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With one eye on the shoe-making, the other on the leathers, and both on the finished shoe when it comes in, we get Oxfords that can be bought without any thought of their going wrong.

You are always free to bring anything back that proves unsatisfactory or that you don't like, but you may be sure we see that everything is as good as can be before we sell it.

Even our \$3 Oxfords are by our best maker. The \$3.50 Oxfords have in them the best work of our best maker and the best of leathers—Velours Calf, Wax Calf, Patent Leather.

Because the general run of Oxfords are not good fitters, is all the more reason why ours should be—makes us distinctive; brings more men here,

ARNSFELD & KOLLER,

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WILL
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Fresh String Beans,
Radishes, Cucumbers,
Onions and Strawberries
every day this week

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3 cans of good Corn, 25c.
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Corn is as good as 'can
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as good as fresh green
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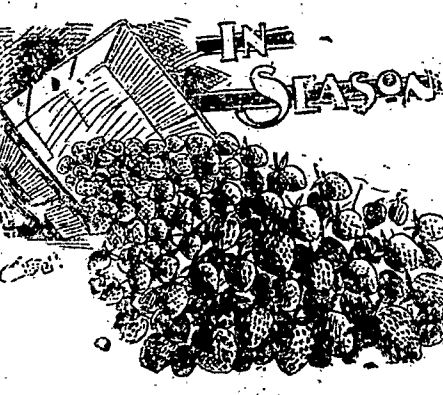
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JOB PRINTING

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RAILROAD CASE IN SUPREME COURT

Trial of Action Brought by
Mrs. Barber.

WAS COMPLETED THIS FORENOON

Large Amount of Evidence Taken and the
Case is Vigorously Contested—Verdict
For \$1500 in Favor of Plaintiff—
Case of Pauline Goebel Against
Herman Sizer Now on Trial.

Yesterday afternoon's session of the supreme court, was entirely devoted to the case of Alta M. Barber against the F. J. & G. R. R. Co., which was an action to recover damages for injuries sustained while riding in a street car belonging to the defendant and in which the final evidence was reached. The last witness reported in yesterday's Republican was Fernando Barber, husband of the plaintiff, who told of the condition of his wife both before and after the accident. The next witness was Mrs. Frank Jolly, a nurse employed by Mrs. Barber, who testified that she rubbed the patient and that the cords of her limbs knotted up during the treatment.

Miss Anna Van Dreser, a neighbor of plaintiff, testified as to helping her home on various occasions and that she staggered when walking.

Miss Anna Reid, a masseuse employed in treating Mrs. Barber, testified regarding her condition while under her treatment for about two weeks, and described how the plaintiff's limbs were knotted up and that the blood seemed to rush to her head and flushed her face.

Mrs. I. D. Graft testified as to her acquaintance with plaintiff and of her habit of helping her in getting on and off the cars, and that she stumbled and moved to one side in a hesitating manner. On cross examination witness denied that plaintiff talked more about her illness than other people, and not at all except when she was sick.

Ida Vandrisky had known plaintiff for about four years, had helped her at the housework and whatever she wanted done. Had seen part of plaintiff's body when the nurse was rubbing, did not see the contraction of muscles. Have seen her take hold of the backs of chairs to aid her in walking across the room; she walked lame and unsteady.

Dr. William Davis had attended plaintiff from the 5th to 10th of December, 1899, and more or less since that time. Had made several examinations and judged that her illness was due to a concussion of the spine. Have treated her down to the present time. The conditions discovered still exist. The conditions discovered in the case of plaintiff are pains in the back and intercostals, sleeplessness and supersensitiveness, as well as lack of sensation in limbs; was unable to tell if there is a reasonable certainty that these conditions will be permanent.

Cross examination: I had treated the plaintiff on an occasion before 1899, for about three or four weeks. She complained very much and I think she was overworked. She was of a nervous temperament. She called to see me after the accident and described how she felt. I came to a conclusion after that as to her condition. Formed an opinion based upon her symptoms. There are subjective and objective symptoms. I based my opinions upon what she told me. She said she had pain in back and intercostal nerve, trouble in walking, dizziness, cramps in her limbs. These symptoms might be caused by some organic trouble of the spine. I do not think the subject is inclined to be hysterical. It is true that a hysterical person is inclined to exaggerate their symptoms and speak of them to a considerable extent. They sometimes mislead a physician.

I based my conclusions upon what the patient told me. A bright person quite well might deceive a physician by her statements. The plaintiff is a bright woman. I do not think that the plaintiff has rheumatism or that her symptoms indicate that. The objective sign I saw was in the way she walked. That is also a subjective sign and could be feigned.

