EVENING 2



HERALD.

VOL. IX.--NO. 182.

SHENANDOAH, PA., THURSDAY, JULY 19, 1894.

ONE CENT

REFRIGERATORS.

DABY CARRIAGES. ABY CARRIAGES.

Large Assortment-Low Prices.

WILLIAMS & SON.

********************** Ladies' and Children's Muslin Underwear.

Children's Dresses, 15c. Children's Waists, 15c. Children's Dresses, embroidered and tucked, 35c. Children's Skirts, with tucks, 25c. Ladies' Corest Covers, plain band, 18c.

V-shaped embroidered, 35c.

Square neck embroidered, 35c.

Ladies' Chemies, hemstitched, full embroidered and tucked, 35c. Night Robes, embroidered, ruffled and tucked, 45 and 48c.

If not satisfied we will gladly refund your money.

116-18 N. Main St.



Girvin's

Jelly Tumblers. Mason's Jars.

Chas. Girvin,

Supposed to BIRVIN, DUNCAN & WAIDLEY,

8 South Main Street. ...31 South Main St.

M. P. CONRY,

Monongahela whiskey 50c a qt.

****YUENGLING'S Stock and Fresh Ale, Draught Porter and Wiener Beer.
Best brands of 5s Cigara and all kinds of Tumperance Drinks.

HORSE FEED:

Cut Hay and Chop.

One Car No. 1 Cut Hay. Ten Tons Chop.

LANDLORD AND TENANT.

Anthony Tobak Wins His Suit Against Edward Early.

A MUSTY OLD LAW LIVES.

Although it Was Passed Before the Declaration of Independence Was Adopted it is as Effective as Ever.

Justices William H. Shoemaker and C. W. Dengler sat in the office of S. G. M. Hollopeter, Esq., yesterday afternoon with a jury of twelve freeholders to hear hal arguments in the case of Anthony Cobak against Edward Early for the pos ession of the saloon at the corner of loyd street and Market alley. The jury

mession of the saloon at the corner of Lloyd street and Market alley. The jurymen were William Krick, James Grant, M. H. Kehler, David Faust, Andrew Hildebrundt, R. A. Davenport, F. J. Portz, A. B. Lamb, William Kimmel, M. P. Fowler and J. W. Johnson.

The jury decided in favor of Tobak, awarding him possession of the premises and St.80 damages in addition to the costs, The cases ofted in the proceedings and the discussions by counsel for the respective parties on the law and evidence were of more than ordinary interest.

It appears that on the first day of June, 1825, Martin Purcell, the then owner of the property, executed a bill of sale to Early which he sold to him the license and good will of the saloon and in which he agreed to give Early, upon the transfer of the license, a yearly lease at \$15 per month, and in pursance of this agreement on the 5th day of the same month Purcell did give to Early a lease to the premises, which specified the rental should be \$10 per year for ten mouths.

The apparent conflict between the condition in the agreement to lease yearly and the ten months letting in the lease was one of the bones of contention. Early's counsel claimed that the agree ment was not only part of the lease, but was the basis of it and that when Tobak purchased the Purcell property and took an assignment of the bill of sale and the lease he would bound be by the conditions of the agreement, which called for a yearly letting to Early. Under the agree ment, Early's year would have expired on June 5, 1894, and under the lease on April 5, 1894, the acceptance of this rem by Tabok created a new tenance between him and Early and destroyed the proceedings Tabok instituted.

Connect for Tobak, Mr. Hollopeter, urged that there could be nothing else for the jury to accept and consider than the lease dated that the proceedings instituted.

niged that there could be nothing else for the jury to accept and consider than the lease dated dane 5th, 1893, which expressly gave to early possession of the premises for ten menths. He also maintained that the proceedings instituted under the act of 1722, although very unusual and selform resorted to, were regular and in conformity to law, and the jury evidently agreed with him, for now the Sheriff's duty is to collect the damages awarded and Totak is entitled to possession of the premises.

