

WAS A BAD DAY FOR PROSECUTORS

Few of Them Succeed in Establishing Their Charges.

MUCH UNWARRANTED PROSECUTION

Judge Edwards Takes Occasion to Say So in Commenting on a South Side Case—The Prosecutor Who Escaped from the Court House Without a Bill of Costs to Meet Was a Lucky Individual Yesterday—The Wrong Man Arrested.

Through the mistake of Constable Mink in arresting another man of the same name, the prosecution in a case in Criminal court yesterday was treated to an aggravating surprise party.

It was in the assault and battery case of Carl Huns, against Fred Schoenborn, which was called before Judge Edwards in the main court room. The prosecutor was on the stand and his attorney, Joseph O'Brien, after asking the usual preliminary questions, said: "And you claim you were struck on the head by Schoenborn, the defendant here?" pointing to the man sitting at the defendant's table.

"No, not by him; not das one, De odder—his boy," answered the witness. Then Mr. Dawson, attorney for the defense, with a knowing smile, asked for binding instructions to the jury to bring in a verdict of not guilty. Court complied, and the jury put the costs on the prosecutor.

It appears that Fred Schoenborn is the name of both father and son, and that the constable who served the warrant arrested the wrong man.

In the case of Michael Haus against John Fitzsimmons, in which the charge was receiving stolen goods, the jury found a verdict of not guilty, without leaving the case. Fitzsimmons is driver boss at the Nay Aug coal company's works in Dunmore, and Haus is a miner at the same colliery. About two years ago, Haus lost a drilling machine, and later he found it in the company's blacksmith shop, and upon inquiry learned that it had been left there by Fitzsimmons to be repaired. He accused Fitzsimmons of illegally possessing the machine and demanded its return, together with some compensation for its damaged condition and the wear and tear to which it had been subjected. Fitzsimmons refused to pay any bonus and Haus thereupon had him arrested.

The defense was that the machine was standing in an out of the way place in the shop and had been there for a long time, no one seeming to know to whom it belonged. Fitzsimmons took a contract for cutting a passage-way in the mine and with the permission of Superintendent Gibbons took the machine out to get it repaired, with the intention of using it in the owner's mine. He had it taken out to the blacksmith shop and gave orders to have it repaired. Before the work was done, Haus came around and laid claim to the machine. Fitzsimmons thereupon went to the blacksmith shop and there it still remains. The jury could not see that the machine had been stolen and that Fitzsimmons had acted wrongfully in any way. John G. McAuley represented the defense.

The case in which James W. Williams, of Cedar avenue, and John J. Maila, of Prospect avenue, were charged with larceny by J. F. Johnson and proceeded to be without foundation, and by direction of Judge Edwards a verdict of not guilty was taken. The defendants are young men of prominent South Side families. Last summer they went camping at Lake Ariel and among the camp utensils they took along were a couple of boards used for a table. The boards were taken from Johnson's barn, where Williams' father has some goods stored, and the boys thought the boards were part of Mr. Williams' goods. When Johnson learned that the boards had been taken he dispatched a constable to Lake Ariel with a warrant for the boys' arrest. Their vacation pleasures were spoiled and they further found that to settle the case they would have to pay Johnson \$25. They refused to do this and as a result had to go to court.

Upon hearing the testimony, Judge Edwards directed a verdict of not guilty, and also delivered himself of some very pointed remarks on the subject of malicious prosecution.

John P. Canavan was another prosecutor who failed to make out a case. He charged Contractor Tony Magnotta with the larceny of several hundred loads of stone from the Canavan tract on the East Mountain. It was not clearly proven that Mr. Magnotta was the man that took the stone, and it was shown by the defense that Mr. Magnotta had an agreement with P. W. Stokes, Mr. Canavan's agent, to take stone from the land. Judge Archbold directed a verdict of not guilty. John F. Seragg appeared for the defense and M. J. Donohoe assisted in the prosecution.

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Just before adjournment in the main court room Adam Yonolitis was called before Judge Edwards to answer charges of assault and battery, carrying concealed weapons and felonious attempt, all of which were preferred by Michael Audulovich, of Thompson street, Providence. They had a quarrel over a game of cards and Yonolitis fired five shots at Audulovich. C. H. Soper, assistant district attorney in the prosecution, and W. R. Lewis, of Taylor & Lewis, appeared for the defense.

