

DECISION IN LOCAL CASES

DECISIONS MADE YESTERDAY BY SUPREME COURT.

Decree Enjoining the Construction of the West Lackawanna Avenue Viaduct Is Reversed and the Bill Dismissed—Findings Affirmed in the Cases of Kraft Against Neuffer, Taylor Borough Against the Postal Telegraph Company, Reynolds Against Boland and Cameron Against Gray.

The Supreme court at Philadelphia yesterday handed down the following Lackawanna county decisions:

Keller against the City of Scranton, et al.; decree reversed and bill directed to be dismissed with costs.

Borough of Taylor against the Postal Telegraph company, appeal from the superior court; judgment affirmed on the opinion of Judge Rice, of the superior court.

Kraft against Neuffer, et al.; decree affirmed. Cameron, et al. against Gray, et al.; decree affirmed.

Reynolds against Boland, et al.; decree affirmed.

The case of Keller against the city of Scranton et al. is the one involving the building of the West Lackawanna avenue viaduct.

The city passed an ordinance, Nov. 17, 1900, providing for the construction of the viaduct, the expense of actual construction to be borne by the Delaware, Lackawanna and Western Railroad company and the city to be responsible for any resultant damages.

Luther Keller, a property holder along the line of the proposed improvement, brought a suit in equity to restrain the building of the viaduct until the city gave him indemnification for damages that might be caused his property.

ATTACK ON ORDINANCE. He attacked the ordinance on technical grounds, but his principal contention was that the city had not at that time already equalled two per cent. of the assessed valuation and could not be further increased without the consent of the voters.

He contended that by assuming liability for the damages, the city was increasing its debt by at least \$100,000, the minimum figure, it was estimated, the damage would amount to.

The defense contended that possible damages, or an unascertained liability, was not a "debt" such as was contemplated in the law limiting the debts of municipalities.

Judge Kelly decided that the word "debt" was used in the constitution, in this instance, in its technical meaning, and, consequently, the unascertained damages that would result from the building of the viaduct could not be computed as part of the city's debt.

He refused the injunction, and Mr. Keller appealed.

The Supreme court chose to give the word its natural and ordinary meaning, instead of its legal meaning, and reversed the finding of Judge Kelly.

Judge Kelly thereupon entered a decree in accordance with the Supreme court's ruling, awarding to the plaintiff the injunction preventing the construction of the viaduct.

The city and the co-defendant companies took a second appeal. They based it on a contention not brought up in the Keller appeal, namely, that in ascertaining the indebtedness of a city, the indebtedness incurred by consent of the electors must not be included.

Part of the city's debt was authorized by the electors and part was incurred by councils, without the electors' consent. If the part authorized by the electors was subtracted from the city's debt, it would decrease the debt for enough below the two per cent. limit to permit of the city taking on the possible damages resulting from the viaduct construction.

The Supreme court, according to City Solicitor Watson's interpretation of the telegraph act, reversed the decision, reversing the decree which Judge Kelly made at the direction of the Supreme court, in which he awarded the injunction he previously had refused.

This would permit of the building of the viaduct under the old ordinance.

BOLAND CASE.

The opinion of Judge H. M. Edwards is affirmed in the equity case of H. B. Reynolds against William P. Boland. Plaintiff and defendant were stockholders in the People's Cigar company, which was organized in the year 1898, and which was organized in the year 1898, and which was organized in the year 1898.

Reynolds alleges that it was deemed advisable for him to get out of the company for a time, because Samuel Stetler, who owned a portion of the coal the company contemplated mining, did not like him and refused to have business dealings with him.

He therefore transferred his stock to Boland to be held by him until he (Reynolds) could again take his place in the company after the deal was made.

Stetler had been consummated, Boland stated that Reynolds got out of the company entirely, and that he held no stock in trust for him.

Judge Edwards, before whom the case was tried, decided in favor of Boland, and the Supreme court yesterday said that he was correct.

Major Everett Warren and E. C. Newcomb were the attorneys for the plaintiff, and Attorneys Joseph O'Brien and Herman Osthaus, of this city, and John T. Lenthall, of Wilkes-Barre, appeared for Mr. Boland.

