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In order to clean out the balance of our stock as quickly as possible.

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If you want a choice come at once as we think they will be all gone in a few days at these prices.

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GO TO O'HARA'S FOR FINE LIVERY AND UNDERTAKING. Includes illustration of a horse-drawn carriage.

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In all the leading shades. Also White and colored organdies, embroideries and new effects in cotton goods.

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At the old price, regardless of the advance.

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THE BEE HIVE,

29 S Main St. Third Door From Post Office.

Advertisement for Swalm's Hardware Store. Includes images of 'Super Four' and 'Super Five' products.

For Good Light White Bread

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Daisy or Moss Rose Flour.

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Geo. W. Keiter.

Whole Wheat Graham Flour, Old Time Pure Rye Flour, Brookside Fancy Pastry Flour, Best Granulated Corn Meal. At KEITER'S.

NO WORD RECEIVED FROM GEN. SHAFTER!

Washington Officials, However, Believe the Bombardment Began at Noon To-Day.

SHAFTER REPORTS OUR LOSS!

He Says the Americans Had 230 Killed, 1284 Wounded and 79 Missing—Three Spanish Vessels to be Raised.

Special to EVENING HERALD. Washington July 9.—At this hour, 3:30 p. m., neither the navy nor war department had received word from the officers in command at Santiago as to whether or not the bombardment of that place had commenced. According to the agreement between the American and Spanish generals the flag of truce was to be withdrawn at noon to-day, at which time Gen. Shafter said he would begin the bombardment of the city, provided it had not surrendered before that time. The army officials, although they have received no word to that effect, have every reason to believe that Shafter has kept his word, and that hostilities have resumed. The American position at Santiago has strengthened and with the arrival of more troops Gen. Shafter has increased his ability to take the city. Delay benefited instead of weakening the American forces. Secretary Alger declined to say whether the attack will be confined to the fleet alone, but it was learned previously from other sources that such was the intention. Admiral Sampson will shell the city. If the demoralizing effect of this bombardment does not cause the enemy to comply with Shafter's demand an attack on Morro Castle by land and sea will be made, and Admiral Sampson will attempt to take his ships into the harbor—a project which, if successful, will compel the enemy to surrender. A landing force of marines and bluejackets will participate in the attack on the Morro.

Our Losses at Santiago. Special to EVENING HERALD. Washington, July 9.—The war department to-day received a telegram from Gen. Shafter, in which he gives definite information in regard to the number of dead and wounded at Santiago. Gen. Shafter gives our loss as 230 killed, 1284 wounded and 79 missing. Of the number killed sixteen of them are officers. There have been treated in the hospitals at Siboney 1,032 and there are still nearly 200 in the hospitals near Santiago. The Surgeon-General has received word that the hospital ship Relief has arrived off Santiago with a full corps of medical assistants, nurses, and surgeons on board. The Relief carries a large stock of medical supplies and, in addition to these, a plant for manufacturing ice and for preparing carbonated water.

CAMARA'S FLEET GOING TO CADIZ. Special to EVENING HERALD. Port Said, July 9.—Admiral Camara's fleet has passed through the Suez canal and arrived here on its way back to Cadiz. Camara informed the Egyptian government that he had been ordered to return to Spain. Under these circumstances the ships will be allowed to coal here. From this port to Cadiz the distance is 1,020 miles, at the rate of ten miles an hour, the fleet will arrive at its destination in eight days. Upon the return of Admiral Camara to Spain it is expected that the government will attach to his command all the torpedo boats and small gunboats which were left at home, in order to prepare for an engagement with the American fleet that is to cross the Atlantic under Commodore Watson. Specimen of Madrid News. Special to EVENING HERALD. Madrid, July 9.—The Correspondencia de Espana publishes a telegram saying that the Spanish troops have made a successful sortie from Santiago, breaking the American lines and killing fifty-eight American officers, including five Generals. Ordered to Ladrone Islands. Special to EVENING HERALD. San Francisco, July 9.—The Examiner publishes a statement to the effect that the gunboat Bennington has been ordered to sail at once for the Ladrone Islands, which were captured by the Charleston on its way to Manila. The Bennington will remain there and hold possession of the islands. Window shades from 10 cents and upward. Estimates given on large shades. F. J. Purze, 21 North Main street.

