IS TRYING TO GET HIS SEAT

EVANS ALLEGES PAINE IS IN CONTEMPT OF COURT.

Question Now at Issue Is Whether or Not the Appeal to the Supreme Court Acts as a Supersedeas—Mrs. Andrews Wants to Annul Her Marriage—Judge McClure Sustains Two Non-suits—Strike Cases Make Necessary an Extra Term of Court. Common Pleas Cases.

Application for an injunction to restrain Dr. W. A. Paine from exercising the rights and duties of poor director from the Hyde Park district was made yesterday to Judge Edwards by Attorneys I. H. Burns and C. E. Olver, representing James A. Evans, whose claim to the office by election has been declared a legal one.

In his petition Mr. Evans sets forth that, despite the judgment of ouster, Dr. Paine continues to hold the seat, and that because of this he should be adjudged in contempt of court. Further, it is pointed out that if the petitioner is put to mandamus proceedings, it is likely the term for which he was elected will have expired before the proceedings reach a determination.

Judge Edwards took the application under advisement. The judgment of ouster is to be appealed to the Supreme court. When this is done a hearing will be had to determine whether or not the appeal shall be permitted to act as a supersedeas, or, in other words, whether or not Paine shall continue in the office until the Supreme court decides the case.

Common Pleas List Exhausted.

The open cases on this week's common pleas list were exhausted, yesterday afternoon, with the calling of the suit of Peter Bennett against John W. Williams, the jurors not called on this case or out on others were discharged.

The case of Bennett against Williams grows out of a collision between their wagons on Dundaff street, Carbondale, in July, 1901. The parties are aged farmers living near Clifford, Williams being 85 years old, and Bennett only a few years his junior.

The front wheels of their vehicles locked, and one of Williams' horses began to kick. Before he could be subdued the animal had demolished the wheel of Bennett's wagon and cut him over the eye. He claims that reckless driving on the part of Williams was responsible for the collision. Williams says in defense that Bennett did the reckless driving. The case was on before Judge Kelly at adjournment. M. W. Lowry and James Horton represent the plaintiff, and John F. Scragg and Hon. John F. Reynolds, the defendant.

The case of Harry Comstock against J. W. Jones was referred to Attorney George S. Horn, and the case of S. Barnett & Son against Becker Bros. was continued.

A verdict for the plaintiff was returned in the divorce case of William Noll against Elizabeth Noll.

In the case in which Attorney J. Elliot Ross sued the Adam Fasshold estate for counsel fees, a verdict of $184.22 for the plaintiff was returned.

By agreement, a verdict of $2,200 was entered in favor of the plaintiff in the case of the Commonwealth Building and Loan association against James J. Golden. It was a suit to revive judgment. O. B. Partridge appeared for the plaintiff, and O'Brien & Martin, for the defendant.

Just after court adjourned, the jury agreed in the case of the Cerealine Manufacturing company against the Anthracite Beer company. The jury will have to assemble again this morning to make a report.

Non-Suits Must Stand.

Opinions were received yesterday from Judge H. W. McClure, of Lewisburg, discharging the rules to strike off the non-suits he granted in two cases in which the Delaware, Lackawanna and Western company was defendant.

In the one, the plaintiff, Mrs. Margaret Thomas, of West Scranton, sued for $50,000 damages for the death of her husband, C. J. Thomas, who was the engineer on the ice train which ran away on the Pocono mountain, July 12, 1900. The judge says there was nothing in the evidence to show that the company was responsible for the accident, while there was undisputed evidence tending to prove contributory negligence on the part of the engineer. If the unknown cause of the accident was to be guessed, the judge, practically, says, it was the failure of the engineer to properly set the air cock after testing the brakes at the top of the mountain.

The second of the cases is that in which James Robinson, of West Scranton, sought to recover $5,000 for burns received in an explosion of gas at the Sloan colliery. He applied to District Superintendent Evans for work, and was told to see the foreman at the Sloan. The foreman was in the mine and Robinson went down to see him. Returning, he declined to wait until noon and ride up on the carriage, but instead attempted to walk out by an old manway. Passing through some abandoned workings his lamp set fire to gas and he was badly burned.

