

They are par excellence the shoe of all shoes for outdoor wear; especially desirable for Fall and Winter use. They are at once the latest and most sensible, the most artistic and comfortable of all out-door shoes for ladies. Also have them in \$4.00 grade, all sizes and

SCHANK & SPENCER

410 Spruce Street.

DR. H. B. WARE, SPECIALIST.

Eye, Ear, Nose and Throat Office Hours-9a.m to 12.30 p.m; 2 to 4. Williams Building, Opp. Postoffice.

CITY NOTES

PASSED THROUGH SCRANTON -AL noon resterday the Cornell foot ball team passed through foranton on its way to Princeton. The players direct at Han- of selling liquor without a license. He

SECOND REHEARSAL -- All members of the Fanny Mendelssohn society are re-quested to be present at the second re-hearsal this afternoon at 4 o'clock at the Scranton Conservatory.

SOLD A LOT .- The building committee of the board of control met last night and besides approving of a number of bills, will recommend the sale of a lot on West Market street to Mr. O'Malley, brother of the controller from the Third.

FAREWELL TO CLUBMATES.-The Green Ridge wheelmen were entertained last night with a smoker by one of their number, Charles Carr, who next week joins the ranks of the Benedicts. It was

in the nature of a farewell to club life

WAR SALAD .- The New York, Ontarlo and Western Railroad company has issued a leaflet advertising its fall excursion to New York which contains a number of sentences from which the names of notable personages connected with the war are to be extracted.

WATCH STOLEN,-John Howells, of Des Moines, la., was arrested at the in-stance of his sister, Mrs. Margaret Hobbs, of Harrison avenue, on the charge of stealing a watch while he was visiting hearing yesterday before Alderman Howe and discharged.

WIRE BLAZED UP .- One of the electric wires entering the store of the Scran-ton Cash Furniture store in the Burn building, came incontact with the sign at 4.30 yesterday afternoon and a blaze four feet high shot upwards. The insulation had worn off. All the damage was to the wire and a slight scorching of the

is Lackawanna avenue, was arrested yesclayton before Alderman Howe alleging larveny by ballee in detaining her trunk. Miss Clayton was one of the defendant's boarders. The evidence proved that the trunk was held for an unsettled board bill. She was dischurzed.

HARDWARE STORE CLOSED-Sheriff Pryor yesterday levied upon the hard-ware store of B. E. Leonard on the following executions: Merchants' and Me. chanles' bank, \$5,000 and \$2,000; B. P. Con-nolly, trustee, \$2,505; Roscoe Dale, trus-tee, \$455.33; Roberts, Werner & Co., \$1,523.70; Suppler Hardware Co., \$135.44; Le-high Stove and Manufacturing company, 576.47

TAKEN FOR A BURGLAR .- Dan Devine, a partially demented man who spent three or four years at the Hillside home, was mistaken for a burglar at an early hour yesterday morning by Patrolman Johler in Railroad alley. Devine had a bag with him containing a variety of things all the way down from a collar button to a suit of clothes. They consti-tuted his worldly recent tuted his worldly possessions

WANTED TO BE EXCUSED.—The hearing on Dr. Roberts' objections to Dr. Saltry's nomination as "Independent Citt-zens" candidate for coroner will take place today before Judge Archbaid. The matter was presented to Judge Gunster yesterday but being a fellow candidate of both he asked the attorneys to submit the matter to Judge Archbald. This was ac-quiesced in, and Judge Archbald will hear ing time. the arguments today.

CHANGE OF TIME. On and after Oct. 24, 1898, trains Nos. 15 and 18 will be dis-continued, between Factoryville and Scranton. The time of train No. 17 will be changed as follows: Leave Scranton. 5.10 p. m.; Chinchilla, 5.29; Clark's Summit, 5.27; Glenburn, 5.34; Daiton, 5.37; La Plume, 5.42; Factoryville, 5.46; Tunnel, 5.70; arrive Nichoison, 6.00. All trains will be governed accordingly. On and ottogoverned accordingly. On and after above date train No. 4 will stop at Clark's

OPEN TO THE PUBLIC.—A number of persons inquired yesterday if the night school entertainment course is to be a strictly subscription affair. The question is a natural one, inasmuch as it is the first series of entertainments with which our public schools are identified. However, the course is open to the genera public and tickets can be had as indicated in our advertisement in another column. The subscriptions had to be assured before the course could be undertaken.

