gonomina de la companion de la Announcement. Holiday

Christmas Slippers

All the newest shapes and best grades and colors for Ladies', Misses' and Children's Fancy Holday Slippers.

Prices to meet all. Look us over before you buy. Our store is packed full of goods.

SCHANK & SPENCER,

410 SPRUCE STREET.

Store Open Evenings.

Second with the second second CITY NOTES.

The Delaware and Hudson company paid its employes at Nos. 2 and 3 and Boston mines at Plymouth yesterday. Edward Graham was committed to the county fall yesterday for assault and bat-tery on his wife by Alderman S. S. Jones,

of Carbondate. Justice of the Peace Andrew Doles, of Old Forge, yesterday committed Joseph Rola to the county jail on a charge of prgravated assault and battery.

Antonio Shender, for false pretenses and his brother. Andrew Shender, for assault and battery, were committed to the ounty jail by Justice of the Peace H. A. Duffy, of Lackawarna township. Four Nealis', Patrick, James, Klonda

and Stephen, representing one family, were committed to the county fail yes terday by Justice of the Peace, Nicholas Glynn, of Fell township. They are charged with house breaking.

The Central Railroad of New Jersey is nuthorized to Issue round trip tickets to students of schools, at the rate of one and one-third the lowest first-class single trip fare for the round trip. These tickets are be sold only from Dec. 17 to Dec. 24, in-

The proposed organization of a civies club for the study of civil government, sociology, political economy, etc., will be considered at a meeting in Albright library hull this evening. The promoters of the idea are J. A. Lansing, J. H. Torrey, W. H. Buell and H. C. Shafer,

Profesor W. E. Flumley, of the School of the Lackawatna, will deliver his third lecture on American History at the Railread Young Men's Christian association this evening at a o'clock. Members and their families are cordially invited. Topic,

M. J. Gilbride, the playwright, said last evening that William H. Sherwood, manent Life" are two of the prominent

Patroiman Block at the corner of Mul-berry street and Franklin avenue last night on complaint of the superintendent. Where Mr. Albright first met Miss Lindsay. Another corking article on the School Beard. The Rippards, of of the Lackawanna hospital. Miller, it annoys the hospital patients with his somes and poisterous talk on the streets. He is a colored boy.

A unique namphiet in the shape of a peckethook has been issued by the New York, Ontario and Western railroad advertising its annual Christmas excursion to New York city. The excursion will leave this city on Monday, Dec. 29, and is good for a return passage up to and in-cluding Monday Dec. 27. Full particulars concerning the excursion can be obtained from T. Filteroft, passenger agent for the

SCHOOL TEACHERS PAID.

Day Instructors Receive Their Warrants -- Night Teachers to Wait. The day teachers in the public schools began receiving their pay yes

Unless the board of control meets in special session before the date for its regular meeting, Dec. 27, about sixty night school teachers, who finished their month last Tuesday night, will have to wait until after Christmas for their pay.

terday afternoon for services in No-

In buying Diamonds buy them from a jeweler of experience. I have 31 years of experience in handling dia-monds and guarantee them all to be as represented, C. Luther, 107 Wyoming avenue.

Spley testimony heard at divorce court, Tomorrow's Free Press tells it

Fancy Baskets, at Reynolds Bros.

Lewis, Reilly & Davies'

Busy Shoe Store, will be open evenings during December.

A Slippery County Officer and what he did-in tomorrow's Sunday Free Handsomest line of Pocketbooks,

Card Cases, Letter Cases in the city at Reynolds Bros. A Slippery County Officer and what

he did-in tomorrow's Sunday Free

Photograph Albums at Reynolds

Bros., stationers, Hotel Jermyn.

00000000000000000

Mixed Nuts, 1b., Mixed Candies, lb., Citrons, 1b., Raisins, lb.,

Fresh and Good.

00000000000000000 the case, with the exception of the

LEGALITY OF THE BOARD OF CONTROL

Question Is Now in the Hands of the Court.

MULBERRY STREET ASSESSMENT.

Was Argued Yesterday as Was Also Many Other Important Cases Among Them the Moosie Borough Matter .- New Trial in the Assault and Battery Case Against Simon Other Matters Disposed of.

