

# OUR NEW WHEEL SHOES FOR GIRLS

In a short time the girls of Scranton have discovered the many merits of our New 10-inch Golf-cut Wheel Shoe. It supports the ankle better than an Oxford and is not so confining as the Knee Boot. We have them in black and brown soft Vici Kid, also with plaid tops.



We are selling them for **\$2.50** the pair  
**SCHANK & SPENCER,**  
410 SPRUCE STREET.



The Wilkes-Barre Record can be had in Scranton at the news stands of M. Melnhart, 119 Wyoming avenue; Mac, Lackawanna avenue.

### CITY NOTES.

Appeals from the trial assessment in the Sixth, Seventh and Eighteenth wards will be heard today by the county commissioners.

Rev. Dr. McLeod spoke at the special service in the First Presbyterian church last night and tonight the discourse will be by Rev. Charles Lee, of Carbondale.

Constable Frederick Mink, who was violently assaulted by Constable Joseph Workman Monday afternoon in Alderman Wright's office, is still in the Lackawanna hospital. His condition, however, is not serious.

John and Cordelia Seim and Constable W. K. Cole were sued for \$1500 damages yesterday by Ida and E. A. Willard who allege that the plaintiffs illegally seized their household goods. Attorney John F. Scragg represents the plaintiffs.

The annual supper of the South Side branch of the Young Women's Christian association will be held tomorrow evening at the rooms, 1611 Cedar avenue. Miss Van Nort, the secretary, and the committee working with her, have arranged an elaborate programme for the event.

F. M. Boughton, of this city, has bought the drug business established by the late George Brinkman, of Wilkes-Barre, and carried on for the past three and a half years by Andrew J. Stuart at the corner of Carey avenue and Susquehanna street, in that city. Mr. Boughton will take possession today.

Patrolman John D. Thomas had a slight recurrence of the pain from his wounds yesterday afternoon, but on a whole his condition is steadily improving and having complications, he will recover much sooner than was first considered possible. He sat up nearly all day yesterday, which is a favorable sign.

The funeral of the late James Oliver, Jr. will be held Thursday afternoon. A brief service will be held at the home of Noah Davies, 1029 Providence road, at 2 o'clock and the main service at the First Welsh Congregational church, South Main avenue. Rev. David Jones, the pastor, and Rev. Peter Roberts, of Olyphant, will officiate.

**OLCHEFSKI'S BAIL FORFEITED.**  
The bondsman, It Is Said, Gave Straw Bail.

Court yesterday declared forfeited the bail of Leon Olchefski the fugitive firebug.

His bondsman was Ignatz Pretz, of Stone avenue, and the amount of the bond was \$1,500. It is positively stated that the bail is no good; that while it is completely covered by building and loan association mortgages.

The witnesses in the case from the present outlook will never secure any pay, from the present outlook.

**Postmaster of Tobyhanna Mills.**  
Alvin O. Seig has been appointed postmaster of Tobyhanna Mills, Monroe county, to succeed J. W. Cornish.

**Brown, the Drayman.**  
Has the greatest facilities for carting freight. Telephone 6622.

## Fresh Fish and Oysters Every Day.

THE SCRANTON CASH STORE

## VAN HORN HEARS HIS AWFUL DOOM

Murderer of Mrs. Josephine Westcott Sentenced to Be Hanged.

### RULE FOR NEW TRIAL DISCHARGED

Judge Archbald Hands Down an Exhaustive Opinion Reviewing the Reasons Advanced for a New Trial and Dismissing Them with a Comment on Each—As to the Stenographer's Notes and the Court's Power to Amend Them.

Judge Archbald yesterday refused a new trial in the Van Horn case and sentenced the convicted murderer to death. The prisoner was brought down from the jail in custody of Warden Simpson at 9 o'clock a. m. He remained in the prisoner's pen for about a quarter of an hour while awaiting the coming of Judge Archbald, who was engaged in chambers.

Upon the arrival of the judge, Van Horn was arraigned before the bench and, after the decision had been handed down discharging the rule for the new trial, he was asked if he had anything to say why the sentence of death should not be imposed upon him. He lowered his head for a while, as if in thought, and then said in a low tone: "I guess there is nothing to be said." Mr. Wedeman, attorney for Van Horn, stood by but did not have anything to offer.

