WEDNESDAY, MAY 27, 1891.

### "NOT GUILTY P

The Jury in the Edward Shippen Trial Render a Verdict of Acquittal.

When our report closed last week the trial of Edward S. Shippen Jr., for the killing of Joseph W. Say, was just begon. We gave the names of the jury on the case, and the attorneys employed on both sides, and further along will be found as much of the testimony as it is possible for us to accommodate.

### THE VERDICT.

At 11:45 Saturday foreucon Judge Noyes finished his charge to the jury, occupying about one bour in its delivery. It was a clear and impartial charge against which peither side could find any objection. The jury then retired, and at 2:20 p. m. came into court and announced that they had agreed upon a verdict of "not guilty." It is said there was but one ballot taken in the jury room, resulting in the verdict as above recorded.

### THE TESTIMONY.

Following is the most important testimony adduced at the trial, which we have endeavored to give as fully as our space will possibly admit:

our space will possibly admit:

Dr. Brewer, of Clarington, was the first witness called. He testified: On the 20th of December, about 10 o'clock in the morning, I received a call to go to Shippen's Mills, arriving there three quarters of an hour later: went direct to Shippen's store; when I went into the store I found a man lying on the floor dead, with his feet toward the door; the body was growing cold: I saw bullet holes in the clothing; I saw a bullet hole in the coat two and one-half inches above the right nipple, between the right nipple and center of the body. He was attired in a Mackinaw shirt and pants. The body was lying on the back, I saw another bullet hole on the left side of the shirt. There were two bullet holes here, showing that the bullet passed through. I made no examination of the wounds at this time. There were no powder marks about the hole in the breast. The cloth was burned about the bullet hole on the shirts and the lock in the same the hole on the shirt was burned about the bullet marks in the shelf of the store; saw whore the bullet struck the shelf and candy jar; I took it from the jar. There was an inquest held that evening, I was a member of it. Dr. A. E. Stonecipher was coroner. We found the body in the same condition as I left it. We removed the Mackinaw shirt and a red undecshirt: I discovered a wound near the right nipple corresponding to the hole in the shirt; I probed the wound, and found the bullet had entered between the third and fourth rib in the front; it came out about the uinth rib in the back, there was no powder maks about this wound. The marks around the wound in the shoulder were burned. The third hole in the left side of the clothing made no mark on the body. I found an injury between the shoulders at the back; the flesh was blackened; could not probe it successfully; did not find the ball. The injury at the nipple was a fatal of the one at the shoulder would not be fatal; the wound on the back of the neck would prove fatal. I discovered the mark of a gun shot abo

Dr. A. E. Stonecipher testified to the fact of the examination substantially to the same effect as the previous witness, and said on cross-examination: I did not notice the holes in the shirt at the side. My opinion is that the ball that entered the back between the shoulders, was the fatal ball, because that is a fatal point. After the first shot went through the body, I don't believe the victim would be able to make any sturgle.

the back between the shoulders, was the fixtal bail, because that is a fatal point. After the first shot went through the body, I don't believe the victim would be able to make any stuggle.

M. C. Carringer was called next by the Commonwealth. He testified to the powder marks and also to finding builet marks on the candy shelf.

James Say, a brother of the deceased testified: Myself and brother worked for Mr. Shippen in December last. The morning of December 29, I went out to work a little after 6 o'clock; first saw my brother at the upper end of the trail, a little before 7 o'clock; Mr. Frazier was there. Mr. Shippen said, "Why did you not get out earlier?" My brother said, "This is a scarly as I ever get out." Then Mr. Shippen said, "Well, hereafter you and every man in mysmploy will work from 6 until 6." Wash said. "I will work for no man from 6 until 6." Mr. Shippen said, "Well, I will work no se of a b—— from 6 until 6." Mr. Shippen said, "Well, I will work no se of a b—— from 6 until 6." Mr. Shippen said, "Woll, I will work no se of a b—— from 6 until 6." Mr. Shippen said, "Do you mean to call one a see of b—?" My brother said, "No. I did not call you a see of a b—, but if the shoe fits you can put it on. Mr. Shippen said: "You don't suit me." "All right," said Wash, "you can give me my time." Mr. Shippen went away; so did my brother; and I will give you your time." Mr. Shippen's store; I was present at the inquest; after it was over we dressed him, land him in the coffin and took him to his home, about one and one-half miles from Shippen's store; I was present at the inquest; after it was over we dressed him, land him in the coffin and took him to his home, about one and one-half miles from Shippen's store; I was present at fee in until 1 brought the satchel to Tionestar my brother was born December 28, 1856; he was 5 feet, II; inches high in kis slocking feet; on Christmas day he weighed that day.

