#### Great Values

In men's and boys' Suits and Overcoats. Men's and boys' Clothing and gents' Furnishings of this season's very best and newest styles are offered you at absolutely the lowest figures ever quoted. Prices in most cases that barely represent the cost of production. Dry Goods, Dress Goods, No. tions, Ladies' Furnishings and many other articles which will interest the women folks.

Foot Wear of all kinds for women and girls and men and boys at the lowest price. Every pair of Shoes guaranteed for wear and fit. This season's newest shapes and styles.

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Washington Street. Washington Street.

one but reliable companies represented so agent for the celebrated high-graces of Hazelton Bros., New York city.

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Fresh Lard a Specialty.

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FRESH ROLL AND
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N. W. Cor. Centre and Front Sts., Freeland.

# WILL DECISION IS APPEALED

Birkbeck Contestants Take Case to Higher Court.

Judge Freas' Opinion De claring Second Will to be a Valid Document is Not Satisfactory to All the Heirs.

The opinion handed down by Judge A. M. Freas in the orphans' court, in which the second will of the late Joseph Birkbeck, of Wilkesbarre, is declared to be a valid document and by which the petition of the contestants is dismissed,

petition of the contestants is dismissed, is not satisfactory to the contestants. The attorneys for the latter have already filed their application to carry the case to the state supreme court, and from this it is surmised that the contest will not be ended for some time. The opinion rendered by Judge Freas disposes, for the time being, of one of the most important cases ever tried in the orphans' court of Luzerne county, and involves the disposition of an estate worth between \$350,000 and \$400,000, a very large part of which is located in Freeland. The fact that a majority of the contestants also reside here, and that Freeland was the original home of the testator, gives local interest to the case.

case.

Joseph Birkbeck was a well known resident of Wilkesbarre, who died on November 14, 1900, at the age of 69 years. During his life he was actively engaged in business affairs and by his thrift and good business sense succeeded in amassing considerable wealth, which was held principally in stocks and bonds. For years he was president of the Freeland Water Company and the Citizens' bank, besides being interested in several other local enterprises and in banks and establishments in his home city.

Mr. Birkbeck was married twice. His first wife died in 1893 and in February, 1895, he was married to the present Mrs. Birkbeck, who was a widow and the mother of one daughter. On the second day after the last marriage Mr. Birkbeck made a will in which he bequeathed \$20,000 to Mrs. Birkbeck, together with the household furniture and the house in which they lived, and \$5,000 to his stepdaughter, Elizabeth Wadsworth, this provision for Mrs. Birkbeck being in accordance with the terms of an antienuptial contract in which she waived her dower rights and agreed to accept the provision he should make for her in his will.

The residue of the estate was left to

the residue of the estate was list; wenty-one nephews and nieces in equal shares. In 1896 Mr. Birkbeck caused a codocil to be attached to the will in which an additional sum of \$300,000 was left to Mrs. Birkbeck.

On November 10, 1900, four days before his death, Mr. Birkbeck executed a new will in which he left the sum of

\$100,000, together with the house and furniture, to his wife and directed that at her death the same should go to Elizabeth Wadsworth, his stepdaugh-ter. To each of his nephews and nieces he left the sum of \$500. In the new will the residuary clause was left blank

MISCELLAREOUS ADVERTISEMENTS.

NOTICE OF APPLICATION FOR CHARTER.—In the Court of Common Pleas of
Luzerne County, No. —, Term, 1938.
Notice is hereby given that an application
Notice is hereby given that an application
for the commonwealth of Pennsylvania, entitled
commonwealth of Pennsylvania, entitled
application of certain corporations," approved
April 29, 1874, and the supplements thereto,
for the charter of an intended corporation to
be called the St. Peter and St. Pau'is Evanstion (Ity, Penn'ia," character and object of
which we to worship Alinghty God according
to the faith, doctrine, discipline and usage of
the Kvangelical Lutheran Church, and in acgelical Lutheran Church, and for this purpose
to have, possess and enjoy all the rights,
benedits and privileges, conferred by the said
act of assembly and its supplements.

NOTICE.—The Democrats of Freeland bor-

orough.

John E. McHugh, Chairman.

ppe, Secretary.

LUZERNE COUNTY, ss. In the Court of Common Pleas. No. 662, May Term, 1902. Loommon Pleas.

Libel in Divorce. Hattle May Misne.

Libel in Divorce. Hattle May Misne.

