemetery, where interment was made. The funeral procession was the largest seen in West Scranton for some time. The pallbearers were: William O'Rourke, of New York; Edward Gartland, of Phillipsburg, N. J., James Sweeney, Andrew Conlan, Frank Boylan and Patrick Murphy. The floral offerings were carried by the following: Owen Brady, of New York; Austin Duffy, of Binghamton, N. Y.; A. J. Dougherty and William Connell. Some of the principal floral offerings were from the following: Poles with broken wires from the telegraph operators of the district in which the deceased had charge of the wires of the Western Union; floral stand, from Watching lodge, No. 66, Ancient Order United Workmen, of South Orange; pillow, from his brothers; wreath, from Mr. Manda, of South Orange; wreath from Mrs. Zang, of South Orange; bouquets, from Mrs. White, of South Orange, and Edward Gartland, of Phillipsburg.

Among the out-of-town people at the funeral were: Owen and Edward Reilly, of New York, brothers of the deceased; William O'Rourke, Owen Brady, Mrs. Meyer and Mrs. Levin, of New York; Edward Gartland, of Phillipsburg, and Austin Duffy, of Binghamton.

SUSPECTED OF BURGLARY.

John Sheeran and John Finnegan Under Arrest.

John Sheeran and John Finnegan, of Bellevue, were arrested yesterday morning by Patrolmen Feeney and George Jones, on suspicion of having attempted to burglarize the store of Mrs. Convey, at Railroad avenue and Fourth street.

A window in the store was broken about 3.30 o'clock, and the noise was heard by the two patrolmen, who hurried to the scene. They saw no one about, but a woman living across the street said that she had seen Finnegan and another young man, named Dominick Graham, running away after the crash. The patrolmen found Sheeran near the store in an intoxicated condition, and placed him under arrest. Finnegan was captured shortly afterward.

In police court yesterday morning both prisoners were remanded for a further hearing today.

ARE SEEKING CERTIFICATES.

Master Plumbers Took Examinations Last Night.

Another examination of applicants for master plumbers' certificates, under the provisions of the new second-class law, was held last night in the common council chamber. A number of the leading master plumbers took the examination.

The examining board is composed of Plumbing Inspector A. C. Monies, Master Plumber M. F. O'Malley, Journeyman Plumber Thomas Connors and Health Officer W. E. Allen, M. D.

CITY NOTES

D., L. & W. PAY DAYS.—The Lackawanna yardmen received their July earnings yesterday and the train men will be paid today.

C. R. R. OF N. J. PAY DAYS.—The employes of the Central Railroad of New Jersey between Mauch Chunk and Scranton will be paid on Aug. 22.

MEDICAL SOCIETY MEETS.—The County society met in regular session last night and listened to an interesting paper on surgery by Dr. Bernstein.

ANOTHER CANDIDATE.—Arthur W. Long, of Dunmore, yesterday registered with Chairman Dale, of the Republican county committee, as a candidate for county surveyor.

NO INQUEST HELD.—Unless the mine inspector orders an inquest in the case of Thomas Murray, who was killed at Old Forge on Monday, Coroner Roberts will not do anything in the case.

ANOTHER INQUEST.—Coroner Roberts is collecting evidence in the case of William May, who was killed on the Lackawanna railroad at Clark's Summit some time ago, and will hold an inquest in the court house at a date to be announced later.

Smoke the Pocono Cigar, 5c. **

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MUST LOOK BOTH WAYS

JUDGE KELLY'S OPINION IN THE POTTER CASE.

Under the Law of Pennsylvania He Says That Before a Person Crosses the Tracks of a Trolley Company They Must Stop at the Edge of the Track and Look Both Ways—Facts on Which the the Suit for Damages Against the Scranton Railway Company Was Based.

Judge J. P. Kelly on Monday handed down an opinion in the case of George W. Potter and others against the Scranton Railway company, in which the rule to show cause why judgment shoud not be entered in favor of the defendant non obstante veredicto is made absolute. The opinion follows:

The plaintiffs in this case, at the time of the accident complained of, were engaged in the butchering business in the borough of Dunmore. On the morning of the 19th of October, 1899, Charles Potter, one of the plaintiffs, was going about with a team of horses and a covered butcher wagon serving his customers, and had occasion to cross North Washington avenue upon which the defendant company operated a street railway, having a single track located in the center of the street. He was driving from the easterly side towards the westerly, and a short distance away from North Washington avenue got upon Richmont avenue, which intersects North Washington avenue at right angles.

While attempting to cross, and when his off horse got one foot inside the first rail, he discovered a car approaching from a northerly direction coming down a steep grade at a high rate of speed, according to his testimony, and fearing he would not be able to get across in safety, he pulled his left rein in an effort to get his horse off the track, but, although he succeeded in getting the horse's front foot out from between the rails, he did not get far nough away, and the horse was struck in the rump, knocked under the car, and killed.