In the case of William Kraft against Charles D. Neuffer and Mrs. Minnie Kraft, another of Judge Edwards' decisions, was sustained by the Supreme court.

In 1878 William Kraft and his wife made a deed of the property at the southeast corner of Jefferson avenue and Linden street to their son, Joseph, and their daughter, Elizabeth, each to have a half interest, the parents to have a life interest in the property.

laid to rest. William Kraft, the father, then attempted to revoke the deed given in 1878 and substitute one leaving the property entirely to his daughter, Elizabeth. This was objected to by Joseph Kraft's widow, who claimed her husband's half interest in the property, and also by Charles D. Neuffer, who had been appointed trustee of the property by the court. The widow's contention was that the deed of 1878 was irrevocable, while William Kraft contended that it was not.

The case was tried in a very spirited manner by Attorneys S. B. Price and H. M. Hannah, for the plaintiff, and Welles & Torrey, Joseph O'Brien and Major Warren, for the defendant. The verdict was for the widow, and was sustained by Judge Edwards. The Superior court affirms the decision of this court.

One of the most important cases ever tried in these courts was that in which the Borough of Taylor is plaintiff and the Postal Telegraph company, defendant, in which the Supreme court yesterday sustained the court of this county and the Superior court.

Five years ago the Borough of Taylor levied a tax on the poles and wires of the Postal company within the Borough limits, under its police powers.

Payment was always resisted for a number of years, but about the time the case was ready for an appeal to an appellate court the company decided it would settle the judgment.

When the judgment for the tax of \$188, 1889 and 1900, amounting to about \$250, was obtained the company decided to appeal to the Superior court, where the decision of this court was affirmed.

An appeal to the Supreme court followed, with a similar result. An appeal to the United States Supreme court is the next step the company proposes to take.

Attorney John M. Harris has represented the Borough in all of these proceedings.

CAMERON EQUITY CASE. Judge Edwards' decision in the equity case of Cameron and others against Angus Gray and others, was affirmed.

Angus Cameron, of Carbonate, was the grandfather of Angus Gray, who lived near Bull's Head, in this city, but is now practicing dentistry in Philadelphia.

Cameron owned a property in this city, and some time before he died, he made a deed, conveying it to his grandson, Angus Gray. It was not delivered, but after his death was found among his effects.

His daughter, Mrs. Gray, took possession of it, and delivered it to her son, Angus Gray, who had it recorded, and on the strength of it borrowed \$1,000 from Dr. Kay, to pursue his dental studies.

The children of Angus Cameron filed a bill in equity, asking that the deed be nullified, for the reason that there had been no delivery of the deed upon the part of Cameron.

The court sustained the bill on this point. With this the mortgage of Dr. Kay also fell. This the children of Cameron sought to have the Supreme court sustain.

Attorneys H. C. Butler, of Carbonate; W. W. Latrope, of this city, and T. D. Davis, of Montrose, were the attorneys for the Cameron heirs, and Attorneys W. W. Baylor and Vosburg & Dawson, for the defendants.

TAX LEVY WILL BE TWO MILLS HIGHER. Finance Committee of School Board Decides That Increase Can't Be Avoided.

Chairman Edwards, of the finance committee of the board of control, announced after last night's meeting of the committee that the tax levy for the coming fiscal year will probably be about five and three-quarters mills.

Roughly speaking, this would be about equal to the levy of one and one-quarter mills on a one-third valuation as compared with a fourteen mill levy for the fiscal year just drawing to a close.

The total assessment for this year made on a full valuation basis is, however, about \$27,000 less than the school board proposes to expend.

At the first meeting of the committee the amount to be allowed the teachers' committee was placed at \$218,000, this being based on a plan for the adjustment and increase of the teachers' committee submitted by President Gibbons.

This item was cut down last night to \$188,000, which allows the teachers' committee an increase of only \$22,000 over the appropriation for the present year.

It is understood that the teachers' committee proposes to allow the teachers an increase in their salaries which will amount to only about \$5 per month for each teacher.

