

ARGUING FOR A NEW TRIAL

Case of Mutual Life Insurance Company Against Johnson and Winton.

STATEMENTS MADE BY COUNSEL

Papers Taken by the Court. Which Will Pass Upon the Case Later—Other Cases That Were Argued—Those Continued and Settled.

Judge Gunster heard arguments for and against a new trial yesterday in the case of the Mutual Life Insurance Company, of New York City, against O. S. Johnson and Mrs. Catherine Winton. City Solicitor Torrey opened the argument on behalf of the plaintiff. He held that a new trial should be granted because the court erred in passing upon the law points submitted by the plaintiff.

In 1889, Mr. Torrey said, W. W. Winton gave two judgments to his wife, Catherine Winton, one amounting to \$34,200, the other to \$44,000. These judgments were given when W. W. Winton was shown to be insolvent, Mr. Torrey argued, and the purport of them was to defraud Mr. Winton's creditors. Subsequently another note was given by Mr. Winton to his non-in-law, Thomas Livey, for a sum a little over \$5,000. Mr. Torrey attacked the good faith of this transaction also, and read a transcript of the testimony of some witnesses whose evidence supported the theory of fraud.

Attorney General Palmer, of Wilkes-Barre, made the rebutting argument and was followed by ex-Judge Garrick M. Harding. Their argument was that Mrs. Winton was justified in accepting the two judgments from her husband, as it was proved by competent witnesses that she held a mortgage against her husband's estate for money she lent to him which was bequeathed to her by her father.

Court Took the Papers.

And, as it was shown that there had been a money transaction between herself and husband, under the law and by virtue of the traditions of the supreme court, Mr. Winton had the right to name a preferred creditor, and that one very naturally would be his wife. Further, the sale of the thirty acres of land in dispute was not made on the strength of the notes held by Mrs. Winton, but upon the note of \$5,000 given to Thomas Livey. The papers were submitted to the court yesterday, and Judge Gunster will pass upon them and hand down an opinion.

An interesting case was that of J. M. C. Rank against G. W. Watson, an application for a rule to satisfy judgment. The plaintiff sold a building and lot on Spruce street to Mr. Watson, the agreement price being \$7,700. The latter claims that in the deed Mr. Rank agreed to convey a frontage of fifteen feet, and that only fourteen feet were delivered. This is all he said he would pay for and he made out his check for \$8,450, which Mr. Rank accepted. They compromised the matter yesterday, Mr. Watson agreeing to pay the remaining \$250.

Other cases argued were: New York and Ontario Land company vs. Laura Weidner, rule for a new trial; George Seal vs. John Gilroy; James Meeck vs. G. L. Bell; George Seal vs. Michael Leonard; certiorari; Pottsville Iron company vs. John Coniff, certiorari; W. H. Davenport vs. C. E. Patterson, rule to open judgment, and Julia Conley, S. Bureka, Mary Weirich, Jacob Kline, Mary L. Clark, Charles Mengel, Patrick Kearney, D. Mahon, Adam Weirich, Frank Yakus, Michael Kennedy, H. S. Knappe, Charles Kellerman and Fred Brown vs. Wilkes-Barre and Scranton Railroad company, rules to set aside service of summons.

These Were Continued.

Cases continued were: James Kinney vs. Mary Tighe, certiorari; M. Powell & Co. vs. Joseph Hadley, rule to open judgment; Buckwater Stove company, Gaule and Town Manufacturing company, Merchant & Co., and Bassett, Presley & Train vs. Henry Blattin & Co., rule to dissolve attachments.

Cases settled were: M. Raker vs. A. M. Jagard, certiorari; Prudential Insurance company vs. Patrick Heenan, certiorari; W. A. Mullany vs. Samuel Crowley, certiorari; W. E. Gil-wood vs. George Filhour, certiorari; C. Skepenalis vs. August Wardu, certiorari. Judgment was reversed in the certiorari case of Catherine Burk vs. Michael Moran. In re adoption of Ethel Jones argument was submitted. The decree was sustained in the plea of abatement of P. Derby & Co. vs. J. Gardner Sanderson and others.