SCRANTON BUSINESS COLLEGE.

Miss Mary Golden has accepted a position by Davidow Brothers. Sent by

the colllege. Miss Beasy Early is keeping books Gerlock and company, printers.

Sent by the college. A night student, who formerly worked in the shops, has secured a clerical position with a Washington avenue firm. It pays to attend the night

Three hundred and fifty-five students already in attendance and both sessions steadily increasing in numbers. New students have arranged to come next week and more the first week in November. Visitors are always wel-

MURDER JURY IS STILL DIVIDED stoler

NO VERDICT REACHED UP TO TWO O'CLOCK THIS MORNING.

Not Knowing That the Law Stipulates That a Homicide Jury Must Stay Together Until It Reaches a Verdict They Sent in Word That They Could Not Agree and Asked to Be Discharged-Other Doings of the Day in Criminal Court.

The Kenny murder jury was still divided at 2 o'clock this morning. They sent in word at the opening of court yesterday that they could not agree ing of Monday, Nov. 14. and asked to be discharged.

Judge Love sent back word that they could not be discharged; that they school will be opened and the attendwould have to stay together until a ance must keep above fifteen. verdict was reached, as the law of this that was heard from them.

Nearly two score of criminal cases were dealt with in one manner or McClure yesterday and at 4 o'clock District Attorney Jones announced that the list for the session was completed. All the jurors excepting those empanelled on cases under way were discharged with the thanks of the

William J. Brokenshire, charged with assault and battery on Patrick Gor-mun at Morris V. Morris' hotel, in Providence, was returned not guilty and the costs were divided between

prosecutor and defendant. In the larceny by bailee and assault and battery cases prosecuted by Amanda Schommer against Julius Trov. verdiers of not guilty were found and the prosecutrix saddled with the costs.

BOYS ESCAPE COSTS.

The costs were placed on H. Seidman, the prosecutor in the case in which he charged five little Providence boys with throwing stones and shooting at a Delaware, Lackawanna and Western passenger train.

William and Maggie Colburn were found guilty of keeping a house of was given a year, and she, nine months in the county jail.

A not pros was entered in the case of George Propokovitch, charged by A. M. Morse with trafficking in registered bottles. The county paid the costs.

There was no evidence at hand to substantiate Chief Gurrel's charge that Cornelius Connell had broken into Jersey Central freight cars and a verdict of not guilty was directed.

Without leaving the box a jury ac quitted Fred Harper of aggravated arsault and battery upon Peter Reiber. the prosecutor's own witnesses, stating that Reiber was the aggressor and that Harper justifiably used a club to protect himself. The affair occurred on Riggs street, Dunmore, June 3.

Mary King, of West Lackawanna evenue, failed to fully satisfy a jury that Jessie Saundry refused to give up a pair of canary birds entrusted to her care, and directed the prosecutrix and defendant to pay respectively one-third and two-thirds of the costs. A verdict of guilty was returned in the case of Mrs. Kate Mulhern, of the South Side, against Edward J. Nel-

lony. Not guilty, but pay the costs, was charged by Frank Mallone with assault and battery.

FOR HIS SICK SISTER. Lawrence Cilien.of Carbondale, plead guilty of stealing seven tons of coal and a curry comb from the Delaware and Hudson Canal company. He attempted to excuse the theft of the coal on the ground that his sister was sick all last winter; they were too KEPT HER TRUNK.-Mabel West, of poor to buy coal and he had to have a fire in the house. He didn't explain

against William Stockevich. A jury was out at adjournment deliberating on whether or not Edward Nolan, of Moosic, poisoned twenty-six chickens belonging to his neighbor, William Steinmetz. The families were at loggerheads and Mrs. Steinmetz saw Nolan, so she alleged, feeding something to the chickens a few hours before they were found dead. Nolan denied the charge and asserted that there was a plague prevalent in Moosic at this time which carried off chickens by the hundreds.

Constable Reese S. Davis, of Priceturg, was lacking sufficient evidence to convict John Kozlowski of selling

liquor without a license and a verdict of not guilty was directed.

The case of Martha Williams against William L. Holbert was settled upon

the jayment of \$500. Michael Carney plead guilty of the charge of larceny and receiving, preferred by William Blake, and was given three months in the county fail. The case of Edward Lewis, charged by John McCabe, with receiving stolen goods, was given to a jury at adjourn

HAD PAID HIS LAWYER.