To Fank Misner: Take notice that court has granted a final rule against when the above suit which will be heard in the court on Monday, February 9, 1933, and show cause, if any you have, why and show cause, if any you have, why divorce should not be granted against yo Chas. Orion Strob, Solid

and Mr. Birkbeck made no statement of how he desired the balance of the estate to be disposed of.

Both the first and last wills were offered to Register of Wills Mainwaring for probate and he decided that the second will was the legal will and admitted the same to probate.

The nephews and nieces, who were the residuary heirs under the terms of the first will, appealed from the decision of the register. They alleged that the second will had been obtained by reason of undue influence having been brought to bear upon Mr. Birkbeck and also alleged that at the time the instrument was drawn up and signed the deceased was not in his right mind and lacked testamentary capacity.

decessed was not in his right mind and lacked testamentary capacity.

They asked that an issue be framed and that a citation for a trial in the civil courts be granted. The matter accordingly came before the court and several hearings were had and a great mass of testimony was taken. The hearings were warmly contested. The widow was represented by H. A. Fuller. S. J. Strauss was for the executor, H. W. Palmer for Mary Wadsworth and John T. Lenahan and Charles Orion Strob for the contestants.

John T. Lenahan and Charles Orion Strob for the contestants.

The opinion handed down by Judge Freas is a formidable document and covers twenty-five closely typewritten pages. The court reviews all the evidence taken in the case and reviews that portion of the evidence relating to the mental and physical condition of Mr. Birkbeck at the time the second will was executed. The vital features of the case and the law are also reviewed at length.

#### Death of a Veteran.

Jealn of a Veteran.

Solomon Bittner, for many years a resident of Jeddo, died at Rowsersville, Franklin county, two weeks ago. Death was due to an attack of ia grippe, followed by paralysis. Had the deceased lived until February 22 next he would have been 73 years of age. Mr. Bittner was a resident of Jeddo from shortly after the close of the Civil war to less than two years ago. than two years ago.

Mr. Bittner had a most creditable was

Mr. Bittner had a most creditable war record. In October, 1882, in response to President Lincoln's call for addition-al troops, he enlisted in Franklin county for one year in Company E, 158th Penn'a Volunteer infantry. While in service in North Carolina an epidemic of scarlet fever swept over his home and carried off his wife and three chil-dren.

and carried off his wife and three children.

When his enlistment expired he returned to Frankiln county, but shortly afterward went back to the service and served in Company D, Twenty-first Penn'a cavalry. Forgaliantry in action he was promoted to corporal, and on the day of Lee's surrender at Appomation to the day of Lee's surrender at Appomation he was chosen color-bearer of the escort to General Phil Sheridan, a mark of distinction awarded him by his superior officers for bravery.

After his discharge from the army he located at Jeddo, where his second wife preceded him in death less than two years ago. He is survived by three sons and two daughters.

The deceased was a man who had the respect of all his acquaintances. He was a devout member of the Primitive Methodist Church and led an exemplary life. The remains were interred at Rowsersville, where his early life was append.

## The Sick and Injured.

The friends of Thomas Mulhearn, who recently removed his family from Washington street to Philadelphia, will regret to learn that he is ill with typhoid fever in his new home. Hugh Cunningham, of Walnut street, is seriously ill.

James Moore is ill at his home on Washington street.

Washington street.

James J. Maloy is recovering from

The following schedule has been arranged and will remain in force until further notice:

Until further notice cars leave corner of Broad and Wyoming streets, Hazleton, via Lebigh Traction Company, for St. Johns at 6 30, 800, 11.00 a. m., 12.00 noon, 1.00, 2 00 and 3.00 p. m.
Returning leave St. Johns for Hazleton at 7.10, 10,25, 11 30 a. m., 12.30, 1.30, 2.30 and 4.45 p. m.

Andrew F. Harger,

Gen. Pass. and Fight. Agent.

Employment for Fifty Girls.

Fifty girls can find remunerative employment at the Freeland silk mill.
Applicants must be over 13 years of age, and those between the ages of 13 and 16 must comply with factory law in every respect. Apply at mill office on Birkbeck street.

Favorite Remedy

#### POLITICAL.

Hazle township Democrats nominated the following ticket yesterday:

Tax collector—Thomas Martin, Cranberry.

Supervisors—James McLaughlin, Harwood; Patrick McGill, Jeddo.

School directors—James Sweeney, Hazleton; Peter Dougherty, Beaver Brook

Auditor—Owen McEiwee, Harleigh.
In another column John E. McHugh,
chairman of the Democratic borough,
committee, issues a call for the primaries and convention. The former will be
held Saturday evening and the delegates
elected will meet at the Municipal hall
Tuesday evening to nominate candidates for borough offices. The convention will consist of nineteen delegates—
three from each of the six election districts and one delegate from the
borough-at-large.
William Heister, of Lansford, has

borough-at-large.