I concluded that the symptoms came from a concussion of the spine and

injury of the cord and the meninges or covering of the cord. Did not know that she was nervous before the accident. I treated her for stomach trouble. I believe she had gastritis, not nervous dyspepsia. I would not say that Mrs. Barber had any chronic difficulty. I never noticed any knotted condition of the muscles of her limbs, nor any rush of blood when Mrs. Jolly was there; I was not present when she rubbed her. When I first attended her in the present illness it was for about three weeks. I have not visited her for six months. She still takes medicine from me. I hope she will recover, and think she will.

Dr. Eugene Beach: Had made an examination of plaintiff soon after the accident. Mrs. Barber complained at that time of pains in various parts of her body. At the next examination I was quite thorough and found symptoms which the learned counsel have been pleased to call subjective symptoms. I saw the inability to stand and the inability to walk, the anesthesia and hyperthetia. I found that the patient was suffering from injury to the spinal cord.

The question as to the probable duration of the present condition of the plaintiff I am unable to settle; some people die that appear no worse than Mrs. Barber, and some recover.

On cross examination Dr. Beach stated that he concluded from his examination that the trouble of the plaintiff came from concussion of the spine. To the question whether the witness knew of patients recovering after receiving a large amount of damages from a railway company, he said he did not know, but admitted that it had so been stated in medical works. Assuming that several years before this accident the plaintiff had had nervous prostration, might she not have the same symptoms that you have described, without having an accident of this character? Not necessarily.

Dr. Davis recalled, testified that the plaintiff's face was pallid and her features were drawn as if she were suffering pain.

At this point the plaintiff rested.

Louis Knoff, the first witness for the defendant, testified that he was the motorman on defendant's car on which the alleged accident took place. He denied the statements of plaintiff's witnesses as to the excessive speed of the car and the communication with the conductor just before the stoppage of the car. He described how the car happened to come to a sudden stop upon turning the curve, and that when he put on the brake to slow down the car at the curve the trolley jumped off the wire and the conductor put it on as soon as possible. He saw a lady on the floor at the time after the stopping of the car.

Cross examined, witness testified that he had increased the speed while crossing the flats before he came to the curve and had on all the power the car would carry. The car was not going at an excessive speed when it reached the curve.

It was a number of months before he became a regular motorman after the accident and during that time other motormen went out with him and instructed him.

Jeremiah J. Ellegate was the conductor on the car at the time of the accident and had been for more than two years, who testified as follows: There was a fog on the flats and the night was dark at the time of the accident. I heard the motorman throw off the power and put on the brake about 150 feet from the curve, and about that time the trolley left the wire and the car came to a stop just around the curve. As soon as I had got the trolley in place I went back in the car and saw all the passengers standing but one. They wanted to get out and walk, but I told them to stay on, that it would be all right.

Cross examined, testified that he had worked for the company three or four years, but at the time of the accident was not a regular conductor. He was not able to say what speed was on the car at the time of the accident. It was an unusual occurrence that passengers wanted to leave the car and walk home. Had had conversations with Knoff, but Knoff had not told him that he did not put on the brake until he got to the curve.

Lizzie Barter, who lived at North School street and boarded at Edward Shipman's, an uncle of Mrs. Barber, before Thanksgiving week in 1899: Heard Mrs. Barber state prior to that time that she was not well, her head was dizzy and she could not walk straight.

Mrs. Anna La Valley, who has lived on Cayadutta street, Gloversville, for 23 years, had known the plaintiff ever since she lived in Gloversville. My daughter took music lessons of Mrs. Barber in 1896 and 1897; three years last March she gave the last lesson. Up to that time I heard Mrs. Barber complain that her head troubled her and she could not walk straight—she gave up teaching my daughter for three months at one time.

Prior to the accident I have seen Mr. Barber take Mrs. Barber from the house in a carriage. She told me she thought her spine was affected.

On cross examination witness admitted that she had trouble with plaintiff about three years ago and since that time had had nothing to do with her. Mrs. Elizabeth Plantz, lives in Mrs.

Barber's house. Some three or four years ago Mrs. Barber told her she had roaring in her ears and took vacation for it. Had seen Mrs. Barber a week ago yesterday walking with an umbrella—saw her sowing grass seed without a cane.

Mrs. Althera Laird formerly lived in a house owned by plaintiff's husband in 1897 and 1899, during that time she complained of having trouble with her head and was having treatment for female trouble. On cross examination witness admitted that she had not been on as friendly terms with plaintiff as formerly.

Mrs. Polly Palmer: Lives at Providence, Saratoga county; over forty years. Knew the time when she came home sick from school; saw her once while she was sick in bed; saw that she had St. Vitus dance very badly and could hardly lie still in bed. Talked with Mrs. Barber about her health four years ago; she said she was nervous and not well.