While Judge Archbald imposed the awful death sentence there was a deep and dread silence in the court room. "The sentence of the court," the judge in slow and measured tones repeated, "is that you, George K. Van Horn, be taken hence to the Lackawanna county prison, there to remain until the time shall be fixed by executive writ for your execution; that you be taken to the place of execution within the walls or yard of said prison and there to be hanged by the neck until you be dead, and may God have mercy upon your soul."

**NOT AFFECTED.**  
Van Horn was not visibly affected by the hearing of his doom, and when the ordeal was over with he walked unaided and with apparent calmness to the prisoner's pen to await the "Black Maria."

Van Horn's attorneys stated that they would at once appeal to the Supreme court for a new trial, urging the same reasons as presented in the local courts.

The opinion accompanying Judge Archbald's decision, discharging the rule for a new trial, covers twenty type-written pages. Nearly one-fourth of this space is given up to the discussion of the conflict between his notes and those of Stenographer W. D. Coston. Mr. Coston's notes made the judge say "every unlawful killing is presumed to be murder of the first degree," a flagrant misstatement of law. Judge Archbald holds that what he said was: "All killing is presumed to be murder, though not of the first degree." Mr. Coston stoutly maintains even yet that he did not make the mistake accredited to him and gives as his reason for being so certain about it that he stopped at that particular point to write the proposition "of" over the word sign "murder first degree," so that he would have it exact, the judge sometimes saying "in the first degree" and at other times "of the first degree."

This is what the judge has to say of the matter in his opinion:

It is urged as a further reason that the court instructed the jury that "Every unlawful killing is presumed to be murder of the first degree." This statement is made on the strength of the transcript taken from his notes by the stenographer, but his notes are in error; for some reason he failed to catch two qualifying words which make all the difference between a correct and incorrect declaration of the law. What was said was that "Every unlawful killing is presumed to be murder though not of the first degree." This is a matter of memory which is very clear and distinct with me, and on the strength of it the stenographer's version of the charge must in this, as in other particulars, give way to proper correction. The charge was delivered from very full notes prepared with care beforehand, but this part was slightly varied from. Leading up to an explanation of the distinction between the different kinds of homicide the statement in question was made that "Every unlawful killing is presumed to be murder."

**CHANGE MADE ADVISED.**  
Feeling, however, that this might be misleading if it stood and for the very purpose of qualifying it the words were added "though not of the first degree." I was conscious at the time that this distinction somewhat the tenor of the charge as it had been outlined, but it was advisedly done in the interest of greater certainty. It took the place of the usual form, the presumptive case no higher than murder of the second degree. Nor is it possible that the negative and qualifying words which the stenographer failed to catch were omitted in as much as they were an essential part of the thought which directly prompted the mention of first degree murder.

The correction of the charge does not rest upon the absurdity of any judge of experience being led into boldly declaring that every unlawful killing was presumed to be murder of the first degree, although that might well be put forward, nor that such a statement is entirely inconsistent with what immediately follows in the charge where it is explained to the jury how the presumption according to the evidence warrants it rises to murder of the first degree or fall to manslaughter.

Further along this line Judge Archbald points out that both of Van Horn's attorneys and the district attorney were present while the charge was being delivered. The former did not have any knowledge of the alleged misstatement until the charge was transcribed and Mr. Jones asserts positively that the misstatement did not occur.

The alteration of the stenographer's transcript by the court, is not a matter of doubtful authority the judge contends. It is not only authorized but enjoined, he says. This matter

has even been carried so far that if there is variance between the notes of the judge and the stenographer the court can and must correct the stenographer's notes. It is, however, the court had in a general way previously certified to their correctness. The court's notes are paramount the law says.

**HAD TO HELP STENOGRAPHER.**  
Judge Archbald also says that he had to help the stenographer out on a very important part of his notes, which he could not read and in a marginal note the judge calls attention to the fact that various corrections were made in the transcript of the present opinion, although it was dictated slowly to the stenographer who was sitting only three feet away.

As to the matter of allowing the jury to view the premises without permitting the defendant to go along, the judge says, that while authorities differ on this matter, it is settled in this state in a supreme court decision in the case of Salyards 158 Pa. 591, in which the ground for a new trial was this very contention. The supreme court affirmed the conviction.