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Judge McPherson directed a verdict of not guilty as to Horn and Hughes, and submitted the question of costs and the guilt of Kellerman and Maitland to the jury. The jury acquitted the defendants and placed the costs in all four cases on the prosecutor, Joseph O'Brien appearing for the defense. Anthony Lally admitted taking two boxes of cigars from the store of Mrs. Mary Donnelly, of the South Side, and Judge McPherson, after directing a verdict of guilty, sentenced Lally to pay a fine of \$1 and costs and spend three months in the county jail.

Kate Flanagan was tried before Judge McPherson on the charge of taking \$8.75 from Mrs. Eileen Baskier during a visit to the latter's house, in Providence, last summer. The jury thought that she did not prove the charge and said so. John J. Murphy conducted the defense.

Thomas Phelps appeared as prosecutor of a charge of assault and battery against Mrs. John Flynn, of Keyser valley. Phelps admitted hitting him on the head with a stone, but claimed she only did it after Phelps had used insulting language to her. The jury said not guilty and divided the costs between prosecutor and defendant. M. P. Cory conducted the defense.

James Norton, who was prosecutor in an assault and battery case against John O'Malley, of Jackson street, escaped with two-thirds of the costs. Norton and O'Malley were not on good terms and when Norton squirted tobacco juice on O'Malley's newly-scrubbed front porch he was kicked from in front of the place. The other one-third of the costs were placed on the defendant. John F. Seragg appeared for the defense.

DIDN'T STEAL CHICKENS. Patrick and Francis Rogan, of the South Side, boys charged by their neighbor, Mr. L. Myers, with stealing three of her chickens, proved that they owned the alleged stolen pullets and were acquitted. John J. Murphy was attorney for the defendants.

Andrew Harwin, a Preishurg butcher, was charged before Judge Archbold by C. H. Lowrey, of Scott, with receiving stolen goods. Lowrey had two veal calves stolen from his farm in Scott and traced them to Preishurg. He made a tour of the butcher shops and found the calf in the shop of one of the calves in Harwin's butcher shop. Harwin claimed he bought the calf from a farmer and had no idea it was stolen. A verdict had not been returned at adjournment time. Charles E. O'Brien was the defendant's attorney.

Michael Madden, of the South Side, appeared before Judge Edwards accusing his neighbor, Mrs. Josephine Jennings, with assault and battery. It appears to have been a neighborhood quarrel. The jury said not guilty and placed the costs on the prosecutor. John F. Seragg assisted District Attorney Jones and John J. Murphy appeared for the defense.

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FATAL RESULT OF FELTZ PATCH FIRE

Mrs. David J. Thomas Died from Effects of Burns She Sustained.

HER NEICE WAS IN GREAT PERIL

When She Was Awakened by a Stone Crashing Through Her Window the Fire Had Cut Off Escape by Means of the Stairway and She Was Compelled to Leap from the Second Story Window—Fortunately She Escaped Serious Injury.

Mrs. David J. Thomas, aged 77 years, the woman who was so severely burned while being rescued from a burning house in Feltz patch, Taylor, last Monday, died at 2:30 o'clock yesterday afternoon at the home of her sister, Mrs. David Walter Jones, where she was carried after the accident.

She suffered intense pain from the terrible burning she received and this coupled with the fact that when the fire broke out she was confined to her bed with illness, caused death.

The fire, as reported in Tuesday's Tribune, was discovered at 6:30 o'clock in the morning, while the members of the Thomas household were in bed. When Mr. Thomas awoke he found the smoke filling the apartments. Going to the head of the stairs he saw that the steps had become ignited and the flames were creeping from the basement to the upper floor.

RESCUING MRS. THOMAS. About the same time workmen at the Heekin breaker discovered the fire and a dozen men collected in front of the little wooden structure. Mr. Thomas, who is an aged man, made his way down the burning stairs, leaving Mrs. Thomas behind. He had tried to coax her to go with him, but the aged woman would not move from the upstairs without her niece, Miss Gwen Thomas, who occupied another room. Her cries for her niece to open the locked door could be heard on the outside.