He tried to hold the company liable on the ground that the district superintendent's directions were responsible for his going into the mine, and that in coming out he was directed to take the route he did, by one of the company's employes.

The judge says the company cannot be held liable on either ground and that Robinson was guilty of contributory negligence in attempting to find his way out of a strange mine by a passage which his experience as a miner should have told him was dangerous.

Still Hearing Strike Cases.

The grand jury, yesterday, spent another day hearing strike cases. One of those considered was that in which Frank Decker, a watchman at the Edgerton colliery, shot Michael Connolly and Morris Crossman, Aug. 18, while they were, as they claimed, passing on the public road near the breaker. Crossman was shot in the leg and had to have that member amputated just below the knee. Connolly was struck near the eye with a buckshot.

Another case heard was that in which District Superintendent John Berkheiser, of the Ontario and Western company, and Jail Warden Miles McAndrew are charged with shooting Aften Tallec, one of a crowd which attacked and fired on them while they were driving through Priceburg. Tallec was shot in the left breast. He is able to be about, but his constitution has been greatly impaired by the wound.

Twenty cases in which the Delaware, Lackawanna and Western is prosecuting coal pickers were also heard.

To Annul a Marriage.

Myrtilla V. Andrews, nee Kromer, applied to court yesterday for a rule to annul the marriage she contracted with Emery P. Andrews, twelve months ago. She alleges Andrews was a married man when the ceremony was performed.

Four months after the marriage, Andrews' wife came here from Williamsport and had him arrested for bigamy. Alderman Kasson allowed him to go to his home in custody of Constable Ira Mitchell to look for bail. He eluded the constable by jumping out of a back window and has not been heard from since.

Proofs of his marriage to the Williamsport woman are in the possession of Attorney R. H. Holgate, who represents Mrs. Andrews No. 2.

Orphans' Court Matters.

In Orphans' court yesterday, Judge A. A. Vosburg heard evidence in the W. W. Smith estate, in which the proceeds of a mortgage of real estate of the decedent came up for distribution. Many disputed claims were presented, among them by O. W. Mason, Frank Colvin, and others. The various parties in interest were represented by B. F. Tinkham, A. D. Dean, R. H. Holgate and Clarence Balentine. The evidence was concluded, and Friday, November 21, at 9 o'clock, fixed for the argument of counsel.

Evidence was also heard in the audit of the estate of Margaret Moore, deceased; E. H. Ripple, executor. Also in the estate of John Angle, the Lackawanna Trust and Safe Deposit company being the administrator. In both of these estates the evidence related to the distribution of the funds.

In the estate of Emily Brown, deceased, as the year allowed by law for the settlement of the estate had not fully expired, the audit was held open until the expiration of that time.

The audit of the estate of Catharine Mittan, deceased, was continued until Saturday of this week, at 10 o'clock a. m.

The proceedings in the estate of Elizabeth Ziegler, deceased, will be continued on Friday at 10 a. m.

Extra Term of Quarter Sessions.

Because of the great number of cases resulting from the strike, an extra term of quarter sessions was yesterday ordered for the week beginning Dec. 15, which follows the regular two weeks of the December term.

Three courts will be run steadily for the three weeks. The sheriff was directed to draw a special panel of sixty jurors to serve at the special term.

Filling the Jury Wheel.

Judge Edwards, yesterday, made the formal order for filling the jury wheel for 1903. He directs that 1900 names be placed in the wheel.

In former years only 1,650 names were placed in the wheel. Increase in both civil and criminal business accounts for the increased number of jurors.

Marriage Licenses.

Joseph Decker ..... Spring Brook
Martha A. Goodrich ..... Spring Brook
Clarence W. Miller ..... Newton
Katherine Rosenkrans ..... Newton
Henry Middleton ..... Scranton
Barbara Middleton ..... Scranton

COURT HOUSE NEWS NOTES.