100 Boxes Fancy Florida Oranges. Direct from our grove at Okahumpka, Wholesale and Retail. E. G. COURSEY.

10,000 Pairs. The 5-Bros. have more slippers than all the stores in Scranton put together.

Oxford, International, Bagster and Holman's Bibles. PRATT'S BOOK STORE.

FOR THE HOLIDAY TRADE

We Are Showing Complete Lines of Silks. **Ki Kia (wash), Fancy Taffetas (for waists), Haskell's Black.**

DRESS PATTERNS AND SUITINGS Fancy Handkerchiefs and Fans, Pocket Books, Kid Gloves and Gents' Furnishing Goods.

Store Open Evenings.

MEARS & HAGEN, 415 LACKAWANNA AVENUE.

MICA MINE PURCHASED.

Scranton Men Will Develop a New Hampshire Mica Mine.

A number of prominent Scranton business men have formed a preliminary organization and invested a large sum of money in a mica mine in New Hampshire. Extensive mining and building operations are already in progress on the property purchased and application has been made for a charter. The men interested are Dr. J. W. Coollidge, William S. Boyd, J. Alton Davis, E. Tewksbury, E. Lynde, John Cox, M. Robinson, William Mears, John Stanton and Mr. Barker, of Pittston.

OFFICERS INSTALLED.

Meeting of the Hiram Lodge, F. and A. Masons, Last Night.

In the presence of a large attendance of members and visitors the officers of the Hiram lodge, Free and Accepted Masons, No. 261, were installed at the lodge room on West Market street, Providence, last night. A. B. Holmes, of the Hyde Park lodge, was installing officer, and the following were formally inducted with the honors of office: W. M., C. J. Gillespie; S. W., Emory Morris; J. W., B. S. Robinson; treasurer, C. W. Ziegler; secretary, T. S. Morgan.

Taxpayers Take Notice.

That your city school taxes are now due. Councils, by resolution, extended the time of collection until January 1, 1895, if not paid within the time allowed a penalty of 1 per cent. on the city and 5 per cent. on the school will be added, and an additional 1 per cent. each and every month until paid. Don't put off paying until the last day, as it may be impossible to receive it.

R. G. BROOKS, City Treasurer.

10,000 Pairs slippers for half price at the 5-Bros.

Clamoring for Their Pay. Employees and others to whom money is due immediately pay them. Mr. Ferguson had been doing contract work for the city in the Fourth and Tenth ward districts, and at the time of his death in the Lackawanna hospital about a week ago left his affairs in a unsettled condition. The work he had in hand is not entirely completed, and he was to be paid by the city to an amount sufficient to pay outstanding claims.

Standard Directories for 1895. PRATT'S BOOK STORE.

The \$40,000 School House. for Columbia avenue has been let and will be commenced immediately. There are still a few more lots left at a low price. Arthur Frothingham, Office, Theater Lobby.

Brush and Comb, Manicure, Toilet and Shaving Sets. PRATT'S BOOK STORE.

Santa Claus couldn't make a wiser choice of a gift for his little friends than to present them those funny, droll and mirth-inspiring "Queer People." All parts can now be had at THE TRIBUNE business office.

Davis' Automatic Inkstands. PRATT'S BOOK STORE.

Those Queer People. There's No Better Christmas Present for the Little Ones.

All parts on sale now at THE TRIBUNE business office.

NOVELTIES —FOR THE— HOLIDAYS...

Books, Booklets, Art Calendars and Xmas Goods of all descriptions. High Class Framing a specialty.

PRATT'S, Lackawanna Ave.

NET DEATH ON A CULM HEAP

Anthony Kullick's Body Found at Jernyn No. 3 Colliery, Priceburg.

THE LEFT SIDE BADLY ROASTED

Coroner Kelley Will Hold a Post Mortem Examination Today to Ascertain the Exact Manner in Which the Unfortunate Man Died.

Anthony Kullick, a single man, aged about 30 years, was found dead yesterday morning in a shanty on the culm pile at the Jernyn No. 3 colliery at Priceburg. The exact cause of death is unknown as yet, but Coroner Kelley will hold an autopsy today to ascertain that fact.