The matter of admitting the testimony of confessions made by the defendant does not matter much, he says, because the defendant himself admitted afterwards on the stand virtually all that the witnesses of the confession testified to. Leaving this aside, there was no error committed, the judge contends, because it is discretionary with the court to admit or strike out a confession.

The judge takes very pointed exceptions to the statement of the counsel for the defense that the doors of the jury room were locked during nearly all the time that the case was on trial, Saturday, Dec. 4, and that many of the defendant's witnesses did not respond when called, leaving the inference that it was because they could not gain entrance to the court room.

**MISSTATEMENT OF FACTS.**  
"This is a serious misstatement of facts, and I do not see how the counsel could have brought themselves to make it," the judge declares. "The doors were closed during the examination of a witness and were opened up in the interval between one witness leaving the stand and another going on and also in the intervals between the direct examination and cross examination of a witness. Certainly, and in this connection makes the comment: "It is no denial of an open and public trial that the public is not permitted to make the court room a thoroughfare."

In denying that error was committed in admitting the testimony of Mrs. Westcott's declaration after she came from the cellar with her throat cut, which statement, the defense contended was to remote to form part of the res gestae. The judge quotes a supreme court decision in the case of Com. vs. Werny, 151 Pa. 591, in which there was admitted as evidence a statement made after the victim had been carried across the street and into a barber shop. In this case Justice Mitchell held that the statement was part of the res gestae because the continuity of events was not broken. As to Mrs. Westcott's declaration that she had been "murdered," Judge Archbald says, it was admissible both as a part of the res gestae or as a dying declaration.

The refusal to allow the defendant to examine jurors on their voir dire as to whether or not they would be prejudiced against the defendant if it developed in the trial that he had been living in an immoral cellar with Mrs. Westcott, which the defense claimed it had a right to do so as to enable it to intelligently exercise the right of peremptory challenge, was dismissed in the opinion with the comment that while an inquiry of this nature might be extended to jurists against foreigners or something that was in a case, but to extend it to anything and everything that a case might chance to develop would be to sail upon an unknown sea without guide or compass.

**DENIAL IS MADE.**  
Denial is made that court took the consideration of the insanity feature of the case away from the jury. "The weak character of the man who arrested him up this plea was pointed out, the court says, but it was left for the jury to pass upon it.

The newly-discovered evidence is not sufficient to warrant a new trial, the court rules, and goes at length into a discussion of the weakness of the Gairnes girl's depositions, showing that if she wasn't deliberately lying she was badly mistaken and that even if her testimony were true, the only material matter she testified to—seeing Van Horn going into the cellar—this statement, Westcott following with food—was an occurrence that took place weeks before the killing and consequently too remote to have any bearing on the case.

The opinion concludes thus: "This extended review of the principal reasons assigned for a new trial must be brought to a close. It has been made not because we had any serious doubt with regard to the questions discussed but for the purpose of showing that due consideration has been given to the reasons advanced by the defendant and that a conclusion adverse to him has not been other than deliberately reached.

"The rule for a new trial is discharged."

**GOLD IN CARBON COUNTY.**  
The Truth About the Gold Discoveries There.

Many articles have appeared in print concerning gold discoveries down in Penn Forest township, near Penn Haven, on the line of the Lehigh Valley. The last article stated that Ezra Newhart had discovered a good paying ore that yielded about \$30 a ton. Many inquiries were made respecting the land and a News-Dealer reporter was sent to Penn Forest and secured a sample of the ore-bearing rock.

It was sent to the Philadelphia mint, and the officials stated that there wasn't a trace of gold in the find. A number of samples were sent to other places to be assayed and all the reports agreed on the point that there wasn't a trace of gold. It cost this newspaper \$15.25 for this item, but we were willing to contribute that if a Klondike should be discovered as near home as Penn Haven. The belief that there is gold in Carbon county is universal in that section, but very few actual tests have been made.—Wilkes-Barre News-Dealer.

## NON-SUIT GRANTED IN A CITY CASE

Mary Cole Failed Sufficiently to Show the City's Liability.