An appeal was taken yesterday by Tax Colector P. J. Hoban, of Olyphant, from the report of the Olyphant Scobol district auditors. James J. O'Malley is his attorney.

Through Attorney A. A. Chase, Thomas R. Davis yesterday applied for a rule to compel James M. Ribble and others to bring a suit in ejectment for a two-acre plot of land near Highland Park in South Abington, which both parties claim. It was referred to argument court.

Louisa Weaver, who was acquitted February 4, last of the charge of arson on the ground of insanity, and thereupon committed to the Hillside home, was yesterday ordered released and given in charge of her son, Frederick Weaver, upon his giving bond in the sum of $1,000 to guarantee that he would restrain her from further criminal offenses. The bond was furnished and Judge Newcomb gave it his approval.

TO PROMOTE ASSYRIOLOGY.

Large Sum Subscribed to Establish a Professorship.

By Exclusive Wire from The Associated Press.

Philadelphia, Nov. 12.—Messrs. Edward W. and Clarence H. Clark, of Philadelphia, have subscribed $100,000 to found a professorship in Assyriology at the University of Pennsylvania. The Messrs. Clark have been among the largest subscribers to the Babylonian expeditions of the University of Pennsylvania for the past fourteen years, and the success of these expeditions—now known all over the world—has led them to endow this professorship.

The trustees of the university have accepted the gift, and have named the chair "The Clark Professorship of Assyriology," and Dr. H. V. Hilprecht will be the first incumbent, under this endowment.

WILL SUBMIT CASE TO THE HAGUE.

Germany Agrees to Our Proposal Upon Chinese Indemnity.

By Exclusive Wire from The Associated Press.

Pekin, Nov. 12.—Germany has agreed to the American proposal to submit the question whether the Chinese indemnity is payable in gold or silver to The Hague tribunal.

It is provided that only that feature of the protocol be included in the arbitration.

DR. HUNTER RESIGNS POST.

Minister to Guatemala Succeeded by Leslie Combes of Louisville.

By Exclusive Wire from The Associated Press.

Washington, Nov. 12.—W. Godfrey Hunter has tendered his resignation as United States minister to Guatemala. The president has accepted the resignation and has selected Leslie Combes, at present United States pension agent at Louisville, to succeed Dr. Hunter as minister to Guatemala and Honduras.

Dr. Hunter has had a stormy career in Central America ever since he went there in 1897. It is assumed that he has at last become tired of the struggle, for it has been known that for some time he contemplated resigning. The place pays $10,000 a year.

MILITARY WEDDING.

Lieut. Davis and Miss Ruby Caroline Hale Wedded.

By Exclusive Wire from The Associated Press.

Lancaster, Nov. 12.—Lieutenant Robert C. Davis, Seventeenth United States infantry, professor of tactics at the West Point Military academy, and Miss Ruby Caroline Hale, of this city, were married this evening in St. James Episcopal church. It was a military wedding and a brilliant social affair.

The best man was Captain William S. Guignard, United States artillery; Miss Elizabeth Steinman, maid of honor; ushers, Captain Albert J. Bowly, Lieutenant F. C. Jewell, Captain E. St. John Greble, of the United States artillery corps; Captain F. W. Sladen, Fourteenth United States infantry; Lieutenant F. H. Pope, Second United States cavalry; Percy A. Murphy, Seventh United States cavalry.

30==STAMPS==30

With a Dollar Purchase, Friday, Saturday and Monday, November 14, 15 and 17.

Great Attractions in

OUR COAT ROOM

Thousands of the newest styles in Ladies' Misses' and Children's up-to-date Coats, Ladies' Capes and Suits, all fresh from the best designers in Greater New York. We don't select garments months before the season. Mr. Hagen has been in New York all the week buying the very latest styles produced and we will make the greatest exhibit Scranton has ever seen. We suggest customers come in the morning and avoid the great afternoon rush.

Ladies' Coats

45-inch; full ripper back; Military and Tuxedo; capes large; flowing sleeves, with mammoth cuffs.