William Heister, of Lansford, has been nominated by the Democrats for the three-year term of poor director. James V. McGill, of Lehigh township, Carbon county, is the nominee for the short term. The latter is opposed by Frank White, of Weatherly, who was appointed by the board to fill the vacancy caused by Director Gangwere's resignation.

The Republicans of Freeland will nominate their candidates for borough offices next Tuesday evening, which is the same date as that selected by the Democrats.

#### ROUND THE REGION.

The business heart of the Providence section of Scranton was devastated by fire on Monday. The department stores of the Ambrose Mulley estate and of William Chapelle were burned to the ground, with their contents, the loss to each reaching \$100,000. Adjacent buildings partially destroyed brought the total loss to \$225,000.

total loss to \$225,000.

The Delaware and Hudson Company has agreed to adjust some of the grievances the conductors of freight, coal and yard trains have been complaining about the past few years. The company has also agreed to give an advance in wages to all the conductors, except passenger conductors, and to brakemen and yardmen. John McManaman, aged 25 years, who

John McManaman, aged 25 years, who served with the Ninth Pennsylvania regiment in the Spanish-American war and at its close enlisted in the Twenty-first regiment of regulars, died at his sister's home in Nanticoke yesterday from illness contracted while in service in the Philippines.

in the Philippines.

Lackawanna court has revoked the licenses of P. H. Durkin, Thomas Johns and Charles Moore, three of the leading restauranteurs in Scranton, on the charge. of selling liquor on Sunday. The Municipal League prosecuted the cases.

Berwick council has executed a five-year contract with the Berwick Electric Company for street lighting. Are lights are to be furnished at \$75 per year, and 32-candle power incandescents at \$21 per year.

Several schools of Pittston township which were closed a year ago on occount

which were closed a year ago on occour of the teachers' strike are again close because of the lack of coal.

## Governor Inaugurated

Governor inaugurated.
Governor Samuel W. Pennypacket took the oath of office as governor of Pennsylvania at Harrisburg at noor yesterday. The ceremouy took place after a large parade of military and civic organizations. The principal portion of the inaugural address was devoted to a recommendation that the legisture shall curb the liberty of the press. Yesterday afternoon the legislature for

Yesterday afternoon the legislature in joint session elected Boise Penrose to succeed himself as United States sena-

### Amputated the Leg.

Amputated the Leg.

Albert Kobitsky, of Highland, while on his way home Monday afternoon from Freeland, was struck midway between the two towns by the --behigh Valley passenger train due here at 4.45 o'clock. The injured man was placed on board the train and taken to the Miners hospital, where it was found necessary to amputate the right leg below the knee.

Mr. Kobitsky is a nephew of Mrs. Charles Dusbeck, of Washington street.

#### BIRTHS.

Gillespie.—To Mr. and Mrs. Francis Gillespie, Coxe addition, a daughter. Wehrman.—To Mr. and Mrs. William Wehrman, a daughter.

## LOCAL NOTES WRITTEN UP

Short Items of Interest to All Readers.

#### Happenings of the Two Days in and Around Freeland Recorded Without Waste of Words.

A special trolley car conveyed the Freeland members of the Fraternal Order of Eagles to Hazleton last evening, where they attended a smoker given by Aerie 193, of that city. A fine program was rendered and the members spent an enjoyable evening. Among the members of the committee which arranged the smoker were John C. Boyle, Wilty Dougherty and Al Daubert, of Freeland.

of Freeland.

To provide accommodation for the increasing membership the Crescent Athletic Club has leased the rooms on the third floor of the Birkbeck brick and will remove there. The present quarters of the club on the second floor of the building are inadequate. The new home of the club was for several years occupied by the Mining and Mechanical Institute.

William Cilliants and Delivery Commonwealth of the club was for several years occupied by the Mining and Mechanical Institute.

Institute.

William Gillespie, a Drifton miner, was burned yesterday on the leg by a stick of dynamite which he had placed in his boot for safe-keeping. The powder became ignited in some unknown manner and before it could be extracted burned into the flesh. Had the dynamite exploded Mr. Gillespie would have been blown to atoms.

been blown to atoms.

"A Woman's Secret" is the title of a comedy drama which will be presented at the Grand opera house on Saturday evening. The company is meeting with much success in its tour and a fine play well rendered is promised to all who attend.

who attend.