The teachers have asked a flat increase of \$10 each per month, and the reduction made by the committee was a reduction of the kindergarten committee's estimate from \$10,000 to \$8,000.

From the \$452,055, which will probably be included in the budget, it is to be subtracted the state appropriation, amounting approximately to about \$20,000. This would leave the total amount to be raised by taxation \$232,055 as compared with \$257,840 for the present fiscal year.

The finance committee will meet once more before finally submitting their report to the board, but the members are satisfied that they have cut out about everything that can be cut out. The final details of the budget will be agreed upon at this meeting.

DR. H. J. WHALEN CHOSEN. Will Be Delegate to Prohibition State Convention.

At an informal gathering of Prohibitionists from various parts of the county, held yesterday afternoon in Gunsey hall, Rev. Dr. H. J. Whalen, pastor of the Berean Baptist church, of Carbonate, was selected as a delegate to the Prohibition state convention.

Dr. Whalen's expenses will be borne by voluntary contributions from among the prominent Prohibitionists of the county. It was stated yesterday that the county convention will not be held until some time in September.

PAPER BY REV. JAMES

WAS READ BEFORE THE BAPTIST PASTORS.

Considered the Charges Made by Hall Caine to the Effect That the Churches Never Improved Political Standing of People, Withheld Application of Christian Teachings to the Industrial and Social Questions and Betrayed Their Divine Message by Upholding Social Inequality.

In the Penn Avenue Baptist church yesterday, before the Baptist Ministerial conference, the Rev. Owen James, D. D., of Johnston, Pa., formerly of this city, read a paper on "Hall Caine, the Labor Movement and the Church."

It was a scholarly and able paper, and was as follows:

Mr. Hall Caine, the famous novelist, delivered a few weeks ago, an address on "The Gospel and the Social Question," in which he claimed that the two great antagonists of the Labor Movement are the Press and the Churches.

Against the churches he brings four charges: First—They have improved the political standing of the people. Second—They have kept from the people a most important part of the message commissioned to them to preach and practice.

Third—They have betrayed their Divine message by using it to uphold social inequality and economical injustice. This they have done by telling the people that the awful extravagance of the rich and the frightful privation of the poor are a part of the Divine ordinance and therefore only to be remedied by a better distribution of the wealth.

Fourth—They have flattered the rich, have pardoned to their whims, have pushed them to the front, have poured upon them adulation, have become servile to them, have withheld from them a part of the truth as to their duty. This they are doing in order to obtain the money of the rich for their treasures.

What shall we say of these charges? First—They are indefinite and vague. What are the political interests of the people? Are we sure that they are the political schemes that Mr. Hall Caine has in mind? One may regard himself as in duty bound to resist certain things that are another's rights, or to advance certain things that are another's interests.

It is not necessary to care for the reasonable length of time to require the amount paid without any quibbling or evasion. It has always been the principle of his life never to keep a fee unless the patient was cured.

Dr. Byers wishes to make it emphatic that this offer expires on the 31st day of this month, and in order to get the benefit of it treatment must be commenced on or before that date.

WHAT YOUR FRIENDS AND NEIGHBORS SAY. Read below the testimony of your friends and neighbors. They tell the story of Doctor Byers' treatment. It is not necessary to make any complaint, or to describe the details of the case. Let the facts speak for themselves.

The charge is utterly false that preachers teach that the existing order of society is ordained of God and that any attempt to alter it is a wicked effort to disturb the scheme of the Creator. Preachers do not attribute the misery of the world, the shocking inequalities of wealth and poverty, the fearful want and frightful luxury existing side by side, to the ordinance of God.

They do not teach that the Gospel is a purely religious message which has nothing to do with economic questions or with the conditions of men in this world. They do not teach that the mission of Jesus was in no way directed to the material improvement of the position of the people and that he had nothing whatever to do with the social condition of his time.