The Act of 1772, under which these proceedings were instituted is, it will be observed from the date, older than the Declaration of Independence. It provides that if a tenant shull remain in possession of property after his term has expired, and without the consent of the landlord, the landlord may first treat him as a trespasser and summarily eject him from the premises, taking care, of course, that he shall commit no breach of the peace in doing so ; or, secondly, the landlord may appeal to any two Justices of the Peace within the courty make his complaint and direct that and Justices shall issue their warrant to the Shariff and command him to summon twelve freeholders to meet with the Justices and hear and de-

PERSONAL.

Thomas Waters, Jr., visited friends at Shamokin. Michael O'Hearn visited Centralia friends yesterday.

District Attorney Ryan came up from Pottaville yesterday. John Manning, of Pottsville, is the guest of town friends.

guest of town friends.

Miss Mame H. Wasley returned from
Bioomsburg yesterday.

Mrs. W. N. Ehrhart spent yesterday in
Pottsville and Tamaqua.

Timothy Graney, of Maizeville, greeted
friends in town last evening.

Miss Maggie Whalen returned to her Dr Bissell States That the Victim Died home in Potisville yesterday.

Mrs. Crawford Glover, of Pottsville, is the guest of Mrs. O. A. Kelm. Grant Potter, a Mt. Carmel newspape

Charles T. Gibson was confined to his ome yesterday on account of Ulness, Miss Mary Reddy, of Dolano, spent a few hours with her parents last evening. Mrs. O. B. Williams and Mrs. Thomas Mullahy, of Mt. Carmel, are visiting town friends.

Miss Hattle Shaffer departed yesterday or Bethlehem, where she will spend a hort vacation.

Justice William Amour, of Mt. Carmel, as in town yesterday, the guest of his rother, Richard Amour.

Mrs. J. J. Durkin, of Tremont, and two children, are the guests of Miss Mary Stack, of East Centre street.

Mr. and Mrs. C. J. Quinn. Mr. and Mrs. M. P. Purcell and Mss Ella Egan loft yesterday for Atlantic City, N. J.

Mr. and Mrs. John P. Williams are visiting friends in Buffalo and Niagara Falls, N. Y., and Toronto, Canada.

Miss Rsy Hollopeter left town to-day for Watsontown and Milton, where she will spend a few days visiting relatives. William F. Boyer, of Philadelphia, a conductor on the Pennsy, and his wife and daughter, are visiting friends in town. H. E. Dengler came down from Mt. armel yesterday to attend to business. Ic has not yet closed out his interest in

Mrs. Edgar F. Hathaway, a charming esident of Hornellsville, N. Y., is the mest of her sister, Mrs. R. T. Knight, of south Jardin street.

C. T. Straughn and wife, J. Claude Keiper and wife, Dr. M. S. Kintler and Miss Emma Keiper made a pleasure trip to Mahanoy City last evening.

Charles Pendergast, a student at the Overbrook Seminary and who was the guest of Superintendent John Bradigan, returned to bis home yesterday, after having a most enjoyable time.

Carl Reuter Kerger, German novelist and traveling correspondent of the New

Carl Reuter Kerger, German novelist and traveling correspondent of the New York Staat Zeitung, is the guest of Max Schmidt, the enterprising North Main street dry goods and notion dealer.

James Töbin, of North Jardin street, left town on the 208 a. m. train yesterday for Atlantic City, latending to spend several days there, but surprised his family and friends by arriving bome at eight o'clock lust night. "There's no piace like home," was his explanation.

BASE BALL.

President Brennan says Yeager's pitch-ing will open the eyes of the people. Messitt is one of the strongest additions to the team the management could have

Manager "Jim" Smith has gone to Reading to arrange a game here with the home team.

Mrs. William Meyers, wife of Captain Mayers, of the local ball team, has arrived from Philadelphia.

The Shenandoah club succeeded in win-ning another victory yesterday at Muncy, the score standing 14 to 9.

When the home team returns for its regular weekly game it will have the benefit of a week of excellent practice.

THE CORONER'S INQUEST HELD.

William Brennan Charged With the Murder of Frank Baynolo.

SEEN TO KICK THE ITALIAN

From the Effects of the Fracture Received-Evidence in Detail.