Spain Cut Off From Cuba. Special to EVENING HERALD. London, July 9.—Complaint has been made by the Spanish government at Madrid that it is unable to communicate with Cuba because the English cable company refuses to transmit cipher dispatches. The British government is blamed for the cable company's action. Steamship Burned. Special to EVENING HERALD. Darnie Gap, N. J., April 9.—The steamship Delaware was burned this morning. All the crew and passengers were saved. Brave Officers Promoted. Washington, July 9.—The president yesterday sent these nominations to the senate, and they were promptly confirmed: To be major general: Hamilton S. Hawkins, Henry W. Lawton, Adna P. Chaffee, John C. Bates; to be brigadier general: Colonel Leonard Wood of the Rough Riders, Lieutenant Colonel Chambers McKibbin, Twenty-first infantry; to be colonel, Lieutenant Colonel Theodore Roosevelt of the Rough Riders. Columbia's Anniversary. At a meeting held last evening by the Columbia Fire Company it was decided to hold their annual outing in Columbia park instead of Lakeside. The date of the outing will be announced later.

Special to EVENING HERALD. Madrid, July 9.—It is rumored that the Infanta Isabel, one of the aunts of the King, is actively humoring the army. It is supposed that she is preparing to assume the regency. Queen Regent Christina's assent thereto being given for the reason that the Infanta, being a Spaniard, could better sign a treaty of peace than the present Queen Regent, whose unpopularity because she is a foreigner continues. Infanta Isabel is very energetic, and she seems to be in touch with the Spaniards. Don Carlos, the pretender, is expected on the scene as soon as peace is assured. Efforts to Get Gen. Rivera. Special to EVENING HERALD. Washington, July 9.—It is probable that the government will make an offer to exchange one of the captured Spanish officers for Gen. Rius Rivera, who is now a prisoner at Barcelona. Rivera succeeded to the command of Gen. Maceo in the province of Pinar del Rio and was captured in 1896. As he speaks English perfectly and is a Porto Rican by birth, it is suggested that he would be of great assistance to this government in a Porto Rico campaign. Cristobal Colon Worth Saving. Special to EVENING HERALD. Before Santiago, July 9.—Further examination of the hulks of the wrecked Spanish vessels shows the Cristobal Colon in good condition, notwithstanding the efforts of the Spaniards to render her useless. Considerable money has been found aboard the ships, and there is known to be \$4,000 in the safe of the Cristobal Colon. The hulks of these cruisers give abundant proof that the Maine was not destroyed by an internal explosion.

WHERE IS PANDO?

A Report That the Spanish General Has Left the Commander of Santiago In the Lurch.

Playa Del Este, Cuba, July 9.—General Pando, it is understood, has left General Toral, commander of Santiago, in the lurch. Pando is said to be making his way on foot as he can across country toward Havana. The reinforcements which General Toral was counting upon have not arrived. The situation of the city is more desperate than ever. The Spanish losses have been heavy, and grow greater every day. The food supplies at Santiago is low, and it is understood that the ammunition is running short. The American position is being hourly strengthened.



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GENERAL MILES SAILS.

Commander of the Army Off For Cuba With 1,720 Volunteers From Massachusetts and Illinois.

Charleston, July 9.—The cruisers Yale and Columbia, with the Sixth Massachusetts and one battalion of the Sixth Illinois, sailed before daybreak for Cuba. The embarkation of the troops began yesterday at midday. They were marshaled to the wharf where the steamers Commodore Perry and Planter were in waiting. The men went on board and amid the cheers of the spectators and the music of other regiments steamed down the harbor to the face of a heavy rain storm. The work of transferring the soldiers was accomplished without mishap. By some mistake one company of the Sixth Massachusetts was left on the wharf when the steamer started. Adjutant Butler Ames promptly chartered a tug and took them out to the transports. General Nelson A. Miles and his staff arrived in the city at 6:30 last evening. At 8 o'clock General Miles boarded the Lightship tender Wisteria and went out to the Yale. This was in accordance with previously arranged plans. The Sixth Massachusetts is quartered on the Yale, while the Illinois men are on the Columbia. The expedition numbers in all 1,720 men. There are still in the city 4,000 troops, and others are expected here from Chikemauga.

HEAVY APPROPRIATIONS.

The Session Just Closed Has Appropriated the sum of \$892,547,901.