Finally seeing that the fire from the colliery rushed up stairs and carried her from the burning building, Mrs. Thomas' night dress caught fire and when she was upon the roof the garment had burned from her body. She was carried to a neighboring house.

No response had been received from the room where Miss Gwen Thomas, aged 19 years, resided. The house was half filled with smoke, and it was seen to be impossible to prevent the total destruction of the building. The men outside shouted the young woman's name again and again, but still she slept.

A PERILOUS POSITION. Finally a stone was sent crashing through one of the windows in the room and a moment afterward Miss Thomas lifted the window and looked out. It was impossible now to escape by way of the stairs, and without hesitation she jumped from the window in the second floor, a distance of twenty feet, to the arms of one of the men outside. The man was hurled to the ground by the weight of the body.

Miss Thomas escaped serious injury. Her head hurt, however, lay in hysteria from the shock in the house of Mrs. Jones, Dr. Houser, of Taylor, was called and attended the sufferer almost constantly since the accident.

She died yesterday afternoon from the result of the shock. The funeral will be held Saturday afternoon from the Jones residence. The remains will be taken to the Welsh Baptist church, at Taylor, where Rev. Charles Jones and Rev. H. H. Harter will conduct the obsequies. Mrs. Thomas was a highly respected woman. She has lived in Taylor twenty-eight years, and was well known. She was born in Glamorganshire.

FIRE ALARM CHANGES. Gamewell Company Making Many Improvements in Its System. Extensive changes and improvements are being made in the apparatus of the fire alarm system at the telephone exchange. The work has been in progress for several weeks and this afternoon the new system will be put into operation. The old cell battery system is being replaced by a big storage battery of sufficient capacity to control the whole circuit. A new switch board and receiver is being added to the system.

As soon as the work is finished it will be inspected by the joint fire department committee of councils, Mayor Bailey and Chief Hickey. Many city officials have favored purchasing the system, but this idea has not met with general approval, as it was claimed that the system was lacking in a number of up-to-date incidents.

Now that improvements have been made it is probable that the council will want to buy the system, provided only a slight increase in price is asked on account of the improvements, and if the appropriation can be made.

CAMP 8, S. OF V., OFFICERS. Elected Last Night to Serve During the Coming Year. Camp 8, Sons of Veterans, elected officers Tuesday night as follows: Capt. E. Frank Gardner; first lieutenant, A. J. Smith; second lieutenant, Frank V. Carpenter; camp committee, A. L. Nash, William H. Payne, Julia H. Leavitt, delegate-at-large, William H. Snyder; alternate, A. E. Sherman; delegates to the state convention, John Metraw, Fred Schmidt, August Schmidt; alternates, John C. Fadden, L. C. Hutchinson, Frank D. Carpenter; memorial hall committee, W. L. Nash, M. L. Wage.

William Leber, the retiring captain, presided over the election.

BLACKMORE IS BADLY WANTED. Four Limbs of the Law Are Looking Around for Him. Four duplicate warrants are in existence for the arrest of Oscar Blackmore. This means that four officers of the law have eight eyes open for the man whose name decorates several pages of court records.

The charge this time is larceny and embezzlement, preferred by William Colburn, in whose employ Blackmore once was. Blackmore forgot to pay over some moneys to Colburn and he incidentally borrowed Colburn's overcoat and neglected to return it. The total amount of damages is \$18.65. One day this week Blackmore was a

A MOST GRAPHIC STORY.

It is Taken Direct from Real Life

A Charming New England Lady Tells Her Experience Both Abroad and in America.

The unwritten romances of life are more wonderful and far more interesting than the most vivid works of fiction. The one who is about to relate occurred in real life, and is both interesting and instructive.

Mrs. Jennie Ray formerly lived in Manchester, N. H. Her home was pleasant, her surroundings comfortable. In the year 1888 she visited England, and while in that country began to experience strange sensations. At first she attributed them to the change of climate, but they continued and increased until finally, like many another woman, she became utterly discouraged.

It was while in this condition that Mrs. Ray returned to America and her home. Thousands of women who read this story can appreciate the condition in which Mrs. Ray then was and sympathize with her suffering. Two prominent physicians were called and endeavored to do all in their power for her relief. In spite, however, of their help, she grew weaker and more depressed, while the agony she endured seemed to increase. It was at this time that a noted physician who was called declared Mrs. Ray was suffering from cancer, and if there was any help, she could not live more than a week at the farthest.