MARANOV CITY, July 10.-Deputy Cormer Edward Fogarty bast evening held an inquest upon the death of Frank Hayiolo, the Italian who died on Monday from the effects of an assault made upon ilm while returning to his home in Yates ville. William Brennan, a young man 1 years of age, is charged with the crime ogether with four unknown companions The evidence submitted to the jury last

The evidence submitted to the jury last evening is as follows:

Dr. J. H. Bissell sworn: Held a postmortem examination upon the body; found the occipital fractured, it involved the parient, temple and frontal hones running down to the base of the skull; one fracture 19 inches in length across and the other 16 inches down, from the top of the head to base of brain there existed concussion of the brain. He believed the blow was struck from the side, but the wand could have been caused by a blow struck from the rear. The witness indicated on the head of the District Actorney the position and nature of the fracture received by Baynolo. The blow eduld have been struck from the front, if the man was running with head down, or from any position. Death was positively due from the fracture received. The fracture was caused by a club or heavy cudgel. I think it would require a sudgel heavier than a sprag to cause the fracture, but a sprag could do it in the hand of a strong person. The man had a blow on There were no other marks of damage or bows broken. evening is as follows:

but a sprag could do it in the hand of a strong person. The man had a blow on the chin, also, but the jaw was not broken. There were no other marks of damage or bones broken.

A Juryman.—Could this fracture have been caused by a fall?

Witness.—It would cause a considerable fall to make such a fracture.

Patrick Whitaker sworn—Live at Fowlers; saw Frank Baynolo a couple of times before; he lived in a shanty at Jacksons; saw him last Sunday evening but could not say what time; it was after supper; he was coming up the railroad form Shemandosh; he had a bur of eggs; he passed the trestle at Fowler's about 5 or 10 yards apart; he was on the railroad when they halloed at him; do not know who holloed; was ten yards away from railroad; he ran over to me with a sprag in his hand, and held it over my head; I said I did not do anything to you; I could not orderstand what he said; huther left go and I walked away from him. Brennan and Patrick Meise were standing with me at the time, and a crowd of Jackson hows were about 20 yards away; I could not understand what he said to that crowd; he spoke in broken linglish don't resoliset anything that they said to him or he to them; head the Italian called Macaroni; Brennan, Tahnoey and Molice were in the Jawis crowd; as soon as he talked to that crowd I walked away; I went over to the slope 25 vards away; don't see Italian strick there, or hear him cry out; the Italian followed Brennan over to the slope, because Brennan in running away, fell, and Galvin got up and stopped the Italian and Brennan ran away; don't know why Galvin stopped him; don't know why Galvin stopped him; don't know why Galvin stopped the italian and Brennan ran away; don't know why fe followed Brennan had done something to him; I then went down to my house; I was down in the house awhile and when I came up the Italian was lying on the road; a half to three-quarters of an hour had intercement.

space and sommarily ejeck him from the bindle command to breach of the peece in doing so or, escondly, the landford may be a seed of the land to be a seed of the least point of any contract of the land the land of the land of the land of the land of the land the land of the same and place the landford in estimated to possession the fastices shall issue to the land the land of the property, and that is the sinantion of the property, and the same of the same of the land of the property, and that is the sinantion of the property, and that is the sinantion of the property, and the same of the same of the land of the property, and that is the sinantion of the property, and the same of the same of the land of the property, and the same of the same of the land of the property, and the same of the same of the land of the lan

"Don't hit that boy;" did not see him afterward that night.

"Don't his that boy;" did not see him afterward that night.
Patrick MoGeesworn—Live in Jacksons; knew Frank Baynolo since he came to Jacksons; was at the slope that night, with James Tahaney, Joseph Bradley and James Lawler were there; saw William Breunan about 10 yards away from us. Some one halloed "Macaron!" at the Italian; don't know who halloed at him, he picked up a sprag; held it over Whitaker: Brennan was with Whitaker; the Italian ran to Brennan after he left Whitaker; saw Brennan give the Italian a kick: Brennan ran towards the slope; the Italian followed; Italian had a sprag in his hand when following Brennan; after this I went to the Shenandonh park with Bradley. Tahaney and Lawler; left park again between 9 and 10 o'clock; he was standing up when we left for the park again between 9 and 10 o'clock; he was standing up when we left for the park again between 9 and 10 o'clock; he was standing up when we left for the park out! know of any one striking him but Brennan; had no words with the Italian; on coming back from the park and him on the stretcher.