Washington, July 9.—The sum of \$892,547,901 has been appropriated at the session of congress just closed. This includes \$117,568,226 of permanent appropriations to meet sinking fund requirements and interest on the public debt, and for other objects, and \$281,788,085 to meet expenditures of the war with Spain. Deducing the last two from the sum first mentioned, there remains \$412,192,676 representing the appropriations made at the present session to meet all ordinary expenses of the government, which sum is only \$426,816 more than was appropriated at the last session (including the appropriations made during the recent extra session), which apparent excess is almost doubly offset by the increased appropriations of \$8,670,872 for the payment of pensions on account of the fiscal year 1898, provided for in a deficiency act of this session. No river and harbor bill has been passed at this session, but the sundry civil act carries \$4,993,623 to meet contracts authorized by previous congresses for river and harbor works. In addition to the appropriations made specifically for expenses of the conduct of the war since its inception, and for the first six months of the fiscal year beginning July 1, 1898, contracts have been authorized by the naval appropriation act for new war vessels and for their armament, for which congress will be called upon in the future to appropriate an amount estimated at \$19,213,156.

The Democratic Primaries.

The local Democratic primaries opened at two o'clock this afternoon. There was considerable pent-up excitement and as the polls were declared open the voters rushed to them in droves. The primaries are very spirited and the ballots are evidently on for blood. The second ward was the Santiago of the town and a split occurred. The primary was called to be held at P. J. Mulholland's house. Mr. Mulholland is the standing committee man of the ward. On the organization of the board he proceeded on motion by voice, while M. M. Burke, Esq., and Michael Mallat insisted on having the organization of the board made by scratch. Mr. Mulholland listened to the voice vote and the Burke-Mallat faction withdrew after protesting and organized another primary board at Bickert's cafe. This makes a contest at the convention on Monday a certainty.

Advertisement for ROYAL BAKING POWDER. Includes an image of the product box.

RIGHTS OF PROPERTY

The Decision of Judge Koch in the Francy Case.

THE LAW ON EXTENSIONS DEFINED

Upper Story Bay Windows, the Court Says, Interfere With the Ordinary and Proper Enjoyment of Rights Which Are Free to All and Are Nuisances.

The bay window injunction suit in which James J. Francy is defendant is one of the most interesting local litigations that have attracted the attention of the public for some time. Interest in the matter was not alone due to the prominence of the parties connected with it, but also to the general importance of the issue. It is the first case from the town in which there has been a legal adjudication on the rights of property owners to build outside the lines of their properties, and for that reason the decision of the court, which was given briefly in yesterday's HERALD, is published in full. It is as follows: In the Court of Common Pleas of Schuylkill County, sitting in Equity. Commonwealth of Pennsylvania, ex relatione Henry C. McCormick, Attorney General Complainant vs. James J. Francy, No. 5 July Term, 1893. Rule to show cause why an injunction should not be granted. The above rule was granted on information of the Attorney-General of this Commonwealth in the nature of a bill in equity on behalf of the Commonwealth against James J. Francy, defendant. The defendant is the owner of a lot of about one acre in extent on the northeast corner of Main and Lloyd streets in the borough of Shenandoah, the said lot being thirty feet wide and extending along Lloyd street one hundred and fifty feet, on which is erected a partly new building occupying the entire width on Main street and about eight feet on Lloyd street. On the second story of said building defendant has put three (3) or bay windows extending into Lloyd street about four feet. One window is nine feet eleven inches in width, another nine feet and one-half inches in width, the latter is also about to erect on the first story two bay windows extending into Lloyd street about four feet. One of these windows is twenty feet wide and the other is twenty-four feet wide. He has also erected a stairway four feet wide on the Lloyd street side of the house from the ground floor to the second story. Lloyd street is fifty feet wide and is one of the principal highways in said borough. All of said windows and the stairway encroach upon the sidewalk of said Lloyd street.