It is not true that when the poor have groined under their hard lot the churches have told them to look up from the miseries of this world to the joys of the world to come. On the other hand, thousands of us preachers find our daily heart-break in the sudden apathy and cold indifference of the people as a whole to their political and social uplift, and to that which we apply to what we are continually striving to do—to awaken and arouse the masses to rise to their opportunities, to show some independence of thought, and to take some interest in the world.

God forbid that we should sow the seed of social discord and turn the masses against the church. This would entail the loss of everything. But we do want the people to rise. There is else by them a land of promise that they can enter, but only through aspiration, struggle and self-sacrifice. We are eager to create disinclination, not with environment, but with self, not with the position, but with the disposition. The change that must first come is inward change. Everything else will follow as the verdure follows the spring life. Nothing is nearer our hearts than the changing of the world in which we are now living into a new world of righteousness, love, peace and prosperity.

We are not willing to turn our churches into political clubs or into centers of discussion for the exposition and discussion of economic questions. Our master gave us a message to proclaim. I am willing that this should be expressed in two phrases: "The Father is in heaven and the Kingdom of God is at hand." This is the message of Jesus. He was a living, forceful character and he was a living, forceful character and he was a living, forceful character.

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Transfer Drawing to a Close

Doctor Churchman Byers' Pledge Made Good to the People—Pursuant to His Promise Made Last Week He Inaugurates the First Month of His Practice in Scranton with the Lowest Fee Ever Given—All Persons Applying Before June 1 Will Be Treated for \$10 Until Cured, Medicines Included—This Does Not Mean \$10 a Month, but \$10 for a Complete Cure—No Further Charge Will Be Made—All Cases Accepted Under a Positive Guarantee to Cure or Money Refunded—A Startling List of Cures.

When Doctor Byers established his practice in Scranton he told the people that he would inaugurate curing them of which they were informed. He told the people that he came with a clearly defined purpose, to show by the results in his own practice under his personal care and attention the wonderful value of the latest discoveries in medicine when properly applied to the various ailments which afflict men for all Chronic Diseases. He did not ask the people to take him on faith. He told them that until May 1 he would treat all who came to his office absolutely free. He agreed not only to doctor the sick, but to supply them with medicine without cost as well. How well Doctor Byers has kept his promise the people of Scranton are not ignorant. Hundreds of our intelligent people have visited him, have consulted with him in person, have received the needed counsel and medicine, and over 200 sick people have already been cured or much benefited.

The good he was doing had so spread among the people that toward the last the majority of those who consulted him did so without regard to the free offer, and only sought his aid because they were sure they would receive what they required in the way of a cure, but he kept his promise to the letter, and not one cent was accepted, although large fees were offered in cases of cases.

The news of the way he had kept his promise to the public, the news of the fact that he had absolutely refused to receive a cent from any sick person, has spread like wildfire, and toward the list were so great that had he been twenty doctors instead of only one doctor, he would not have cared for them.

Doctor Byers would like to treat every sick person in Scranton absolutely free, but even if he were a millionaire a hundred times over he could not afford to do this, the crowds that thronged his office toward the last few days have shown the impossibility of it. While he cannot treat all free forever, he can, however, do one thing, and that is to do this: He will guarantee to all persons applying at his office before June 1 for the nominal sum of \$10 until cured. That is, \$10 covers the entire cost for a cure, and no further fee will be asked.

He furthermore agrees, that if the person is not cured, he will refund the reasonable length of time to require the amount paid without any quibbling or evasion. It has always been the principle of his life never to keep a fee unless the patient was cured.

Dr. Byers wishes to make it emphatic that this offer expires on the 31st day of this month, and in order to get the benefit of it treatment must be commenced on or before that date.

DR. BYERS' RECORD. Doctor Byers was born of Quaker parentage and received his early education under the influence of that religious denomination.

He graduated with honor from the Jefferson Medical College of Philadelphia, 1872. Matriculate of the Philadelphia College of Pharmacy.

Full course attendance Pennsylvania Hospital for Acute and Surgical Diseases.