Mr. Adama testified: I live in Clarington. I was working for Mr. Shippen in the woods the morning of the t

back," heard three or five shots; the shooting was very close; Say fell off and said; "My God, I am a dead man, pray for me." When the first shooting commenced I could not see shippen; Say moved, then I saw Shippen on the keg; Delp came in and reached for the revolver; Shippen said; "I wont shoot any more, it is bad enough as it is. I would not have done it only to save my life."

Cross-examination: When Ed. cot. up.

and called Say the name, I did not see any and called Say the name, I did not see any revolver in his hand. When Say charged on Shippen, Ed reached ont his right hand and said "Stand back;" when the affray was over Ed had the postol in his left hand; I did not see Say's left hand, he had hold of Shippen's coat in front; Ed was retreating when he said "Stand back;" he had no time to open the door and get away; the door was shut; no one in the store from the time I arrived until after the shooting, except the two Shippens, belp, Frazier, Say and myself; it was not possible for anyone to go out the door without my seeing them do so; the entire transaction did not take more than half a minute.

ing them do so; the entire transaction did not take more than half a minute.

Adjourned until 2 o'clock.

The first witness called after dinner was Horace C. Frazier, who testified: "I live in Barnett township; I was employed by Shippen Bros, in December last; I went into the woods with Say this Monday morning, December 29; it was about 10 or 15 minutes before 7 o'clock when we arrived at the slide; we each had an axe and a peevey; when we got there Wash said to Mr. Shippen: 'Where shall we work to-day? Mr. Shippen said: 'It is pretty late now, boys, to begin work.' Say said: 'It is as early as I generally get to work.' Then the whistle blew for 7 o'clock, and Say said, 'There is the whistle calling men

is as early as I generally get to work. Then the whistle blew for 7 o'clock, and Say said, 'There is the whistle calling men to work, now. It' it is too late to go to work, it is not too carly to quit.' Shippen said, 'If it is your money you want, you can have it.' Say said, 'I don't have to work from 6 o'clock in the morning until 6 o'clock in the evening to make a living, for any d—d s— of a b—.' Shippen said, 'Do you mean to call me a s— of a b—' 'I did not call anybody that, but if you want to take it that way, all right,' said Say. He then took off his nittens, threw down his tools. Shippen said nothing, and started off. Say picked up his tools and we went away; we went down to the landing; then Say and myself went home; we live in the same house, about three quarters of a mile from Shippen's store. After awhile Say and I started for the store. Dolp and Martin and the Shippens were there. I went up to the stove; Dolp got up and I sat down in his chair; Say stood beside the stove; we were all talking quirdly, when I heard some one say 'you's—of a b—.' The voice sounded like Shippen's: I looked around, saw Say turning around toward Shippen; I heard words spoken by the parties, don't know what it was said; I caught a gleam of something in Shippen's hand and heard the reports of the shots; I naturally concluded it was a revolver. Something struck against the inside of my right leg and a bullet was picked up beside my chair. I think there a revoiver. Something struck against the inside of my right leg and a bullet was picked up beside my chair. I think there were five shots fired; there was a hill after two or three shots and then repeated; it was dark in the store. When I recovered my wits I saw Say was in a recumbent position on his side, I picked him up. He said to me, 'I am done for, pray for me; I am a wicked man, I have been a wicked man; pray for me and my family,' I pointed him to the Redeemer as less I could and told him to pray for himself. I

I pointed him to the Redeemer as best I could and told him to pray for himself. I think he died in about 29 minutes. Delp came in after Say fell over and sald; 'Ea, give me the revolver.' Ed said, 'I have done enough with it; I had to do it to save myself.' Some one said something about giving him some whisky; Ed went out to get him some and shortly after some one brought in some whisky." The revolver was showed to the witness and he thought it looked like the one that was usually lying around the store.

it looked like the one that was usually lying around the store.