Kullick was a Poleander and resided with his brother-in-law, Stanislaus Okoyich in a house in the rear of Lincoln street, Priceburg. He was not found of work and was idle a good portion of the time. He worked at Jernyn No. 3 breaker until two months ago, when he was laid off. Since then he has done nothing.

Tuesday morning Kullick left his boarding place about 8 o'clock and went to Jernyn's store, where he remained for some time. So far as could be learned yesterday nothing is known of his whereabouts after he left the store until he was found dead.

Friday of the Body. John Golski, one of the men employed on the culm pile, was horrified yesterday morning on opening the door of the shanty on the top of the heap in which tools are kept, to see the body of Kullick lying under a bench. He had on only an undershirt, trousers, shoes and stockings. The coat covered Kullick's head and an outing flannel shirt and vest were lying on the bench above him.

Golski notified Engineer Peter Maclean and the body was taken out of the shanty. The left side was found to be badly burned and the fingers of the right hand were in the same condition. Coroner Kelley was notified and went to the scene and empaneled a jury consisting of James J. Logan, Dr. W. P. Kennedy, Edward Maxwell, L. W. Sanford, M. C. Donnell and John Weiland. A number of the dead man's countrymen were examined but no information could be gained from them as to how or when he reached the spot where he was found.

Bar Against the Door. It seems probable that Kullick went to the culm pile Tuesday night and entered the shanty because it was warm there. It contained a stove that had a little fire in it and yesterday morning a number of half burnt sprays were found protruding from the top, showing that some one had placed them in the stove during the night to revive the fire. A heavy iron bar was found against the door outside yesterday morning. This could have been placed there by a man inside of the shanty if he was sober and a trifle ingenious. Kullick was not ingenious. It remains to be ascertained if he was sober.

Having placed the sprays in the stove, Kullick partially disrobed himself and laid down on the culm, which constitutes the floor of the shanty. The center of the heap is a mass of fire and the unfortunate man was either roasted to death by the hot culm while he slept or was suffocated by sulphurous vapors. There are no visible signs of violence on the body to indicate that he came to his death otherwise.

Stories That Are Current.

Many stories were afloat in Priceburg yesterday. One was that Kullick had been poisoned and then placed in the shanty, and another was that he had been taken there in an unconscious condition and left to die.

Those who believe in the violent death theory say that it is entirely unlikely that the man would have climbed to the top of a lonely culm heap at night to find a place to sleep when he had a home to go to. It is also urged that a man in the possession of his right senses would not have lain on the culm until he was roasted to death.

Kullick's brother-in-law did not want the body taken to his home, but it was done notwithstanding his protest. This afternoon Coroner Kelley will make a post-mortem examination and continue the investigation.

10,000 Pairs. Visit the 5-Bros., "Slipper Palace." Great variety of Slips, Clipper Wagons and Doll Carriages. PRATT'S BOOK STORE.

CHRISTMAS PRESENTS

You intend to make some one a Christmas Present.

DO NOT WORRY

Do not lose your temper, but make a bee line for

China Hall

As they have such an array of Goods suitable for Gift Making that it will be a pleasure instead of a worry to make such selection.

SILVERWARE, DINNER, TEA and TOILET SETS.

Bric-a-Brac, Cut Glass, Lamps, Tables, Chafing Dishes, 5 O'Clock Teas, etc.

WEICHEL & MILLAR

116 Wyoming Ave.

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NEW STORE, NEW GOODS, NEW PRICES.

LOWER THAN EVER BEFORE.

You buy your shoes of Schank you wear the latest styles.

SCHANK'S Store 410 Spruce St.

A SUGGESTION

Of course you are in a quandary what to give for a Xmas present. Now your mind will be greatly relieved by visiting either of our stores, where our lines of Bath Robes, Canes, Umbrellas, Leather Goods, Neckwear, Gloves, Suspensives and Night Shirts are complete.

Our assortment is certainly the largest and best in the city.

THE Christian, HATTER 412 SPRUCE ST. AND 205 LACK. AVE.

REEFERS. REEFERS

LARGE VARIETY, GOOD STYLES AND LOW PRICES.

We want to show you our **\$10 SUIT** MEN'S STRICTLY ALL WOOLEN

Colors, Grey, Black and Oxford Mixed.