ASTHMA. Mrs. A. C. Schang, Etna, Pa.: "I had been troubled with asthma for 12 years. During five years of that time I did not lie in bed on account of the terrible suffocating spells that would come at the very core, or else I would lie in a recumbent position, I had to sit up every night gasping for breath. In addition to the violent attacks of asthma I was sick at my stomach nearly all the time with distressing bloating and rifting after meals, smothered up sensations, fluttering of the heart, dizziness, etc. As a result of Doctor Byers' treatment I am entirely free of these symptoms, and recommend the treatment from Dr. Byers, and as the result I sleep comfortably at night, and cheerfully recommend the treatment to any one suffering with this distressing complaint."

STOMACH TROUBLE. Mrs. Jane Spence, corner Larch street and Wyoming avenue: "I had been troubled with my stomach for a good while. After eating I had such bloating spells it caused distress and smothered up sensations, dizziness, nervousness, and an all-gone feeling. As a result of Doctor Byers' treatment I am entirely free of these symptoms, and recommend the treatment to my friends."

NERVOUS TROUBLE. Mrs. Peter Thomas, 428 Larch street: "The first treatment I received from Doctor Byers relieved me so much of the pain from which I had been suffering that I almost feel like a new woman. My nervous system had become entirely broken down as the result of these severe agonizing pains. I was weak; every little noise startled me and I felt I was fast becoming a nervous wreck. This good Quaker doctor has placed me on the road to health, and I feel certain his treatment will restore my health completely."

RESTORING LOST HEARING. Mr. John Provines, Easton, Pa.: "I am 63 years of age, and several years ago my hearing began to fail me, first in one ear and then in the other. I had consulted many people, and I tried to have my friends, never going to church or any other public place, as I was made miserable because I could not hear. People had to put their faces right up to mine and speak very loud to make me hear. Every person discouraged me when I spoke of trying to be cured, and I had no hope until one day I read of Dr. Byers, and the methods he used for restoring lost hearing. Something told me that I ought to go to him, and three months ago I went and placed myself under his care. It is with great pleasure I can now tell of my recovery. It was only a month when suddenly I heard the noise of cars, wagons, everything, and it seemed as loud as it started me; even the clock seemed to tick four times as loud as it should. Since then I have improved, until now I am perfectly well and can hear perfectly. I met and converse with my friends, go to public meetings and enjoy life again. My hearing is as good as if I had never been afflicted. A great opportunity if they fail to consult Dr. Byers, the most successful specialist in this world."

DISEASES Due to Cell Disorganization. The different tissues of the body are made up of minute cells, and when these cells become disorganized, disease is the result. By supplying the proper nutriment to the cells, perfect health can be obtained. All diseases, no matter how chronic, can be cured by bringing the cells back to their normal condition. The treatment used by Doctor Byers is not a matter of guesswork, but is a treatment based upon an exact science and cures with the certainty of a fixed law.

FREE X-RAY EXAMINATION. Doctor Byers never accepts a case unless he knows to a certainty the cause of the trouble, and this can only be determined by a scientific X-ray examination. His X-ray outfit is the most elaborate and complete in the country. By his special Fluoroscopic attachment he is able to examine all parts of the body and find out to the exact location of the trouble. It is absolutely free. He will not charge you one cent. Come and find out what your trouble is and he will advise you in reference to a cure. It is all free. He asks no compensation.

DOCTOR CHURCHMAN BYERS, PERMANENT OFFICES, (Entire Second Floor), 412 Spruce St., Scranton Pa. Office Hours, 9 a. m. to 12; 2 p. m. to 4. Evenings, 7 to 8 Daily. Sunday, 10 a. m. to 12 m.

DISEASE OF BOWELS

Mrs. Barbara Dickson, Parker street, Providence: I had chronic diarrhoea for fourteen years, which caused violent bearing regularly once a day, and the piles have ceased troubling me. God bless the good Quaker doctor for what he has done for me.



DR. BYERS' RECORD. Full course attendance Blockley Hospital for Skin and Chronic Diseases.

Late of Eye and Ear Clinics Will's Hospital, Philadelphia. Late of Prof. J. Solis Cohen's Clinics Diseases of the Throat.