Six other witnesses were stramoned and not present and the inquest adjourned until 7 o'clock Thursday night.

NOTES ABOUT TOWN.

Facts of Interest Grouped so That They May be Quickly Read.

The practice of daubing buildings with unch medicine advertisements should be incontinued. Tar and yellow ochre do tot aid improvement to appearances.

Miss Elia M. McGinniss, the milliber, a about to retire from business and is not imply reducing her stock, as some sup-

Street walkers have been quite numerous of late. They put on a hold front and seem to have no regard for respectable

Proposals for making additions and ab-erations at the Union street school uilding are advertised for by the School

Playing ball on the street is another practice that should be stopped. Many broken windows have been the result of this pastime. Boys, get off the streets.

Great dense clouits of smoke from a Pennsylvania Railroad engine swept over the base ball grounds yesterday afternoon and caused a report that the new grand stand had been destroyed by fire.

It seems strenge that the practice of small boys jumping on and off electric cars cannot be stopped. It is a regular thing and one need not be surprised to here of fatal endings to the dangerous

If the Board of Health promptly follows up its decision to compell people to clean up, or face the consequences, it will earn he thanks of the community. The offenders smelling and disease breeding gutters should be first attacked.

Those of our property owners who have had their buildings repainted showed good sense and added additional value to them. There are plenty of others, more able to do so, who are either too stingy to follow the example, or do not know what beauty is.

Judging from the frequent runeways there is hardly a horse in the fown that can be trusted. Something must be wrong and it is quite likely that an investigation would show that the faulf lies more in the drivers than the dumb beasts.

The new Egan building makes an imposing appearance and that corner will be the most conspicuous in town. It is treat contrast with the Harington building on the apposite corner. Another story added to the latter building would make a great difference.

THE CONTROLLER TROUBLE.

Mr. Severn Addresses Another Letter to the Commissioners.

The following letter was addressed to the County Commissioners on Tuesday: To THE COMMISSIONERS OF SCHUYLELL COUNTY:

My DEAR Sits -1 have in my possession quite a number of bills and warrants in favor of claimants against the Schuyl-

My DEAR Size:—I have in my possession quite a number of bills and warrants in favor of claimants against the Schnylgill countyprison for material and supplies furnished during the month of June. The hills as presented were approved by me on July 11th and prior to the decision of the Supreme Court at Philadelphia. The warrants however, have not been signed by you as Commissioners nor approved or countersigned by me as "Controller."

The claimants desire their money and in order that they may speedily be successful, I beg leave to suggest the delivery of the bills as approved by me, together with the unsigned warrants, for your final disposition. The existing circumstances are such, that while, I can still legally retain any and all papers and documents in my possession, I have no desire to delay claims overduc, and would respectfully ask that you either allow my approval to the warrants under the date of which the bills were approved. If the inst., or have the warrants cancelled, and new "Commistence" orders issued to sover the several amounts with my endorsement crased.

You will kindly advise me as to your decision in this matter before I deliver to you part of the papers and documents in my possession as referred to herstofore, and I would ask the signatures of the Commissioners, if my suggestions are annested favorably, in order that I will is relieved from any further consideration in this matter.

My disposition is to protect and procure for the claimants all due protection and also to facilitate matters new jending.

Very respectfully yours.

ENEAL H. SEVERS.

Controller.

Special low prices to all in watches, lewelry and silverware at Holderman's, corner Main and Lloyd streets.

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Unknown Brands, from Unknown Millers, by Unknown Dealers

Attract injudicious buyers only, We sell-only

Well-Known Brands At the lowest prices we have everloffered

Graf's

122 North Jardin St.