MARTIN & DELANY,

Custom Tailors and Clothiers, WYOMING AVE.

THE : FASHION

308 Lackawanna Avenue.

GREAT REVOLUTION IN PRICES.

MILLINERY DEPARTMENT

Felt Hats, worth 49c., for 25c
Velvet Hats Trimmed with Jet and Tips, worth \$5.00, for \$2.98
Frosted Egrets, worth 39c., for 15c

CLOAK DEPARTMENT

New and desirable goods in Jackets, Plush and Cloth Capes, Fur Capes, etc., arriving daily and are sold at the Lowest Cash Prices.

HAIR CHAINS FOR CHRISTMAS PRESENTS.

Something nice for a Christmas Gift. Chains made out of your own or some dear friend's hair. Leave orders as early as possible.

E. M. HETZEL, 230 Lacka. Ave.

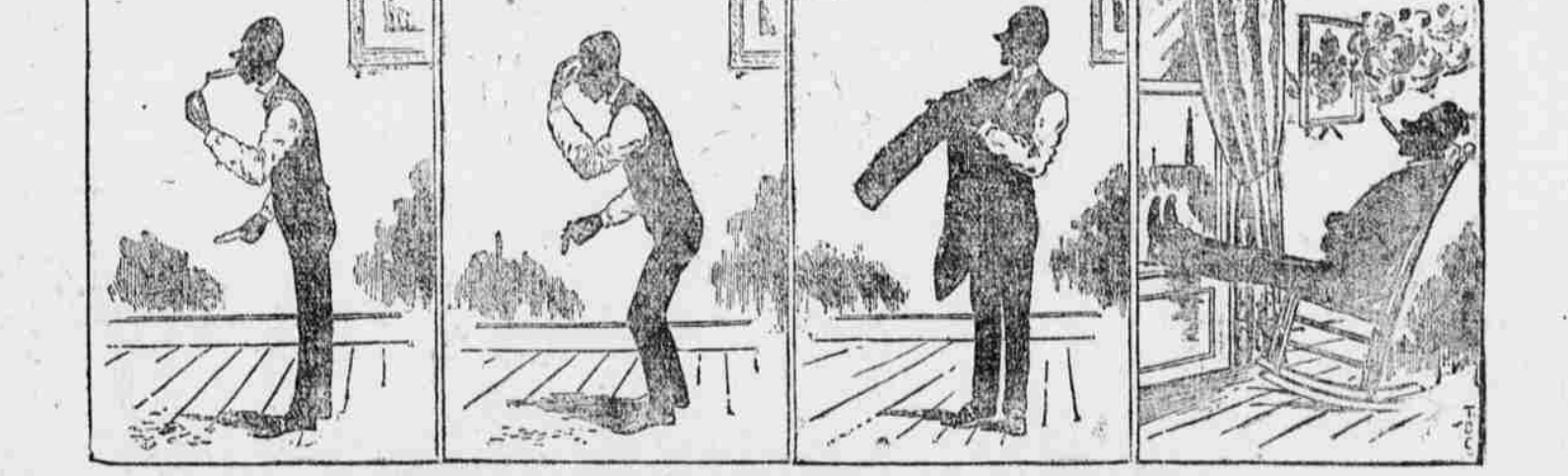
READY FOR SANTA CLAUS

MATTHEWS BROS.
NEW STORE,
133 FRANKLIN AVE.

We are now doing a general Drug, Paint and Oil business at the above location during the erection of our store building recently destroyed by fire.

New Goods
IN EVERY DEPARTMENT.
OUR TELEPHONE CALL NO. 23
All orders promptly filled and delivered to any part of the city.

222 WYOMING AVENUE,
Y. M. C. A. BUILDING,
133 FRANKLIN AVENUE.



A STORY WITHOUT WORDS.

We've had a big trade on Smoking Jackets during the past week. Folks say our prices are lower than other dealers ask. Our styles are all new. They make very appropriate gifts. Materials are Flannels, Cheviots, Tricots, Velvets and Imported Figured Silks, lined with Silks and Satins, some quilted, others plain. Drop in and look at 'em. No charge for that.