Orose examined: Say was an athletic man about six feet high. Shippen was clear back in the salver as far as he could go; I noticed Say brushing the snow off his leggings before the fuss; there was no one present in the store but the two Shippens, Delp, Martin, Say and myself; heard a crumbling of glass but can tsay whether it was the first shot or not; to the best of my knowledge the melec did not last half a minute; the first 1 say after the shooting minute; the first I saw after the shooting a minute; the first I saw after the shooting Say fell over onto the floor and Shippen came towards me. It is better to slide fogs in the morning, when the snow is fresh; Mr. Shippen said a team was waiting for some one to lead the logs. When we were going up to the store from the house, Say said, "if he could ever get Ed to show a grain of sand, he would trample the life out of him." When Say was putting our tools away, I went to the stable and back for my dinner bucket, and then stopped at for my dinner bucket, and then stopped at the store, and Ed Shippen said: "Ain't you fellows coming in to settle?" I said: "Say he has gone to get something to do me up with." I said: "I would not like to have that man mad at me, because I consider

that man man at the, because I consider him a dangerous man," I got some flour for myself and Say, and then went home, George W. Sawyer testified: I was Sher-iff of this county in December last.—A pistol was identified by the Sheriff as one pistol was identified by the Sheriff as one handed him by Edward Shippen, the evening of December 29.—I was called out from supper, and Ed Shippen said: "Sheriff, I want to give myself in custody; I have killed a man." I said: Have you the gun? he said yes and gave me this weapon. I asked litm if there were any marks upon his person? he said "No, there was none." There was two loads left in the revolver; Shippen said "he had to do it in self defense;" he said he caute 24 miles to give himself up; it was about \$\frac{1}{2}\pi^{\infty}\_{\infty} colock in

revolver; Snippen said "he had to do it in self defense;" he said he came 24 miles to give himself up; it was about 60 clock in the evening when he gave himself up.

Wm. Beers testified: I knew Joseph Say; I know Ed. Shippen; I was at Shippen; Store the day this man was shot; when I went in Frank and Edward Shippen, Mr. De'p and some men I did not know were there; I stood by the counter; afterward Horace Frazier and Joseph Say came in; Say went up by the stove and Levi Delp went out with a broom; Horace Frazier sat down in Delp's chair; I saw Edward Shippen draw a revolver, and I went out the door; heard the reports of the pistol two or three rods away; I ran to the blacksmith shop; I was running as first as I could; Shippen took the revolver out of the desk he was sitting at; he opened the hid, took the revolver out, and stood up and pointed it in the direction of Say; then I ran out.

Cross-examined: He lifted the lid of the

boarding house, testified: I came from the kitchen right after the shooting: I saw Willie Beers near the back pile, going towards the pile. He was walking away. He had his gun with him.

Frank Shippen testified to being in the store. He said: Ed was in the store most of the time; he went out to the mill to instruct two men to take the place of these who had quift; he did not prepare the re-

store. He said: Ed was in the store most of the time: he went on to the mill to instruct two men to take the place of those who had quif; he did not prepare the revolver; I had used the revolver the Frieldy before aloosing a hoz; I loaded it after I used it; this sevolver and a loo x of cartridges lay around on the counter all the time; I made out the time of Frazier and Say, and when Ed came back he checked it over to see if it was correct; Delp and Martin were there; Delp went out after Frozier and Say came in; Frazier sat down in Delp's chair; Will Beets was not there; Ed got up and got a book; then he got up and got a book; then he got up and said, "You s— of a b—;" no one went out after Delp; when Frazier and Say came in, Frazier came in first and Say came in, Frazier came in first and Say ext; when Say came past my brother's chair he stumbled against the chair; Say was bruishing the snow off his legs and twent back over the book; he threw his cap back, Say said, "You d—d black slave driver," and went for Ed. The latter backed and said, "Stand off, keep away," and remeded toward the counter. Ed did not raise the lid of the deak to get a revolver; if he had done so he would have spilled the books and ink lying on the nail keg and box; Say was on top; The first pistel shot was fired as stelly went down; when the first or second buillet went off I heard candy jars break. [The shelf plonghed with a buillet hale was offered as section of the floor with a buillet hele was identified by the witness.] There were four or five shots fired; Ed shoved Say off and he said, I am done for; then be asked Frazier to pray for him; he had been a wicked man; Ed told them to send for doctor; to take the black horse, the for Say.

Adjourned for the evening.

THURSDAY MORNING'S SESSION.