Mont Castor, with English top backs. The Famous Metropole Ripple Zebalines, East of England Meltons, Chinchillas, Mont Nacks, Frieze, etc. Black, Green and Castor Coats.

Velour garments; Cravenette Raglans, Peau de Sole Silk Coats. Garments at all prices from $2.00 to $75.00.

Nobby Dress and Street Suits. Hundreds of sample skirts. You surely will miss it if you do not see this surprising collection of stylish garments.

Hundreds of small Furs in all the desirable styles.

Thanksgiving Sale of Table Linens

Damask and Napkins in sets.
Lunch Cloths and Tray Covers.

39c. Cream Table Damask	25c
49c. Cream Table Damask	35c
63c. Cream Table Damask	50c
75c. Cream Table Damask	68c
$1.00 Cream Table Damask	89c
$1.25 Cream Table Damask	$1.00
65c. Snow White Linen	55c
90c. Snow White Linen	75c
$1.25 Snow White Linen	$1.00
Reed's $1.50 Snow White Linen	$1.25
Reed's $2.00 Snow White Linen	$1.50
Reed's $2.50 Snow White Linen	$2.00
Pure Linen Napkins	75c
Pure Linen Napkins, large size	$1.00
Pure Linen Napkins, 3-4 size	$1.25
Pure Linen Napkins, large size	$1.50
Double Damask Napkins	$2.00
Double Damask Napkins, large, heavy	$3.00
Silver Bleached Napkins	$1.25
Silver Bleached Napkins, large and heavy	$1.50

Underwear and Hosiery

Boys' and Girls' Fast Black Hose	12½c
Boys' and Girls' Black Cat Hose	25c
Misses' Fine Ribbed Hose	25c
Ladies' Fast Black Hose	
Ladies' Fine Black Hose	
Ladies' Maco Black Hose	25c
Ladies' Fancy Hose in great variety. Specials at	25c., 35c., 50c., 75c., 85c., $1.00
Children's Fine Fleeced Underwear	15c. to 30c
Ladies' Heavy Fleeced Underwear	25c
Ladies' Fine Jersey Ribbed Underwear	50c
Ladies' Natural Grey Underwear	75c
Ladies' White Wool or Natural Underwear	$1.00
Ladies' Extra Fine Underwear	$1.50
Ladies' Union Suits	50c. up to $5.00
Men's Fast Black Hose, 3 pairs	25c
Men's White Foot Hose	15c
Men's Extra Fine Hose, black or fancy	25c
Men's Dark Fleeced Underwear	39c
Men's Light Fleeced Underwear	39c
Men's Fancy Fleeced Underwear	50c
Men's Natural Underwear	50c
Men's Jersey Ribbed Underwear	50c
Men's Heavy Wool Underwear	$1.00
Men's Light, Fine Wool Underwear	$1.00
Men's Heavy Double Breasted Underwear	$1.75

Dress Goods

French Flannels, printed	39c
75c Fancy Stripe Waistings, short lengths	50c
Children's Cloakings at cut prices.	
Golf plain-back Cloakings to close.	
Beautiful new Persian Stripe Mercerized Waistings.	
White Pique Marsellies and choice new mercerized white Waistings	25c to $1.00
Shepherd Checks, all sizes, Black and White	50c
Whip Cords, high lustre, 65c value	50c
Homespun Tweed Mixtures, 59c. value	39c
Colored Cheviots, 45 inches wide, 65c value	50c
Albatros, all the choice shades, 50c value	39c
Poplins, Prunelles, Armures, 75c value	59c
Granites, Armures, Pebbles, etc., $1.00 value	75c
Venetians, all new colors, $1.25 value	$1.00
Oxford and Grey Venetians, $1.00 value	75c
Oxford and Grey Venetians, $1.25 value	$1.00
Persian Stripe, white ground, mercerized, $1.00 value	75c
Fine Waistings, short lengths, 75c. and $1.00 goods	59c
Worsted finish Waistins, new stripes	15c and 25c