We're pleasing an army of boys with our gift presentation. A Pair of Genuine Steel Club Skates accompanies each Suit, Overcoat or Reefer.

PENN CLOTHING AND SHOE HOUSE
137 AND 139 PENN AVENUE,
S. L. GALLEN, Complete Outfitters.

Norton's Holiday Display
Is now ready for inspection at the temporary new store, 15 Wyoming ave., near the Globe. Books, the best of gifts, in our usual large variety. To please all tastes and conditions. All the desirable new books. As well as the standard ones. In various styles of dress. Suitable for Christmas presents. Booklets, calendars and diaries. Prayer books and hymn books. Bibles for pulpits, teachers, the home. The pocket and Sabbath schools. Fancy stationery and art goods. Leather lap tablets, wallets, Portemonies. Gold pens, pencil cases and novelties. All at popular low prices. Open evenings until Christmas.

At NORTON'S

A Foe to Dyspepsia

GOOD BREAD USE THE **Snow White FLOUR** And always have Good Bread.

MANUFACTURED AND FOR SALE TO THE TRADE BY **The Weston Mill Co.**

BEWARE OF COUNTERFEITS **THE GENUINE POPULAR Punch Cigars** HAVE THE INITIALS **G. B. & CO.** IMPRINTED ON EACH CIGAR. **Garney, Brown & Co. Mfr's** Court House Square.

PERMANENT CURE OF RUPTURE All forms of Hernia a specialty. Well known Scranton physicians in charge. **SCRANTON GERMAN RUPTURE CURE CO., LIM.,** 203 Washington Avenue.

PERSONAL.
J. J. Curtin, of Honesdale, was here yesterday.
Charles H. Slater, of Kingston, was here yesterday.
Emma H. Connell, of Yale '95, is home for the holidays.
H. F. Cooper, of Pottsville, is at the Westminster.
W. S. Tompkins, of Pittston, was yesterday in Scranton.
G. Mason, of Carbondale, was engaged here yesterday on business.
W. A. Taylor and P. E. Benson, of Susquehanna, are at the Valley House.
Inspector George B. Carson, of the Fifth ward, is ill at his home, 129 Washington street.
J. M. Harding, H. W. Palmer, Isaac R. Hark and Thomas Graeme, of Wilkes-Barre, were yesterday in this city.
City Editor Richard J. Beamish, of the Carbondale Anthracite, was in town yesterday afternoon on legal business.
Mr. and Mrs. H. M. Williams, of South Seventy sixth street, will spend the next few days as guests of friends at Dalton.
Cards are out announcing the approaching marriage of Miss Amy Mulley, daughter of Mr. and Mrs. Ambrose Mulley, of Providence, to Richard Raymond Cowles, of Halifax, N. C. The ceremony will be performed on Tuesday evening, Jan. 1, Mr. Cowles was formerly a resident of Carbondale.
Rev. J. Swinson Jones, now pastor of the First Congregational church of Pittsburg, but formerly pastor of a church in one of our nearby towns, is particularly fortunate in the matter of new calls. Rev. J. Wales, to become once more its pastor. Mr. Jones was the minister of this same church several years before coming to this country, and is now offered a much larger salary than he was paid before. He preached to the congregation last summer when on a visit to England, and so delighted the people that when the pulpit became subsequently vacant they decided to forward him a unanimous call to his former charge. It is not yet known whether he will accept.

Courson Is Selling fine mixed candies in handsome boxes at 50c. per lb.; 5 lbs., \$1.00.
Fern baskets at Clark's for Xmas presents.
Gold Pens and Penrels. PRATT'S BOOK STORE.
Ladies, buy your fathers, mothers, brothers, sisters and sweethearts a pair of the 5-Bros' slippers for a Xmas gift.

Are You Going to Buy an Opera Glass? Dr. Shimerberg is selling now fine pearl Lamer opera glasses for \$1.00, all \$1.50 slippers for 75c.; all \$1.00 slippers for 50c.

Prices of Slippers
"Scattered to the winds" at the 5-Bros. All \$2.00 slippers for \$1.00; all \$1.50 slippers for 75c.; all \$1.00 slippers for 50c.