CARELESSNESS CHARGED.

The other horse was severely injured, the wagon and the harness damaged, and the paintiffs alleging that the accident was the result of the negligence of the defendant's servants, instituted this suit to reover for the damages sustained. The case was submitted to the jury subject to a point reserved, viz., whether there was an videnee in the case upon which the plaintiffs were entitled to recover. A verdict was rendered in favor of the plaintiffs, and a rule was entered to show cause why judgment should not be entered in favor of the defendant notwithstanding the verdict.

We are of opinion that there was sufficient evidence in the case to sustain a finding that the defendant was guilty of negligence, and therefore the question of the contributory negligence of Charles Potter, who had charge of the team at the time of the accident, is the one now to be considered. This qustion must be disposed of on the testimony of Charles Potter alone, giving it the most favorable construction of which it is susceptible in the plaintiffs' favor.

North Washington avenue runs practically north and south, Richmont east and west, crossing North Washington avenue at right angles. There is a steep grade on North Washington avenue towards Richmont for a distance of about two hundred feet. The accident happened in the daytime, and there were no other teams or obstructions of any kind in the vicinity at the time of the collision. Mr. Potter was about to cross the track at the intersection of the streets at the time his horse was struck, going in a westerly direction.

STARTED TO CROSS TRACK.

According to his testimony, giving it the most favorable construction, when he got to a point twenty or thirty feet from the street car track, he stopped his team and looked to see whether a car was approaching from the north, and looked down to see if one was approaching from the south, and seeing no cars in either direction, he started on to cross the track with his horses on a walk, and when his off horse got his right front foot inside the rail he heard a whistle and looked up and saw the car approaching from over the hill. He immediately pulled to the left, but did not succeed in getting out of the way, and the horse was struck as already stated. After leaving the point where he stopped, twenty or thirty feet away from the track, he did not look in the direction from which the car came until his horse had one foot upon the track; he could see the approach of the car for a distance of sixty-five paces, about 200 feet.

Under these circumstances he was guilty of contributory negligence, as we understand the law, as laid down by our supreme court. In Ehrishman vs. Harrisburg, etc., Railway Co., 150 Pa. 189, it is laid down as an unbending rule to be observed at all times that one who is about to drive across a street railway track must look in both directions for the approach of a car when he gets to the edge of the track, and just before he crosses. Mr. Justice Paxson, in delivering the opinion of the court in that case, says:

"The rule to stop, look and listen is applicable in part, at least, to crossing street railways. A person driving a vehicle has but to use his eyes to avoid such accidents. There is no danger, as in the case of steam roads, of stopping a horse at the very edge of the track. When, therefore, a citizen attempts to cross such track, it is his duty when he reaches it to look in both directions for an approaching car. It very rarely, if it ever happens, that the street is so obstructed that the car may not be seen as the citizen approaches the track. It is his duty to look at that point, and if there is any obstruction, to listen, and his neglect to do so is negligence per se. This is an unbending rule to be observed at all times, and under all circumstances. In the case of steam roads, a question sometimes arises as to the proper place to stop, look and listen. Where there is a fair doubt upon this question we have held that it must be submitted to a jury. But no such question arises in the case of city railways. If the citizen looks just before he crosses, he avoids all danger of accident."

WAS NEGLIGENT.

Applying this principle to the present case the plaintiff, Charles Potter, did not take such precaution just before he attempted to cross as the law requires, and under the authority above cited he was guilty of negligence per se. If the car was 200 feet away from him when his horse had but one foot over the rail, there could be no question but that he could have pulled back in time to avoid being struck, unless there was something unusual to hold his wagon or something unusual on the part of the horse, of which there is nothing in the testimony. The principle laid down in Carroll vs. R. R. Co., 12 W. N. C. 243, and followed in many subsequent cases, it seems to us would prevent the plaintiff from recovering under the circumstances as detailed by Mr. Potter.

The only reasonable inference, however, to draw from his testimony is that after he stopped some distance away from the tracks and looked in both directions for the approach of a car, and seeing none, he proceeded to drive across without any further effort to see if any car was coming from the north, and when he heard the whistle and looked up, the car was so closely upon him his horse was struck before he could get out of the way. Under such circumstances the law holds him guilty of contributory negligence.

And now, August 12, 1901, the rule to show cause why judgment should not be entered in favor of the defendan non obstante veredicto is made absolute.

Marriage Licenses.

Peter Buckley ..... Buffalo, N. Y.
Cecelia F. Walsh ..... 1101 Albright avenue
Peter L. Hart ..... Minooka
Anna L. Newcomb ..... Minooka
David F. Dean ..... Dunmore
Mary L. McHale ..... Dunmore

COURT HOUSE NEWS NOTES.