And here comes the interesting part of the story, which will endeavor to tell in Mrs. Ray's own words. She said: "I know not of all these physicians, which I had been using a preparation which I had heard much of. I didn't tell the physicians because I feared they would ridicule me, and perhaps order its discontinuance. During all the while that the physicians were attending me the preparation was steadily and faithfully doing its own work in its own way, and I had faith in its power. At last the doctor said there was no use of his coming, for he could do me no good. I had suffered so much that it was quite willing to die, but it seems that I was nearer relief than I knew. One week from the day the doctor last called a false cancer, as large as a coffee cup, and which looked as though it had been very large, left me. I sent for a doctor, and he declared it was a fibroid tumor, but said he had never known one to come away of itself before. I immediately began to gain health and strength, and I unhesitatingly declare that my rescue from death was due solely to the marvelous effects of Warner's Safe Cure, which was the remedy I took unknown to the physicians, and which certainly rescued me from the grave. It is my firm belief that many ladies who are said to die of cancer of the womb are cases like mine, and if they could be induced to use Warner's Safe Cure, they, like me, might be saved."

The above graphic account is perfectly true in every respect. It is said that "truth is stranger than fiction," and when the thousands of suffering, helpless women who are upon the road which physicians say leads only to death, consider the story as above given, there is reason for hope and joy, even although they may be now in the depths of despondency and misery. To such ladies the above truthful account is willingly given.

Mrs. Nellie Gearhart, through her attorneys, Voshurg & Dawson, brought suit against the Delaware, Lackawanna and Western Railroad company for \$3,000 damages.

She alleges that the death of her husband, John H. Gearhart, a steamfitter, was killed at the Nay Aug tunnel, May 27, 1894, was due to the space between the cars and the side of the tunnel not being of the width required by law.

TUNNEL IS NOT WIDE ENOUGH. So Mrs. Nellie Gearhart Alleges in a Suit for Damages.

Auditor's Report Filed Yesterday in Orphans' Court. Hon. John P. Quinnan, auditor of the estate of the late William Robb, yesterday filed his report in court. It was conditionally confirmed.

After setting the presented claims, which amounted to \$1,251.32, he appraises the widow's third at \$2,846.15, and directs the remainder, \$5,729.50, to be paid to the Delaware, Lackawanna and Western Railroad company, guardian of Mamie, the minor child of the deceased.

THEATRICAL ATTRACTIONS. The Hired Girl. Tonight's attraction at the Lyceum will be Charles E. Blancy's latest production, "A Hired Girl," in which he has shown what a versatile writer he is. The story of "A Hired Girl" is interesting and shows what possibilities there are for funny situations. Her Ver Vior, a graduate of the Conservatory of Music at the University of Wisconsin, who is engaged to be married to a poor American girl. Neither of them being an economist, he secures the services of a hired girl to look after his apartments at the college. The servant, like most of her kind, knows all about house-keeping, and she never fails to assert her authority in the kitchen. In her endeavor to protect the interests of her employers, she usually manages to manage everything.

Town Topics. The coming of the Broadway comedians to the Lyceum of Music, 32, 33 and 34 in "Town Topics" should attract and interest the attention of our many theater-goers and all lovers of pure fun. For the past two years it has been the most popular of all farces-comedies and has been the most successful in regard to financial results. The company this year is the strongest ever in the play, and contains such well-known artists as Sherman Wade, John W. World, W. H. Mack, William R. Keller, Charles E. Graham, Marie Leslie, Ethel B. Payne, Julia H. Leavitt, Orlin Hood, Alice Felicia, three Stronks, Donaldson, Juliet C. Wilson and a chorus of young and pretty girls. "Town Topics" was in vogue here this week and gave great satisfaction.

Washburn's Minstrels. Saturday afternoon and evening Washburn's double minstrel will be the attraction at the Lyceum. The company number some forty artists and will undoubtedly be greeted by a crowded house, both in the afternoon and evening. The troupe has a number of new songs and a date. The orchestra, composed of fifteen models is a feature. A street parade will be made at night. The prices will be reduced for both performances.

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