The great bankrupt sale at the Philadelphia One-Price Clothing House will continue only six more days.

Orders for Bell phones in their business places have been placed by B. C. Laubach and H. C. Koons. When these are in position the Freeland exchange will have sixty-three telephones in service.

vice.

James McClain, who conducted a tea business here some years ago, was attacked and badly beaten near Philadelphia on Saturday night. His injuries are reported to be serious.

The engagement of Stewart Borger, of Allentown, and Miss Elizabeth MacFarlane, of Drifton, has been announced. The wedding will take place next June.

next June.

The funeral of James Malloy, a former Freeland resident, was attended at Warrior Run yesterday by several friends from this part of the county.

Henry Bock, of Hazleton, and Miss Henrietta Jackson, of Upper Lehigh, were married today at the home of the bride by Rev. J. W. Bischoff.

"Minnesota's Best" flour is sold by A Oswald. There is none better made.

A three-year-old son of John Kronak of Jeddo, was scalded yesterday about the head and arms by a pot of boiling water falling upon him. The regular quarterly meeting of Freeland Water Company was held afternoon. Only routine business

afternoon. transacted.

transacted.

The remains of Andrew Keyock, which died on Sunday at Sandy Run, were interred yesterday at Freeland cemetery. State Game Warden Hugh Malloy organized a game and fish protective association at Hazleton Monday evening. Another advance in the price of coal sold to local consumers is predicted at some of the surrounding collieries.

Miss Kate Brennan, of Coxe addition

Miss Kate Brennan, of Coxe addition left today for New York city, where she will make her future home.

John Ripple, of Front street, is at Baltimore attending the funeral of his mother, who died on Sunday.

The Calvary club, of Wilkesbarre, and the Crescents will play basket ball at Krell's hall this evening.

Miss Ella Quinn, of Drifton, entere the Miners hospital as a nurse yeste George H. Hartman has purchas new horse for his delivery wagon. Ice cream on sale at Merkt's.

## PLEASURE.

February 7.—Hop of Young Men's C. T. A. B. Corps at Krell's hall. Ad-mission, 25 cents. February 15.—Entertainment under auspices of Drifton Base Ball Club at Grand opera house. Tickets, 15 and 25 cents.

## McMENAMIN'S

outh Centre Street

SUGGESTIONS THAT MAY INTEREST YOU

The pith and point of every business is to sell goods, but the sell-ing must be right. Every article shown you must bear the stamp of honest value. Every dollar that you spend in this store must be given its fullest purchasing power; else we are false to our trust.

We are keenly alive to all this, nd the confidence which you have shown and are showing in our progressive business methods will never be abused with our sanction. If it is at any time so abused we want to know it.

Compare our goods with any other and you will find the quali-ties fully up to your expectations, the prices an agreeable surprise.

Just now we have some mid-winter bargains in all our departments and we invite you to call and share in them.

In Hats, Caps, Shoes, Rubbers, Underwear and Neckwear we can give you some very fine selections. If you are not already supplied we can save you money in the above lines and give you quality at the

### McMENAMIN'S

#### STATE NORMAL SCHOOL,

Free Tuition Boarding expenses \$3.50 per week. Pupils admitted at any time. Winter Term opens Dec. 29th. Write for

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Oorner of Centre and Front Streets.
Gibson, Dougherty, Kaufer Club,
Rosenbinth's Volvet, of which we have
ERCUSHYE SALE IN TOWN.

Mumm's Extra Dry Champagne,
Henness Henry, Blackberry,
Henness Henry, Blackberry,
Henness Henry, Blackberry,
Sardines, Etc.

Sardines, Etc.

MEALS - AT - ALL - HOURS LAUBACH'S VIENNA BAKERY. B. C. LAUBACH, Prop.

Choice Bread of All Kinds, Cakes, and Pas-ry, Daily. Fancy and Novelty Cakes Baked o Order. CONFECTIONERY AND ICE CREAM upplied to balls, parties or picnics, with

supplie all plied to balls, parties or picnics, with all necessary adjuncts, at shortest notice and fairest prices. delicery and supply wagons to all parts of a and surroundings every day.

# GRAND OPERA HOUSE.

Saturday Evening, January 24. The Comedy Drama.

## "A Woman's Secret."

TWENTIETH CENTURY PLAY which will please every man, woman and child who is so fortunate as to see it.

New Specialties. Songs and Dances, New Scenery.

Prices: 25, 35, 50c.

Seats on sale at McMenamin's store.

The Lebigh Valley Railroad has reconsidered its decision to take off the early morning mail train from New York and Philadelphia.