Katie Schevick, administratrix of the estate of John Rusowyok, deceased, brought suit yesterday against the Society of Father St. Nicholas, of Rendham, to recover death benefits. F. E. Boyle and L. P. Wedeman are the plaintiff's attorneys.

Judge Kelly yesterday made an order fixing tomorrow as the time for hearing arguments in the equity case of A. D. Spencer against Thomas R. Hughes and Fred H. Emory, in which is involved a dispute over the patent rights of the Emory slate-picker.

The county commissioners yesterday appointed Charles Terwilliger as tax collector of the Second ward, and re-appointed Solomon Miller as collector for the Thirteenth ward.

Attorney R. H. Holgate has taken an appeal to the Superior court from the order of court issued on Monday revoking the liquor license of Jessie Brink, of the Sixth ward, Dunmore.

NON-SUIT WILL NOT BE STRICKEN OFF

City of Scranton Can Not Collect from E. B. Sturges the Sum Sued for—The Opinion Rendered.

Judge J. W. Carpenter on Monday handed down an opinion refusing to take off the compulsory non-suit in the case of the city of Scranton against E. B. Sturges to recover the value of an asphalt pavement laid in front of property on North Washington avenue owned by Mr. Sturges. The opinion follows:

One of the reasons given in the motion for a non-suit in this case was the following:

"The ordinance and contract in this case, providing as they do that the assessment upon the abutting properties shall cover not only the original cost of the pavement, but the keeping of the same in repair against ordinary wear and tear for the period of five years, and there being no evidence from which the cost of such repairs can be separated from the cost of the original improvement, and the charge against the property owners for such repairs being illegal and unauthorized, no part of the assessment can be collected."

The provision of the contract relating to repairs is as follows:

"It is further provided and agreed that the said contractor shall keep said pavement in good repair to the satisfaction of the street commissioner for a period of five years from the completion thereof. Such repairs to include all breaking of the pavement for gas or water or other purposes, as well as the ordinary wear and tear so far as the city is concerned, but the said company may collect from the Gas and Water company, or any property owner, the cost of making repairs when breakages are repaired for their convenience. The cost of such repairs is not to exceed $2.63 per square yard."

The question involved here has been decided by the former president judge of this court in the case of the City of Williamsport vs. Hughes, 7 Lacka. Legal News 65, in an opinion which covers the entire ground, and which is so well supported by the cases cited from the courts of several states that we have no hesitation in following it.

The provisions for repairs were substantially the same in the two cases, except that in the Williamsport case the contractor was to keep the pavement in repair for ten years, whereas, in this case, it was but five; but in several of the cases cited the time was five years. And the principle is the same in any event.

The provision is not in the nature of a guaranty that the work will be done; that is provided for in the specifications, which prescribe in detail the kind and quality of material which shall be used as also the manner in which the work shall be done; but, having done the work in accordance with the specifications, they were also to keep the pavement in repair for five years, these repairs to include the ordinary wear and tear and to be without expense to the city, thus imposing upon the abutting property owners the additional burden of repairing the pavement for the period mentioned, the expense of which was presumably estimated and taken into account by the contractor in fixing the price for which the pavement would be laid.

That the property owner cannot be required to bear the expense of repairing the pavement, once it is laid, is settled in this state. Williamsport vs. Beck, 128 Pa. 147.

Believing that the plaintiff was not entitled to recover for the reason above mentioned, we deem it unnecessary to consider the other reasons embraced in the motion for non-suit.

The rule to take off the non-suit is discharged.

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Thorough instruction. Low tuition rates. Graduates secure best positions. Some are now drawing salaries of $1,200, $1,500 and $1,800. Many in five and six months qualify themselves to fill positions which pay $50 and $60 per month at the start. The attention of AMBITIOUS young people is solicited. Positions furnished. Write or call for circulars.

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AN OFFICER IS ACCUSED

FRANK CLARK CHARGED WITH BLACKMAIL.

George Smith Claims That He Arrested His Wife for Keeping a Bawdy House for the Sole Purpose of Having Her Bled to Settle the Case—Smith Claims He Was Offered a Settlement' or $50—Clarke Held in $500 Bail by Alderman Ruddy.

A case which promises to evolve into something a little more sensational than surface indications indicate was aired before Alderman M. J. Ruddy last night.

Frank Clarke, one of the numerous special officers, deputy constable, detective, etc., who make Alderman Kelly's office their headquarters, was the defendant and George Smith, of Oakford court, was the prosecutor. The charge preferred against Clarke was blackmail.

Lottie Smith, the prosecutor's wife, was arrested last Saturday by Clarke on a warrant issued by Alderman Kelly, charging her with keeping a bawdy house, and entered bail in the sum of $500 for her appearance at court. This much both sides admit, but their stories as to the rest of the case don't tally.