Yesterday's session of argument ourt was the most important of the week and seldom, if ever before, was there so many highly important matters argued on one day. Besides the Van Horn case, a report of which appears under separate heading, a hearing was had on the school board case, the Mulberry street paving assessment natter, the Moosic borough matter end a number of others of not much

ess prominence. The proceedings brought by John Jermyn to declare the board of control as now constituted Illegal, came up on a demurrer filed by the board through. the school district's solicitor, H. A. Knapp, assisted by E. C. Newcomb and ex-City Solicitor James H. Torrey. Messrs. Newcomb and Torrey made the arguments for the defense. They contended that the matter of granting or refusing the writ and giving judg-ment for or against the school board

rests in the sound discretion of the

court; that the commonwealth is con-

serned in conserving the public good

hopeless confusion, as would result from the action contemplated by the bill of the relator. In proof the legality of the present board they held that the board as at present constituted has been acquiesced in by the community and the judicial, legislative and executive branches of picks. the state government for over twenty years and that it is consequently a de-

DISTRICT NOT ATTACKED. The existence of the Scranton School listrict is not attacked by the proredlings at bar; on the contrary, the legitimate existence of the school district of the city of Scranton is admitted by the relator. This being the case and the district having a de facto board of directors, it would not be an act of sound and wise discretion to overthrow that government, the court not having power to substitute that

government with another. A point which the demucrers dwell upon particularly was the fact that the information upon which the proceedings are founded doesn't suggest that there are any persons who are entitled to hold the offices in question. As a result of judgment against the school board the school district would not only be left without a governing body, but it would throw open every contract and obligation that is outstanding against the district and throw everything into a state of inextricable contion was also pointed out and a suggestion was made that court refrain

Mr. Burns, in arguing for the writ, elaborated on the contents of his bill. pointing out that the law calls for a oard of six and that the set under which the twenty-one members pre-sume to administer the affairs of the bim out." Full account of an exciting district is unconstitutional.

The Mullerry street paving assessment fight came up in the form of a case stated, the city being plaintiff and Henry F. Kachler defendant. City Solicitor McGinley argued that the law governing assessments for such improvements prescribed that the levy should be made according to the foot front rule.

MR. BURNS' CONTENTION. Mr. Burns for the objecting property solders, pointed out the evident unfairness of assessing a man who has street car track in front of his proprty as much as a man with a lot of he same frontage who may be blocks away and who has no street car tracks in front of his property. In the case in question Mr. Keehler pays as much for the eighty-six square yards of asphalt in front of his house as a man further down the street pays for 150

quare yards. The man who has to put up with the nconvenience and annoyance of street car tracks, he held, should have the enefit of the deduction which is madthrough the company paying for the paving between its tracks.

Messrs, C. Comegys and M. J. Donghoe argued in support of the excep-tions to the incorporation of the proosed borough of Moosic. Only the technical exceptions were heard, the sourt reserving for further consideration the merits of the case. On the part of the exceptants it was contended that the notice of the application was defective for the reason that it did not specify the time and place of hearing; that the boundary lines of the proposed borough were not sufficiently described; and that the court having failed to act on the matter during the term following the application had lost its jurisdiction. Judge Ward argued in support of the proposed borough and cited copiously from judicial

decisions in his efforts to break the force of the exceptions. Among the boundary lines of the proosed new berough are portions of Mill Creek and Spring Brook, which the ex-ceptants contended were too small to onstitute a stable and certain boun-

"Even the Lackawanna river could not be considered stable boundary. said Mr. Donohoe, "Only navigable streams are acceptable, as has been

frequently decided," "But you forgot," interposed Judge Archbald, smilingly, "that there is a special statute declaring the Luckawanna a navigable river." joined in the smile when the preposter

ous statute was recalled. While Mr. Comegys was arguing Judge Edwards said, with a sigh: "I'm sorry the legislature made us a grand jury.

Said Mr. Comegys: "I think it is good thing that this matter of creating boroughs was taken from the grand jury. It will, at least, prevent another Glenburn bbrough, where there ar not enough people to fill the borough offices."

NEW TRIAL GRANTED. A new trial was granted without argament in the case of the commonwealth against Simon Rice. It is an assault and battery case, and the evidence warranted an acquittal, according to the judgment of everybody who heard

jurymen. Judge Archbald suspended sentence and forthwith entered a rule for a new trial. When the matter was reached yesterday Judge Archbald living to his associates, said: "If there is no objection, I will make the rule in the case absolute. I tried the case, and I am satisfied that the jury, in arriving at a verdict, consulted their prejudices, rather than their judgment. The other judges nodded acquiescene

trial granted. The rule to strike off forfeiture was made absolute in the case of the commonwealth against B. Berkovitz, and the costs were remitted in the cases in which James O'Malley and Sarah and Emma Dreyer were defendants.