The complaint prays for an order to abate and remove said three windows and the stairway, and for an order restraining the defendant from erecting said two bay or bay windows on the first floor of said building. In the light of the evidence taken at the hearing there can be no dispute about the correctness of the facts as above stated. It was not shown that any ordinance exists in the Borough of Shenandoah regulating bay or bay windows or stairways on the sidewalks, nor that the defendant obtained municipal consent for erecting the windows aforesaid. There was a bay window for some years on the Lloyd street side of the old building before any new Main street than the present windows. That the said windows and stairway interfere to some extent with the air, light and view cannot be denied. The defendant insists that this suit was brought at the instance of private persons, notably among them the Hon. George Fulmer, and on the authority of Wilson vs. Strawbridge, 4 W. N. C. 35, asks us to quash the proceeding. His motion must be denied because the Attorney General specially allowed the use of the name of the Commonwealth in this case. "Projecting windows from an upper story interfere to some extent with the ordinary and proper enjoyment of rights which are free to all, and one who appropriates the space above the footway creates a nuisance by making several to himself that which would be common to many. It cannot be successfully maintained that such a nuisance is not a public one because by its very nature it is a nuisance to all, and where there is a nuisance set up, and such nuisance constitutes a nuisance as well, by a wrongful appropriation of a portion of a highway, court of equity may forbid the continuance of such nuisance by the same party by injunction." Reiner's Appeal, 100 Pa. 182.

In the Commonwealth vs. Harris et al., 10 W. N. C. 16, the defendants were restrained from putting a bay window on the front of a house, notwithstanding the fact that the city councils of Philadelphia had, by special ordinance, granted privilege to erect the same. But where a borough or a city permits, under regulations that are reasonable in character and general in their application, the use of a portion of the highways for approaches to and for monumental work upon buildings standing on the street line, courts will not restrain the exercise of such permission. Livingstone vs. Wolf, 27 W. N. C. 5. The plaintiff is entitled to the remedy it invokes and the rule must be made absolute.

And now, July 8, 1893, this cause came to be heard on rule to show cause why an injunction should not be granted, and was argued by counsel, and thereupon, upon consideration thereof, it is ordered, adjudged and decreed as follows: That in accordance with the prayer of the petition said rule be made absolute, and that an injunction now issue until final hearing, restraining and enjoining James J. Francy, his agents and employees from constructing and maintaining fire bay windows and one stairway above and over Lloyd street, in the borough of Shenandoah, near the northwest corner of Main street.

And it is further ordered and decreed that the maintenance of said bay windows and stairway are a public nuisance, and that the defendant remove the same from said Lloyd street. And it is further ordered and decreed that the defendant pay the cost of this proceeding. By the Court, R. H. KOCH, A. L. J. Exception for the defendant granted and bill sealed.

Bickert's Cafe. An extra fine Saturday night lunch will be served to our patrons to-night.

Manila Has Fallen! SO HAVE MILLINERY GOODS! Mrs. J. J. KELLY'S. Fine Split Straw Trimmed Sailors in white, were \$1.25 now 50c, all styles. Children's, Misses and Ladies' low crown Trimmed White Sailors in Dewey colors, worth 75c., our price 25c. White Panama Short Back Sailors were \$1.35, our price 63c. Lighthouse Hats 15c. Lilac Flowers, four sprays to a bunch, were 75c., now 30c. Velvet Parasols were 75c., now 35c. White Lillies of the Valley that were 85c., now 35c. Colored Roses from 5c. up. These goods were bought to-day and are the first of the season. Satin and Gros Grain Ribbon, 5 inches wide 25c. Fancy Striped Ribbons were 75c. per yard, now 35c. Call and get prices or match them. We are offering bargains.

MRS. J. J. KELLY, 26 South Main street, next to Grand Union Tea Co., Shenandoah.

SPECIAL!

Times are hard. People have no money to buy first class goods at high prices, but we will offer such goods at lowest cash prices. Goods that are high grade and up-to-date.

Summer Shirts, Summer Underwear, Crash Suits, Bicycle suits and golf leggings. Straw hats, from 10c up to \$2.25. Fashionable black and brown stiff hats, from \$1.00 to \$3.00, and many other articles too numerous to make mention of. We guarantee bargains. Call at once for you are having a saving opportunity.

MAX LEVIT, 15 E. Centre St. Up-To-Date Hat Store and Shenandoah's Greatest Gent's Furnishing Store.

MANILA HAS FALLEN! SO HAVE MILLINERY GOODS! Mrs. J. J. KELLY'S.

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MRS. J. J. KELLY, 26 South Main street, next to Grand Union Tea Co., Shenandoah.

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We are still doing business at our old stand, 106 South Main street. We are daily receiving furniture which must be turned into money. We are bound not to be undersold by any of our competitors, and we are in a position to uphold this assertion. Call and see us and be convinced of the fact that we are beyond approach. For the summer we will make a specialty of

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M. O'NEILL, 106 S. Main St. Furniture Dealer and Undertaker.

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