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The examination of Frank Shippen was The examination of Frank Shippen was renewed: Cross-examination: I think this revolver was brought from Louisviller this revolver lay on the counter or shelf in the store and cartridges lay beside it, so any person who wished could take it out and use it; I saw the revolver the morning of the homicide; it was lying on the counter between the deor and the desk where Ed was sitting; the revolver belongs to Ed; either Ed or Will brought it from Louisville.

belongs to Ed; cither Ed or Will brought it from Louisville.
Levi Delp testified: I was up stairs when I heard the shooting; I ran down and out the lobby door; I saw William Beers about 150 yards from the store going towards the bark pile; he was walking. Upon cross-examination the witness admitted having told other parties that Beers was running. D. A. McCoy testified: I passed Beers who was watching Stroup's team; I asked him where all the men were; he said they were at the store; I asked him what was the matter at the store; he said he dit not know; I was working for Shippen; Beers asked me to watch the horee, he wanted

asked me to watch the horses, he wanted to go hunting; I said I would. Annie Ishman testified: I was in Mr. Winfield Beers' house when I heard the shooting: I went to the door and saw Wm. Beers at the bark pile. Cross-examined, the witness saw Delp running up at the

the witness saw Deip cunning up at the same time; he was right opposite the house; he said Ed Shippen had shot Say. E. B. Stroup testified; I so a Beera by the blacksmith shop. Deip called me and a asked Beers to watch my team. When I came back he was goned. He had a gun.

Francis Potter testified: I met Will Beers up the slide with Winfield Beers. Win told me that Ed Shippen had shot Say. Win. Beers had a gun and a dog.

M. Coon testified: I heard of the shooting from Win Beers. Afterward I met Will Beers, I said, "that is a terrible thing that happened at Shippen's," Will said, "I was surprised when I heard it."

Joe Ross testified: I talked with Will Beers about 8 o'clock. I asked Will Beers about 8 o'clock. I asked Will Beers if he had heard of the accident. He said he did not know anything about it. Dan Dankle testified: I saw Win. Beers the merning of the shooting near 100 clock; he was hunting, when I saw him he was a mile away from the store. About ten days afterward Adams, Davis and myself saw Beers down on the old slide, He said "I did not see Shippen get the revolver, and did not see him shoot."

The next line of evidence offered by the defense was of threats uttered by Say

The next line of evidence offered by the efense was of threats uttered by Say oward Shippen.

George Allen testified that in a conversation with Say in November, the latter said, "I don't know why I don't like Ed Shippen; the way we settle things out West, each man takes a pistol and sho

West, each man takes a pistol and shoots; the one that gets the drop is all right; if I got the drop on Shippen I would keep it; Shippen and myself are bound to come together, and if he shows a grain of sand I will tramp helf out of him."

Mrs. Horace Frazier corroborated the testimony of the last witness and detailed Say's conversation when he came home after he had quit work and immediately before he went down to the store, where he was shot; Say related the conversation in the woods with Shippen, and said Frahe was shot; Say related the conversation in the woods with Shippen, and said Frazier and he had quit work. Also detailed the epithets he had applied to Shippen, adding that he took it like a regular groundhog. "I tagged him clear to his store and he did not dare to raise his head; he put me in mind of a little curdeg; I am going down to settle with him, and Shippen must settle ary way."

going down to settle with him, and Ship-pen must settle afy way."

Andrew Dodson testified: Say told me it Ed. Shippen ever gave him any sass, he would tramp the life out of him, for, he said, "I am none too good to do anything when I am mad." This was one week before the homicide.

Horace Frazier recalled: When I went home after Say and I out, work, and we

Horace Frazier recalled: When I went home after Say and I quit work, and we were going back to the store to settle, Say said to me, "I would not stop much to kick hell out of that son of a —;" his anger had passed away considerably: Say was a man that talked a great deal of harmless, foolish talk, and I thought this was mere blow; but when he repeated it, I advised him not to have any quarrel, but to find other work, as he was living in Shippen's house.

house.

Perry Carr heard Say that morning say to Shippen, "You are a son of a b—— and you may drive niggers but you can't drive me," and heard him say if Shippen open-

Shippen well away; so 'did my brother; the next time I saw him he was dead in the direction of Say; then I shippen's store; I was present at the inShippen's the was married and had one
child; after the clothes were cut from my
brother, I took charge of them in
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to go to work, it is never too last to quilt,
"All right, I have money to pay you,"
said Shippen. Then Say picked up jis
tooks and started away, saying "I can get to
be —" Mr. Shippen said "you
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Mr. Mallen of the store took was a deal with the store to the lead of the store took
and said to Say: "Now, you so of a b-"The clothing of the dead man,

I am North the people accuse me of being a Southerner, and when I am South they accesse me of being a Northerner. And another thing I wish to say. When I told belp that I did the shooting in self-defense,

Say was lying there alive and conscious and he did not contradict my assertion. I then went home and sent some whisky down. I changed my clothes and went

EVIDENCE IN REBUTTAL The first evidence Friday morning was in the line of rebutting the evidence offered by the defense as to the credibility of Wm.