and Judge Archbald announced "new

In the case of F. L. Brown against Rice and the Jury Again Criticised. P. J. Morris, exceptions to affidavit of defense, the rule was discharged, Other cases submitted or argued

were: Commonwealth vs. Antonia Beb-Joseph Kucopeck, John Cheney and John McNichols and others, rule to strike off forfeiture; exceptions to the report of viewers of the new road in Spring Brook township; rule to change the polling place in the First ward of Jermyn; Samuel Vail against Jasper Vail and others, rule to compel children to support their father; Thomas Henry against Evan Hopkins, rule quash indictment; John Jones

ment; George D. Brown against W. A. Rice, rule for judgment. In the cases of W. W. Robertson against the Haupt Lumber company. M. Groff against M. T. Keller and the matter of the grading of Robin-

against Charles Clark, rule for judg-

son street the rules were descharged. LEATHER CONTAINED POISON.

R. Emmett Collins thewed it and his Death Resulted.

Emmet Collins, a young North rather than in producing a state of End harners maker, died last night Thayer, you know I did not say such a from tanning poisoning. Not knowing of the danger of the practice he was in the habit of chewing on pieces of leather while at work as a carpenter might chew a piece of wood, or as many people habitually chew on tooth-

Three months ago he was stricken down with stomach trouble and when physicians diagnosed his case it was found that he had been polsoned. His explanation of the habit he indulged in, coupled with the symptoms, show- utter," rejoined Judge Archbald, and ed the doctors at once the nature of in this the two other judges nodded his disease. From the time he was assent, "I had to help the stenographtaken down with the illness he has not er to complete his report in several been able to eat anything.

He was 20 years of age and a son of Mr. and Mrs. M. M. Collins, of 1849 North Main avenue.

THE SUNDAY NEWS.

Sixteen Pages, Christmas Edition of Scranton's Leading Sunday Paper.

A fine double-column, front page,

ortrait of Miss Louise Linder, form-

rly organist at the English Lutheran church, together with a letter from Miss Linder, Very interesting, indeed, Beautiful obituary on the late James Copeland, written by one who knew Mr. Copeland for nearly forty years. ager for John L. Sullivan's troupe, is coasidering a proposition from Mr. Gilbride to stage some of the latter's fourteen ports next season. "Sanction" and "A tion was also pointed out and a sug-Why the Hotel Anthracite was closed. The divorce case of Ike Jones, a Hamp-A real sensation for South Hyde Park avenue. The career of ex-Rev. Mr. from passing upon the matter until Cocker, who worked at Norton's store. A boy named Miller was arrested by the election was over, Court indicated Where Mr. Albright first met Miss Wilkes-Barre, John L Sullivan talks to Gus Merrill, Shamus Clark and Paddy John Durkin. The Ninth ward caucus. Jerry's Irish setter and Fred. affair in the basement of the City Hall, The Peckville Sissy club, A lengthy interview with Jim Judge, in which he tells how he defeated Jimmy Ryan, by A. J. Colborn, esq. Scranton leading business houses advertise in tomorrow's Sunday News, sixteen pages of intensely interesting reading.

MUST PAY THEIR FINES.

Warrants Issued for the Pe-arrest of Two West Scranton I rebins.

N-w warrants were issued yesterday from Alderman Millar's office for the arrest of Willie Decklenick and John attorney asking Van Horn if he was Winneld Fernell, two of the boys who used a decensed dog to smash in the readlight of an engine on the Delaware, Lackawanna and Western road at the Swetland street bridge a few nights ago.

The two boys were members of a gang which did the work. They were fined \$5 each by Alderman Millar Mon-day night, and both boys left the ofpromising to return the next day with the money.

Alderman Millar is desirous of check g the practices of the boys who make things unpleasant for the train nen passing under the bridge. All manner of tricks, such as throwing vegetables and other unmentionable things on the railroaders are prac-

Decklenick and Fernell will be re-arrested today, and unless their fines are paid, they will spend Christmas n the county jail.

Fancy Baskets, at Reynolds Brow,

Our stock is complete in Watches, biamonds and Fine Jewelry at lowest rices. C. Luther, 107 Wyoming ave.

Special sale of Holiday Books at Reyolds Becs., Hotel Jermyn,

Spicy testimony heard at divorce urt. Tomorrow's Free Press tells it Waterman Fountain Pens. Reynolds

Bros., stationers, Hotel Jermyn. Finest stock of Gold and Silver

Watches in the city at C. Luther's, ** Holiday Stationery, Reynolds Bros.