### CITY BANK CASE PROCEEDINGS

**N. G. Goodwin Gives Expert Testimony Tending to Show a Fictitious Increase in the Real Estate Accounts—Benton Storekeeper Sues to Recover on a Note—Verdict for Calvin Freeman in His Wage Case Against G. W. Potter.**

City Solicitor McGinley secured a non-suit before Judge Archbald yesterday in the case of Mary Cole against the city of Scranton. The plaintiff sued for damages for a broken and permanently disabled arm sustained by tripping on an uneven board walk on Sanderson avenue, Sept. 12, 1892. There was not sufficient evidence, Judge Archbald decided, to show the city's liability and he granted the city solicitor's motion for a compulsory non-suit.

The case of E. Sweet against A. P. and Hannah J. Lewis was on trial all of yesterday before Judge Edwards. The plaintiff is a storekeeper in Benton and the defendants were his customers. He refused to extend credit to the husband, so the wife, who owns a farm, started an account in her own name. When it had reached the sum of \$334.62 she signed a note covering the debt, her husband also attaching his signature. Sweet sued to recover on the note. The Lewises claim that the note was altered after it was signed and that the wife can not be held responsible because the goods were purchased by and for her husband.

Attorneys Joseph O'Brien and W. W. Baylor represented the plaintiff. Hon. W. W. Watson appeared for the defense. The case will be given to the jury this morning.

The Scranton City bank case was adjourned for the day at noon at the request of several of the attorneys, who desired to attend the funeral of the late W. P. Smith.

The testimony adduced yesterday tended to show that the real estate account of the bank had been fictitiously increased by Cashier Jessup to balance cash that he had invested privately.

N. G. Goodwin, director of the bank and at the time its bookkeeper, gave this testimony as an expert after making an examination of the books.

In the case of Calvin Freeman against George W. Potter the jury yesterday morning returned a verdict for the plaintiff in the sum of \$29.

**MALONEY MULCTED AGAIN.**  
Two More Cases in Which He Was Prosecutor Are Ignored.

Nine true and ninety-one ignored bills were returned by the grand jury yesterday morning. The true bills reported were:

Assault and Battery—Angelo Chorti; Filomena Chorti, pro. David P. Roach; Nora B. Roach, pro. Thomas Collins; H. Goldsleger, pro. William Elby; Alice Elby, pro. William Cotwan; Charles A. Stanton, pro.

Malignous Mischief—Agatha Driesbach; Joseph Brick, pro.

Attempt at Rape—Antonio Cardamoni; Lucia Cerra, pro.

Larceny by Bailor—William Hinman; Frank M. Hill, pro.

False Pretences—Jacob Elleman; William A. Faulkner, pro.

Larceny and Receiving—Martin Cawley; Richard Taylor, pro.

Among the ignored bills were one charging murder against John Urban, alias John Youman, and two in which T. H. C. Maloney charged Clementine Kovinski and Josephine Jenerak with selling liquor without a license and one in which Maloney was charged by Simon Narnskus with perjury. The prosecutor was mulcted for the costs in all but the murder case, in which the county was directed to pay the costs.

It is the man who was arrested here for the murder of his brother in Brownville, Fayette county.

**BONDS WAS THE SUBJECT.**  
Discussed at Meeting of the Scranton Open Congress.

The Scranton Open Congress held its regular meeting last evening at 323 Adams avenue. "Bonds" was the subject discussed. The probability of a war with Spain and the need of a large amount of money to pay the soldiers and buy supplies was made the basis of the discussion, and it was pointed out that the same mistakes made during the Civil War should not be repeated.

If money is needed a national currency should be issued instead of interest-bearing bonds, which are virtually mortgages on our children and

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If money is needed a national currency should be issued instead of interest-bearing bonds, which are virtually mortgages on our children and

## Easter Novelties

for the approaching Easter-tide.

Fragile Crystal Lily Vases from Bohemia—tall Vases, short Vases—all colors, decorations and prices.

Also the newest notions in decorated China Easter Eggs, Easter Bric-a-Brac, Etc., are now ready for you at

**China Mall.**  
**MILLAR & PECK, 134 Wyoming Avenue.**  
"Walk in and look around."

therefore cowardly and unmanly make-shifts.

The subject chosen for next Tuesday is "The Social Democracy of America."

### SONS OF VETERANS MAKE MERRY.

Held an Enjoyable Smoker at Their Rooms Last Night.

Camp No. 8, Sons of Veterans, had a "smoker" at Ezra Griffin post rooms last night. It was attended by a large representation of the camp's membership and by delegations of the Grand Army of the Republic and Union Veterans union who were the guests of honor.