Cross examined by Judge Keck: Witness stated that the first time the matter of plaintiff's health had been called to her attention was when Mr. Wood came over there, to see her about it. She had never studied medicine, but had read medical books.

Olin Sutcliffe: Has known plaintiff ever since she was a child; saw her a week ago standing on a stoop for about ten minutes and then take a car. She did not have a cane or umbrella.

Fred Dunston: A short time ago saw plaintiff enter a carriage in front of her house without a cane. On cross examination testified that he was an employe of the F. J. & G. R. R.

Charles Palmer stated that the plaintiff sometimes came to his house some years ago when he had rheumatism, and had recommended plasters which she had and offered him some. He sent over and got them.

Dr. W. C. Wood testified he had practiced medicine for 21 years and made a specialty of surgery. Called and made an examination of Mrs. Barber at her home in December last. Told her what I came for and she told me substantially what she has stated here. She stated in response to questions that she had in the past suffered from nervous prostration from which she had recovered; that she had worked very hard giving music lessons. She said she had been well for one or two years before the accident. I judged from my examination of her case that she was still suffering from nervous prostration.

Mrs. Barber came to his office after this examination and walked from her carriage to the office without assistance. Based his opinion that she was suffering from nervous prostration from her statement regarding her symptoms and her previous attack. She might have a relapse and have the symptoms described from some slight cause such as fright or overwork or overstudy. Railway spine is caused by any shock, such as a railway accident or any injury to the spine resulting from a like cause. All persons suffering from nervous prostration are inclined to exaggerate in their description of their symptoms. A pending litigation may cause an increase of nervousness in a person of such tendency. Loss of weight would be apt to follow any actual injury to the spine. Symptoms of a traumatic injury to the spine are apt to follow in a very few hours thereafter.

On cross examination the witness said that he had made a specialty of female diseases and not of nervous troubles. At the time of the examination of plaintiff last December he had told her her trouble might have come from concussion of the spine and he would have to consider that question. There were points on plaintiff's spine at which she flinched when he examined and pressed upon them, but she did not always flinch at the same point.

Dr. E. H. Goodfellow had observed the plaintiff on the stand and when she left the stand. In his opinion she did not hesitate or tremble when she left the stand. Patient's recovery from St. Vitus dance—never fully recover, but are liable to have a relapse, but not without some organic or exciting cause. A girl who had nervous prostration from overwork, such as excessive practice or study might have a recurrence of the attack without any shock or accident. An organic injury is the destruction of any part. Persons troubled with nervous prostration are liable to have hysteria and to exaggerate in regard to their condition. A disturbance of nervous character usually results in a loss of weight and in a pallid and older appearance. Stomach diseases usually accompany neurasthenia. An injury to the spinal cord usually produces bowel and bladder troubles. There is no unbending rule that governs the symptoms of injury to the spine or nervous prostration, it depends upon the person.

Dr. Beach recalled in rebuttal, testified that when he examined plaintiff's back he took a colored pencil and unbeknown to her made marks wherever he found the tender places, to be sure that the symptoms were not feigned, and he found that the sore spots were the same at each point touched by him.

At this point the testimony was closed and the court after denying the motion of defendant's attorney for a

non-suit, took a recess until this morning.

Upon the convening of court at 9:30 o'clock this morning, Judge J. Keck proceeded to sum up the case for the plaintiff in the case of Alta M. Barber against the F. J. & G. R. R. Co., and delivered a very eloquent and impressive plea. He was followed by Judge A. D. Baker, who summed up the case for the defendant and made a very strong address.

Shortly before 12 o'clock Justice M. L. Stover proceeded, to charge the jury and presented the case in a very fair and impartial manner, reviewing the testimony very carefully and instructing the jurors as to the course to pursue in considering the case. He stated that the defendant must first be found guilty of negligence before any damages can be awarded, and explained that negligence is the absence of such care as would be ordinarily taken under the same circumstances, that the act must be judged with reference to the circumstances in the case. He stated that it was the duty of the carrier to exercise the highest degree of care in conveying passengers. If it was found that the car was run around the curve under sufficient speed to throw passengers from the seat, the judge allowed that it was an act of negligence. The condition of the plaintiff was then discussed, the judge stating that the nervous condition of the plaintiff previous to the accident did not deprive her from recovering damages in case she sustained any injuries as a result of the accident. In conclusion Justice Stover instructed the jurors to consider the case as fair minded, intelligent men. The case was given to the jury at about 12:15 and shortly after the noon recess was taken.

When court reconvened this afternoon the case of Pauline Goebel against Herman Zeiser was brought on for trial, Clark L. Jordan appearing for plaintiff and Andrew J. Nellis for defendant.