No goods misrepresented at C. Luth-Gold Pens and Pearl Holders from

\$1.00 up, at Reynolds Bros. Dressing Cases in leather and celluold, at Reynolds Bros.

CASTORIA

For Infants and Children.

Chartetta MEARS & HAGEN

DID STENOGRAPHER MAKE A MISTAKE?

Or Did Judge Archbald Make a Misstatement of Law?

VAN HORN'S HOPE RESTS ON THIS

Judge Archbald Says "Every Unlawful Killing is Presumed to Be Murder"...The Official Report of His
Charge to the Jury Says He Said
"Every Unlawful Killing is Presumed to Be Murder in the First
"Every Unlawful Killing is Presumed to Be Murder in the First Degree."

George Van Horn's hope for a new rial rests principally on a contest of nfallibility between Judge Archbald's memory, supported by certain circumstances and St nographer Willis Coston's report of the court's charge.

official stenographic nakes Judge Archbald say in his charge to the jury: "Every unlawful killing is presumed to be murder of the first degree," which is not the law. Judge Archbald does not remember just exactly what he did say, but he is positive he did not say what the stenographer attributes to him. holds that he might have said: "Every unlawful killing is presumed to murder," as his own notes of the charge read or possibly he might have "Every unlawful killing is presumed to be murder, though not of the first degres.

When Mr. Thayer, of counsel for Van Horn, mentioned this as one of the reasons for a new trial, Judge Archbald very quickly remarked: "Mr.

thing. "Well, I do not know for myself, whether you did or not. Your Honor, I do not remember of that particular part of the charge. All we have to go by is the official report of the charge furnished us by the court stenographer, and that says that you said: 'Every unlawful killing is presumed to be murder of the first degree."

ARE NOT INFALLIBLE.

"But the stenographer's notes often make us say things which we never places where he was unable to read his notes. Som times we talk too fast for them to keep up with us, and they get mixed in their notes. I slowed up several times in that charge when it occurred to me that I was talking too fast for the stenograph r to take accurate notes.

Mr. Thayer contended that there was a doubt about it, and that the defendant was entitled to that doubt. fendant was entitled to that doubt. "He is entitled to a reasonable doubt," Judge Archbald replied, "The question here is whether I made such a mistake as that, and if I did make such a misstatement of law is it likely that it would go unchallenged by the counsel for the defense, or that the district attorney would allow me to go ahead without correcting such a palpable error, or on the other side. did the stenographer make a mistake?" At the outset of the hearing Mr. Thayer asked that the rule be made absolute without argument on the strength of the depositions of Sadie was heard before Judges Archbaid and Edwards Wednesday, It was sufficient, Mr. Thayer contended, to raise a reasonable doubt in the mind of any juror, and of that he thought the court would be convinced from a consideration of

the depositions, THE ALLEGED ERRORS. Court indicated that the counsel had better argue its whole case. Mr. Thayer then proceeded to set forth the alleged error of the trial judge mentioned above, and the further alleged error of telling the jury in the charge that there were no contradictions or inconsistencies in the commonwealth's testimeny regarding the scene immediately following the killing, and also in taking from the jury's consideration the question of insanity. It was also held that court erred in overruling the objection to the district

Wherever you can use water

FELS-NAPTHA soap and you will get the best work. Water should be lukewarm only, even in winter. FELS & CO., Phila delphia.

nsane, which was asking for a conclusion and hence incompetent.
It was adjourning time when Mr. Thayer had concluded. Mr. Wedeman will be heard this morning and he will e followed by the district attorney who will present depositions to contradlet the story of the Gairns' girl and arguments against the granting of

the new trial. COURT HOUSE NEWS NOTES.

Brodhead & Henks' shoe store was yes-erday sold out by Deputy Sheriff Ryan. Brodhead purchased the stock for

to furnish security in the sum of \$500. Mrs. Mary McGinnis became bail for the Reaps and Dacy's willowed mother, Mrs. Ellen Davis, became his bail.

pure with Hood's Sarsaparilla.

HOOD'S PILLS are purely vegetable and do not purge, pain or gripe. All druggists.

Reynolds Bros. Beautiful Brass Ickstands and Frames Gold-plated, at Reynolds Bros.

STONE-OAKLEY.-in Green Grove.

DIED.

PHILLIPS.-In West Scranton, Dec. 17, 1897, John P. Phillips, about 25 years of age, at the West Side hospital. Funeral announcement later.

An Explanation

No use trying to write an advertisement. We are so overwhelmed with business it is out of question. The rush of holiday trade has made it necessary for our "ad." man, as well as every other available person about the store, to join the ranks of salespeople and sell goods. We omit our usual offering of prices today for that reason.