According to the story told by Mrs. Smith, Charles and George Donlin, the "speakeasy detective" formerly employed by the city, came to her house last Saturday afternoon and remained for some time. Clarke, she said, gave one of the women $1 and said he'd be around again.

The two men then left, but were back again in a half hour with a warrant for her arrest, issued by Alderman Kelly. An individual named Leroy Welsh figured as prosecutor. Mrs. Smith testified that she was unable to go to the alderman's court on account of sickness and sent her husband instead.

George Smith, the husband, testified that he went to Alderman Kelly's court and there met the individual with the aristocratic name of Leroy Welsh, who had sworn out the warrant. He had never seen Welsh before, he said. Welsh offered to settle the case if he paid $50 and Aldrman Kelly said he was agreeable providing he (the alderman) received a small matter of $9.50 in costs. Smith says he refused to settle and entered bail for his wife's appearance.

Mrs. Smith's testimony as to the two visits of Donlin and Clarke was corroborated by Flo Aspell, one of the inmates of the place. Clarke and Donlin entered sweeping denials and said the only time they had ever been in the house was when the warrant was served. Clarke admitted having been prosecutor against "Red" Annie, who was charged some time ago with keeping a bawdy house, and who was arrested on a warrant issued by Aderman Kelly.

Aderman Kelly was present in the interest of Clarke and pleaded earnestly for his release. He let loose a whole string of adjectives describing what a fine officer he is. Some of them were "honest," "faithful," "industrious," "sober," "careful" and "good." Alderman Ruddy wasn't much impressed and held Clarke in $500 bail. Alderman Kelly qualified as his bondsman.

An effort will be made to locate the mysterious Mr. Welsh today. He is said to go by a number of names and to have been implicated in such cases before. It was said that he came up to Alderman Ruddy's office last night, but left hurriedly.

TEACHERS FOR PHILIPPINES.

Mr. Fellows Received Information from Superintendent of Education.

Secretary Fellows, of the board of control, has received a letter from Fred W. Atkinson, superintendent of education for the Philippine Islands, giving information for those who may desire to become teachers in these far-off tropical isles of the sea.

All applicants for positions as teachers must be either Normal school or college graduates, and must have had several years' experience at teaching, in addition to being actually engaged in that work when application is made. "They must be sound physically," says the letter, "and must be willing to accept whatever location may be assigned to them."

The salary of teachers averages $75 a month and is paid in gold. Passage to the Islands is furnished free on government transports, but $1 per day is required for food. The trip takes about thirty days. Applications for positions may be made through Secretary Fellows.

New Wash Goods Opens This Morning.

Don't buy shop-worn goods when you can buy new styles at the same price.

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1 Case Fine Dimity, - 5c
1 Case Batiste, - - - 10c
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A Water Cooler for the Home, Office, Store or Factory? We have them, all sizes, with and without filters. They are not expensive. With filters and nickel faucets..... $3.50

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Land and Titles

When a man buys a lot he buys not the land, but the title to the land. The conditions under which he holds possession are determined by his title. By his purchase he may obtain possession of a piece of land, but if he has not obtained the title the law ousts him and he has no remedy. A trifling defect in a transfer made a generation ago may cause the loss of a man's entire fortune. The policy of a title insurance company affords the cheapest, quickest, safest and simplest method of ascertaining the conditions of a title.

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A. H. McClintock, Vice-president. Ralph S. Hull, Trust Officer.

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Electric Batteries, Electric Exploders, exploding blasts, Safety Fuse and Repauno Chemical Co.'s HIGH EXPLOSIVES

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Finest Summer Hotel in Northeastern Pennsylvania. Hotel hacks meet Delaware, Lackawanna and Western trains at Factoryville. Leaving Scranton 9 a. m. and 4 p. m. Write for rates, etc. J. W. Moore, Prop.

EDUCATIONAL.

Tuition Absolutely Free

Free at the East Stroudsburg State Normal School. Fall term opens Sept. 16, 1901. The Governor has signed the bill granting a special appropriation to this school, as well as the bill making tuition free. For full particulars address

GEO. P. BIBLE, PRINCIPAL.

Inexpensive Porch Furniture

There is nothing neater in inexpensive porch furnishings than the Grass Cloth Upholstered Furniture. It is finished in natural wood, and in colors, and is particularly adapted for Porches, but is equally suitable for Summer cottages.

We have several styles of Chairs, large roomy Rockers, Settees, Stands and other suitable articles.

Hill & Connell

121 N. Washington Ave.

Free Tuition

By a recent act of the legislature, free tuition is now granted at the

Literary Institute and State Normal School

Bloomsburg, Pa.

to all those preparing to teach. This school maintains courses of study for teachers, for those preparing for college, and for those studying music.

It will pay to write for particulars. No other school offers such superior advantages at such low rates. Address

J. P. Welsh, A. M., Ph. D., Prin.