Light Weight Dress Goods

Voyle's Mistrels, Etamines and pretty Silk Warp Stripes in new Blues, Greens, Browns and Blacks	75c to $2.00
New Tailor Mixtures, snow flake effects, Bourette and Fancy Novelty Tweeds	75c to $2.00

Black Dress Goods

65c Hard Finish Black Cheviot	50c
$1.00 Black Camel Hair Cheviot	75c
$1.25 Black Camel Hair Cheviot	$1.00
$2.00 Black Camel Hair Cheviot	$1.50
$2.00 Black Camel Hair Zebaline	$1.50
$1.25 Black Venetians	$1.00
$1.50 Black Venetians	$1.25
$2.00 Black Venetians	$1.50
$1.25 Whip Cords and Poplins	$1.00
$1.25 Heavy Skirtings	$1.00
85c Heavy Skirtings	69c
75c Heavy Skirtings	59c

New Fine Silks

Beautiful bright Clan Plaid Silks, 75c for	59c
Beautiful bright Clan Plaid Silks, $1.00 for	75c
Good Colored Taffetas, 75c for	49c
Fancy Taffetas, Figures and Stripes, $1.00 for	69c
Fancy Taffetas, Figures and Stripes, 75c for	59c
Cheney's Cashmere Silks	75c
Moire Silks, $1.00 goods	69c

Black Silks

85c Peau de Soie	75c
95c Peau de Soie, Gold Selvage	85c
$1.15 Peau de Soie, Red Selvage	95c
$1.59 Peau de Soie, yard wide	$1.25
Banner Taffetas, yard wide	95c
Royal Black Taffetas, yard wide	$1.25
Guaranteed Black Taffetas, 1½ yards wide	$1.75
Haskell's Peau de Soie and Taffetas	75c to $2.00

Bargains in Comforts, Cotton and Wool Blankets, Bed Spreads, Outing Flannelettes, Cantons, Shakers, Muslins, Ginghams, Etc.

Cut Out This Coupon

Present at our office, purchase $1.00 worth of goods or more and you will receive 30 stamps. Nov. 14, 15 and 17.

MEARS & HAGEN.

Mears & Hagen

415 and 417 Lackawanna Ave

"Hanan" Shoes for Men

The name of Hanan is connected with the best shoes for men in just the same way as "Atterbury System" is connected with the best clothes. There's something about every "Hanan" Shoe that breathes individuality. There's men in this shoe factory who have worked on "Hanan" Shoes for twenty years—who are continually aiming for the highest standard. Such progression of method does not exist in every shoe factory. All leathers that are cut for "Hanan" shoes are thoroughly examined and tested. It may be a patent leather that has good wearing qualities, but has not the necessary finish. Such leathers are not accepted for "Hanan" shoes. The best—and the best only—is used, whether it be a patent, a box calf or a vici kid. All the new lasts in our shoe department.

"Sorosis" Shoes for Women.

Shoe style is quite an item with most women, but never at the sacrifice of comfort, if the proper method of measurement is followed. If you have ever been fitted with "Sorosis" Shoes you know just what we mean by "proper measurement method." "Sorosis" lasts are produced from living models of different and distinct forms. That's one of the principal reasons why these shoes for women combine comfort and style.

All Styles and Leathers $3.50

SOROSIS TRADE MARK.

Samter Brothers,

Complete Outfitters.

Credit Doesn't Cost Extra | **Buy Now, Pay Later** | A Factory and 34 Stores

Thanksgiving Is Near

Clothing, Hats, Shoes

Man or Woman
Boy or Girl

If you've in mind anything in our line for Thanksgiving wear, we urge you to come now. There is always a rush to buy just before Thanksgiving, and you can avoid this by buying today.

Never mind the money; get what you want now and pay later in small, convenient payments.

Don't be backward about coming here—we recognize your right to credit.

All our Clothing is stylish and reliable.

PEOPLES CREDIT CLOTHING CO. 317 Lackawanna Ave. First Floor. Open Evenings.