This is an action for assault and battery, the defendant having assaulted Mrs. Goebel with a horsewhip in Gloversville last September. The case has been presented to the jury as we go to press.

At about 3 o'clock the jury in the case of Mrs. Alta M. Barber vs. the F. J. & G. R. R. Co., brought in a verdict awarding the plaintiff \$1,500 damages.

YESTERDAY'S GAMES.

National League.

At Pittsburgh, 4; Philadelphia, 3.
At Cincinnati, 3; Brooklyn, 7.
At Chicago, 6; Boston, 5.
At St. Louis, 2; New York, 4. (Game called at end of sixth—in.)

American League.

At Detroit, 9; Philadelphia, 1.
At Cleveland, 5; Baltimore, 1.
At Milwaukee, 5; Boston, 2.
At Chicago, 3; Washington, 2.

Eastern League.

At Syracuse—(First game)—8; Buffalo, 7; (14 innings). Second game—Syracuse, 5; Buffalo, 7.
At Hartford, 6; Toronto, 5.
At Worcester, 6; Montreal, 7.
At Providence, 3; Rochester, 8.

State League.

At Schenectady, 6; Utica, 9.
At Albany, 15; Binghamton, 6.
At Troy, 12; Cortland, 4.
At Iilon, 0; Rome, 8.

VOTING CONTEST DECIDED.

Miss Bastow of Iilon Declared the Winner—A Remarkable Contest.

Editors Munger and Smith of the Herkimer Citizen announced yesterday that the contest over the piano offered by the publishers of the Citizen, had been decided and that Miss Flossie Bastow of Iilon was the winner; that the votes as originally intended must stand. Messrs. Munger & Smith stated that the winners in the contest were Flossie Bastow, first, 411,202; Mrs. Johnson of Schuyler, second, 373,101; Miss Harter, Herkimer, 311,425; Miss Hadley, Herkimer, 215,045; Marion Ferguson, Iilon, 125,310. The other prize winners were Miss Purchase, Columbia; Miss Hurd, Norway, and Miss Hendricks, Fairfield. The publishers stated that a check for \$100 had been sent to the winners of the second and third prizes. The Citizen's prize voting contest—the greatest of the kind ever carried on by any weekly newspaper in the state—closed a week ago Saturday at 12 o'clock noon, having run for twenty weeks, during which time nearly one and three-quarters million ballots were cast.

VARNISH MAKES DEVOE'S VARNISH

Floor paint, cost 5c more a quart; makes it look brighter and wear fully twice as long as cheaper floor paints. Sold by John G. Ferres.

A REMEDY FOR THE GRIPPE.

A remedy recommended for patients afflicted with the grippe is KEMP'S BALSAM, which is especially adapted for the throat and lungs. Don't wait for the first symptoms of the disease; get a bottle to-day and keep it for use the moment it is needed. If neglected the grippe has a tendency to bring on pneumonia. KEMP'S BALSAM prevents this by keeping the cough loose and the lungs free from inflammation. All druggists sell KEMP'S BALSAM at 25c and 50c.

Store Closes To-Night at Six O'Clock.

SEEK COMFORT

in your summer attire. Flannel shirts
in neat stripes and different colors

\$6, \$7, \$7.50 and \$8.50.

Neglige shirts of the Monarch make,
which for fit, quality and style have no equal
\$1, \$1.50 and \$2.

Straw hats, rough or smooth straws,
alpine and yacht shapes

75c to \$2.00.

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Outfitter to Men. 127 W. Main St

William Dawes.

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variety and value found in our store.

Plain and Fancy White Goods for
Shirt Waists and Dresses.

Colored DIMITIES, Foulards, Lace
Stripe Silk Gingham, Silk Muslins, Etc.

Black Cotton Goods in plain, stripes
and checks.

William Dawes

A Chance For You To Save Money.

We sold a great number of those Men's and Boys' Suits that we received of that Rochester house. They could not help but sell because they are the newest patterns and can save from \$2 to \$3 on a suit.

\$5.25 Suits that sold in
the season for \$7.50, of fine
Cassimeres, Chevots, Tweeds
and Thibits, we have marked
at the low price of \$5.25.

\$10 Suits that are sold at
retail for \$12 and \$14, of the
finest grades of Worsteds in
Fanes and Unfinished Oswego
Serges, Flannels at the low
price of \$10.

\$7.50 Suits that could
not be sold for less than \$10,
in Flannels, Serges, Tweeds,
Thibits, Chevots, we have
marked them at the low price
of \$7.50.

Youths' Suits, ranging in
price from \$5 to \$12 at regular
price, the newest shades
and latest cuts. We can save
you from \$2 to \$3 on a suit.

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to wear our clothing. There's a standard of
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tailored clothing from which we never depart
regardless of price. Conspicuously good tailor-
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