Late Examining Physician Knights Templar and Masonic Mutual Aid Association of Cincinnati, O. Late Examining Physician Mutual Reserve Fund Life Association of New York.

NEW YORK HOTELS. ALDINE HOTEL. 4TH AV. BETWEEN 29TH AND 30TH STS. NEW YORK. EUROPEAN PLAN. NEW. FIRE-PROOF.

WESTMINSTER HOTEL. Cor. Sixth St. and Irving Place, NEW YORK. American Plan, \$2.50 Per Day and Upwards. European Plan, \$1.00 Per Day and Upwards. Special Rates to Families.

HOTEL ALBERT. NEW YORK. Cor. 11th St. & UNIVERSITY PL. Only one Block from Broadway. Rooms, \$1 Up. Price Reasonable.

ALL HAVANA FILLER. Cubanola cigars are made from old, mild Havana leaf, which is all cured in the Cuban climate.

PRETTIEST JUNE GRADUATES. Will look still more lovely if arrayed in some of the dainty fabrics we are offering.

CONVENTION OPENS TODAY. Representatives of the United Evangelical Church to Meet Here.

The Ministerial, Sunday school and K. L. of C. E. convention of the Lewisburg district of the Central Pennsylvania conference of the United Evangelical church will open in this city to-day and continue on Wednesday and Thursday.

TUESDAY AFTERNOON, 2 O'CLOCK. Devotional Exercise, N. Young Organization and Appointment, N. Young Address of Welcome, J. W. Messenger Response, H. W. Campbell II. W. Buck "Elements of Ministerial Success," J. W. Thompson

TUESDAY EVENING, 7:30. Song and Devotional Service, H. Minkler Enrollment and Reports of Delegates, "Church Life and Work—Their Most Beneficial Results to the Individual and Others," N. Young Question Box.

WEDNESDAY MORNING, 8:30. Hope Service, F. F. Mayer "Hindrances in S. S. and K. L. of C. E. Work," F. F. Hower "Personal Work in Soul Winning," S. F. Young Parliament: "Business Methods in Church Finances," D. L. Kepner

WEDNESDAY AFTERNOON, 1:30. Faith Service, J. A. Foss "The Necessity of Keeping the Pledge," L. Kessler "The Responsibilities Assumed by Church Membership," E. H. Shaffer "How Shall the Sunday School Teacher Study and Teach?" S. S. Mumey Question Box.

WEDNESDAY EVENING, 7:30. Love Service, J. O. Biggs Parliament: "Sabbath Observance," J. W. Messenger "The Liquor Traffic," W. J. Campbell Question Box.

THURSDAY MORNING, 8:30. Promise Service, B. F. Keller "The Holy Spirit in Personal Experience and Service," J. W. Bentz "The Mission of the Church," E. Wilson "The Model Sunday School," W. A. Faust

THURSDAY AFTERNOON, 1:30. Praise Service, J. W. Messenger Missionary, B. F. Keller (a) Home, (b) Foreign, (c) Foreign, (d) Foreign Parliament: "Best Methods of Raising Missionary Money," H. Minkler Question Box.

THURSDAY EVENING, 7:30. Song Service, H. Minkler Business, Pentecostal Service, W. H. Stover

Our celebrated Strap Roller for Awning a Specialty. 328 Lackawanna Ave., Scranton, Pa.

Medicum, Scott & Co., 126 Wyoming Ave.

S. J. Fuhrman & Bro. Store and Window Awnings. Our celebrated Strap Roller for Awning a Specialty.

IMPERIAL CIGAR CO., 109 Lackawanna avenue, THE ONLY Wholesale Distributors of Cubanolas.

Doctor Churchman Byers' Pledge Made Good to the People—Pursuant to His Promise Made Last Week He Inaugurates the First Month of His Practice in Scranton with the Lowest Fee Ever Given—All Persons Applying Before June 1 Will Be Treated for \$10 Until Cured, Medicines Included—This Does Not Mean \$10 a Month, but \$10 for a Complete Cure—No Further Charge Will Be Made—All Cases Accepted Under a Positive Guarantee to Cure or Money Refunded—A Startling List of Cures.

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