The exercises were presided over by Frank Gardner. Speeches were made by Major Pearce, Wallace E. Moser, J. Archie Jones and others. "Tommy" Allen sang a number of songs of his own composition and there were other musical numbers by various of the members and visitors.

GOOD TIMES have come to those whom Hood's Sarsaparilla has cured of scrofula, catarrh, dyspepsia, rheumatism, weak nerves, or some other form of impure blood.

HOOD'S PILLS are the only pills to take with Hood's Sarsaparilla. Easy and yet efficient.

Steam Heating and Plumbing.  
P. F. & M. T. Howley, 231 Wyoming ave.

## What's The Use

Of paying twenty-five cents to have a crystal fitted in your watch? We do it for

**10c**

Or why pay a dollar for having your watch cleaned? Here it costs you

**75c**

A mainspring that you pay a dollar for elsewhere we fit and guarantee for

**75c**

It's the Relford idea—these little prices. It's the same way with all repair work, and the work is the best available—ALWAYS.

**THE REXFORD CO.**  
303 Lackawanna Ave.

# Easter Opening

Many New Novelties for Easter Baskets, and Candy:  
Rabbits, Chickens, Roosters, Pigs, Easter Egg Dye, 6 Colors in Package, 4c Package, Rabbits on Bicycle, Rabbits in Shoe, Rabbits Pushing Baby Carriage, Easter Sheep And Many Others

Our Coconut Cream Eggs are the finest you ever ate, nothing purer—from ic. up.

Also Full Line of Domet Flannel Night Gowns, Lounging Gowns and Dressing Sacques For Ladies and Children.

**THE Great 4c Store**  
310 Lacka. Ave.  
J. H. LADWIG.

## CASTORIA

For Infants and Children.

The favorite medicine of **Dr. J. C. Hutchins** is in every wrapper.

## Baby Bazaar

A comfortable baby is a "good baby."

ARNOLD'S Knit Night Drawers, Knit Night Gowns, Knit Bath Blankets

Secure comfort for child and mother

Also Full Line of Domet Flannel Night Gowns, Lounging Gowns and Dressing Sacques For Ladies and Children.

**512 SPRUCE STREET**

## Dyspepsia,

Heartburn, Gas-tritis and all Stomach Disorders positively cured. Grover Graham's Dyspepsia Remedy is a specific. One dose removes all distress, and a permanent cure of the most chronic and severe cases is guaranteed. Do not suffer! A 50-cent bottle will convince the most skeptical.

Matthews Bros. Druggists, 320 Lackawanna avenue.

## Don't Forget

This is the last week to get such Bargains in

**Diamonds, Watches, Jewelry And Silverware**

We move April 1st to 205 Lackawanna avenue, Valley House Block. Watch for Opening Announcements. Every purchaser presented with a Sterling Silver Thimble.

**Weichel, Jeweler,**  
408 Spruce Street.

# NOW FOR THE SPRING TRADE.

**Dress Goods**  
We are making a great display of Medium and High Class Goods in all the stylish weaves and colors. It will surely be to your advantage to visit our department and learn our prices before you purchase.

**Silks**  
Fine selection of new Blocks and Bright Plaids, in all the high colors, Chinas, Taffetas and Satins in great variety.

**Organdies**  
Genuine French and German Goods in all the desirable patterns.

**Kid Gloves**  
Our M. & H. Gloves are giving immense satisfaction, at \$1.00. They are the best value obtainable.

**Tailor-Made Suits**  
Mixed Cheviot suits, \$5.95.  
Green, Tan and Grey Mixed Etamines, \$10.00.  
Covert Suits in various colors, \$12.50.

**Black Cat Hose**  
For Boys, the most durable Stocking made. A trial will convince you, 25 cents.

**Ladies', Misses' and Children's Plaid and Stripe Hosiery**, very fine assortment of popular priced goods.

**Flexibone Moulded Corsets**  
The best is the cheapest. A written statement embodying all that might be said of these matchless Corsets would be a long story. The best possible conception of their merits comes from actual experience. Every lady wearing them will have no other.

**Ribbons**  
In the new Plaids, Roman and Bieden Stripes.

# MEARS & HAGEN

415 and 417 Lackawanna Avenue, Scranton, Pa.