Frank Upliam testified: I overtook Wm Beers about 11 o'clock the morning of the traguly, a little over half way between the store and his home; he told me he saw Shipstore and his home; he told me he saw Shippen take the revolver out of the desk, and then ran out of the store; he said Shippen was sitting at the desk and Say was standing by the stove; Beers aid he had gone to the store to kill Shippen a mess of rabbits; he had his gun and dog with him.

Mrs. Nancy J. Beers testified: I am the mother of Wm. Beers; William was away from home the morning of the homicide; he came home about noon; he told me he saw Mr Shippen take the royslyer out of the

cam home about noon; he told me he saw Mr Shippen take the revolver out of the desk and draw it on Say, and then he ran

ing at the store.

Mrs. Henry Dankle testified: I live 200 feet from the store: I heard what I thought was a shot the morning of the tragedy; I went to the kitchen window and locked out.

James Say, testified: I had a conversation with Frank Shippen the evening after the tragedy, he said to me, when he saw his brother get up from his chair be knew what would happen.

Mrs. Joseph W. Say, widow of the victim, testified: I was married to J. W. Say in March, 1883, in Tarport; we lived in McKean county, for a while, then went to Butler county, where my husband lived on a farm; then went back to McKean centry where my husband worked at lumbering; then we went West to my father's in 1882; we returned in November, 1889; went to his father's, in Butler; then to my father's, in McKean county, from there to Willow Creek; we remained there eight months, then went to Butler county, then came to Forest county.

SUB-REBUTTAL.

SUB-REBUTTAL.

John Coon testified that he was forement of the inquest and he asked if all prelimaries ought not to be taken down in Coroner's notes, and the coroner said all they wanted was to find out who fired the shot that killed the many that killed the man. Evidence el sed.

Western New York PENNSYLVANIA

TIME TABLE January 1, 1891, Trains leave Tiones-ia for Oil City and points west as follows;

No. 93 Through Freight (carry-No. 31 Buffalo Express, No. 61 Way Freight (carrying No. 33 Oil City Extress.... For Hickory, Tidioute, Warren, Kinzua, Bradford, Olean and the East:

No. 30 Olean Express
No. 32 Pittsburgh Express
No. 96 Through Freight (carrying passengers 4:17 p. m. 7:02 p. m.

Trains 53 and 96 Ron Daily and carry passengers to and from points between Oil City and Irvincton only. Other trains ron daily except Sunday.

Get Time Tables and full information from J. L. CRAIG, Agent, Tionesta, Pa.

B. BELL, Gen'i Supt.

J. A. FELLOWS, Gen'l Passenger & Ticket Agent, Buffalo, N. Y.

### GREAT TRUNK

Between the EAST & WEST! desk and draw it on Say, and then he ran out.

Wm. Ishman testified: I have known Wm. Beers all his life; he came to my home the afternoon of the homicide about 2 o'clock; he said he went out hunting for rabbits that morning, and stopped at the store; he saw writing at the desk; he said Shippen was writing at the desk; he said there were no words between the men; Say was standing at the store.

HIAST WEST I New York, Philadelphia, Boston, and all points East, Chicago, St. Paul, Cinchmatt, St. Louis, New Orleans, and all points West, North and Southwest. Solid vestibuled trains, sleeping, Pullman dining and day coaches, between principal cities East and West. The popular line West for colonists and land seekers. Rates always low as the lowest. No extra charge for riding on vestibule liming at the store. ited. Before purchasing tickets call on or address, R. H. WALLACE, Trav. Pass. Agt., Oil City, Pa., or F. H. GARFIELD, Div. Pass. Agt., Jamestown, N. Y.

was a shot the merning of the tragedy; I went to the kitchen window and locked out. I saw a man running to man a shout 40 feet from the door, running toward the bark pile; I don't know Beers; don't know whether it was him or not.

Mrs. Mand Beers testified: I live 10 or 15 rods from Shippen's store; I saw Wm. Beers up by the bark pile, Monday morning; he had a gun it his hands; he was running toward the tramway; while looking after Beers I saw Levi Delp come running by; he told me Shippen had killed Fay.

The tollowing witnesses, old aqualntances and former neighb rs, were called and testified to the previous good character of Joseph W. Say: W. G. Jamison, Thomas Jolley, James U. Oglen, Jshn Byers, J. A. Mequiston, and W. H. Hazelton father in-law of Say.

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Domestic Goods!

Domestic Goods!!

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> DAVID BARNETT, Tionesta, Pa. TIONESTA