THE REXFORD COMPANY

dididi 303 Lackawanna Avenue.

SUMMUMMUMMUM S

Matthews Bros., Druggists, 320 Lacka-

DON'T RUN ANY RISKS about Avoid coughs, colds, fevers, pneumonia, and all other similar allments by keeping your blood rich and

Card Cases, Letter Cases in the city at

Handsomest line of Pocketbooks,

MARRIED.

Dec. 15, 1805, by Rev. F. P. Doty, of Hampton Street Methodist Episcopal church, Scranton, Elmer H. Stone, of North Abington, and Miss Nellie Maud Oakley, of Green Grove, Pa.

Dyspepsia, Heartburn, Gastritis and all Stomach Disorders positively cured, Grover Graham's Dyspepsia Remedy is a succific. One dose removes all distress, and a permanent cure of the most chemic and savers conserved. the most chronic and severe cases is gustan-teed. Do not suffer! A 50-cent bottle will

Days

More before Xmas day. Don't neglect the opportunity to get some of the good things in store for you at CHINA HALL.

Never has Scranton had so beautiful a collection of Fine China, Silverware,

Cut Glass, Lamps, etc. at such temptingly low prices.

China Mall.

MILLAR & PECK,

\$\$\$\$\$\$\$\$\$\$\$\$

134 Wyoming Ave., Walk in and look around.

THE

KLINE SHOE CO

Veracity rather than variety prompts us to tell of our success in the world of trade. In our particular province there are none who can approach useither in point of quality or price. The choice goods which we are constantly bringing to your notice are unequalled in this city. We have prepared to receive the rush of holiday buyers with the

Largest, Most 46. Complete Assortment of SHOES AND SLIPPERS

suitable for all sizes and conditions of men and women. Our whole stock is highly interesting just now, because, while composed entirely of new and reliable goods, they are priced extremely low, the greater part of them having been recently bought below the market rates. Many illustrations of this tendency to sell for less than prevailing values will be found by visiting our store.

THE

326 Lackawanna Avanua.

"Famous Old Stand."

224 LACK. AVENUE.

TOYS.

Second Floor Department. Room 25 feet by 100 feet, all Toys, Steps front and rear of store.

Some Specials

For This Day:

Steel Horse and Buckboard

The horse's feet and legs move, very serviceable, about 24 inches long by 12 inches high. This will worth \$1.25. Today - 84c

Steel Two-Wheel Carts

Painted steel, vellow wheels, was 25c. Today

steam Engine A boy's delight, extra large size, worth \$1.50. To-

day

Smaller for 40c. Steel 4-Wheel Milk Wagon

With cans and seat for driver, was \$1.00. Today 64c

Kid Body Doll, Special About 100, some sleepers, curly hair, bisque face, glass eyes, very fine dolls, worth \$1



Steel Animals with Bells

Attached to wheels, a very serviceable and entertaining 24c toy. Choice today for

THE GREAT

BROWN'S BEE HIVE

J. H. LADWIG.

0000000000000000

Coats, Furs, Millinery.

STORE OPEN EVEN-INGS DURING DECEMBER.

BROWN'S BEE HIVE

Useful Christmas Gifts.

We Have Others.

Ladies' new \$10,00 Cheviot, Boucle or Beaver Coats, Storm Collars, perfect fitting, \$5.95

This is the greatest bargain of the season.

Ladies' Capes, Ladies' Coats,

At Reduced Prices

Children's Coats, Ladies' Suits and Silk Waists.

counters large assortments of Black and Colored Silks, Black Dress Goods, Fine Dress Suitings, Fine Table Linen Sets,

Napkins and Table Covers.

Will find our store a pleasant

place to shop, as we give all our

attention to the Dry Goods busi-

ness. Persons desiring to give

useful presents will find on our

Our M. & H. Gloves at \$1.00, are unsurpassed in fit and qual-

KID GLOVES

ALWAYS ACCEPTABLE

ity. Jouvin Kid Gloves, \$1.59. The most flexible, best fitting glove made. Gloves for evening wear.

Handkerchiefs

Splendid assortment of Hemstitched, Fine Embroidered and Real Duchesse Lace Handkerchiefs, Ladies' and Gents' Umbrellas, Ladies' and Gent's Lined Gloves, Irish Point Pillow Shams and Scarls, Gent's Fine Neckwear, Purses, Boston Bags.

415 and 417 Lackawanna Avenue

Scranton.