For want of evidence a verdict of not guilty was directed in the case of John uffy, the boy charged with robbing John J. Gordon's store, "There are no other charges against this boy, your honor, and I move that he be dis charged." Colonel Fitzsimmons said when the verdict had been recorded. 'Have you paid your lawyer?" Judge Gunster asked the lad in serious tones Yes, sir," he replied, looking to Colnel Fitzsimmons for substantiation Well, I guess you can go," rejoined

the court. Paul Powlock, Jacob Herzock, Albert Hezekei, Thomas Swartz, Henry Erckboff. Thomas Conlin, Frank Miller, Anthony Simon, George Miller, Anthony Drygaller, defendants in trivial cases that have been hanging fire for a couple of terms, escaped prosecution by reason of the failure of their accusers to put in an appearance. The costs were, in most instances, placed on the prosecutors.

AN OLD CRIME UNEARTHED.

Detective Moir Loses No Time in Unraveling a Burglary Case.

A burglary was committed on July A last year in Norwich, N. Y., which the Scranton police department unraveled yesterday after but two days' knowledge of it. On the night aforesaid the residence of S. W. Rice, well-to-do merchant of Norwich, was

entered and \$400 worth of silver table ware, a diamond ring, and some fancy ivory boxes inlaid with pearls was

Chief Gurrell received a telegram Wednesday giving an account of the affair with the suggestion that the awag had been disposed of in this city. Detective Molr was put in charge o the case, and by yesterday he succeeded in locating the goods in a place here, and securing enough information to warrant the arrest of a man named A. C. Nicholson. Detective Moir will leave for Norwich today with the recovered property.

NIGHT SCHOOLS OPEN NOV. 14. Petitions Are Required and Attend-

ance Must Be at Least Fifteen. The teachers' committee of the board of control met last night and decided to open the right schools on the evenmust be signed by at least twenty citizens of the ward district before a

The rules governing the examination state stipulates. . That was the last of Grammar A pupils for admission to the high school were adopted substantially as they appeared in The Tribune Thursday. The committee will hold another before Judges Gunster and another meeting at 7 o'clock Monday evening before the session of the board.

A VERY LIVELY HEARING.

Election Contest Developed Some Interesting Scenes-Attorney R. H. Holgate Arrested for Assault-Edward Jurkovitz

Is the Prosecutor.

Although only half a dozen witnesses were examined, yesterday's election contest hearing was the hottest of the essions thus far held. As a result one of the attorneys is under arrest for assault and battery, one of the witnesses has a sore face and another witness is cited to appear before court today to show cause why he should not be adjudged guilty of contempt. This second mentioned witness is School Controller John Gibbons, of the

He was asked on the stand if he rereived, paid out or handled any money in the treasurership election. He anwered no to each question. He was then asked if the same ques-

tions applied to the last election gen-Hon. M. E. McDonald, attorney for the respondent contended that the treasurership election alone was concerned in the present hearing, and that the question was, therefore, irrelevant and immaterial. The witness thought likewise, and when Commissioner Lewis admitted the question Mr. Gibbons refused to answer. Mr. Holgate indsted on an answer, but Mr. Gibbons maintained that he did not have to answer the question, as he was subpoenaed solely to be examined in the matter of the election of treasurer, and anything foreign to that was not within the province of the contestant or respondent to inquire into. Commisshorer Lewis directed that the matter be certified to court. It will likely be

argued today. The other aforementioned results of the tersion grew out of the examination of Edward Jurkovitz, Mr. Holgate put him on the stand and asked him to swear to certain information concerning illegal voters which, it was decreed in the case of Joseph Sofeski, alleged he had voluntarily given Mr. Holgate and Mr. Langstaff some time He denied ever having given such information. Mr. Holgate then took the stand himself and swore that Jurkovitz had told him that this man and that man-enumerating about a dozen-had received money, voted under age, voted without being naturalized or registered, or voted without

paying taxes and so on. Later the witness and attorney met in the corridor, and it is said Jurkovitz called the attorney a lair. It is further said the attorney resented the lie with a blow that sent the witness sprawling. At all events Mr. Jurkovitz had Mr. Holgate arrested for assault and battery before Alderman Millar. He waived a hearing and was held in his own recognizance for his appearance at court.

Omaha Exposition. Only \$28.75 from Buffalo to Omaha and return, via Nickel Plate road. Tickets sold good going Oct. 3 and 10. good returning within twenty-one days, and on Oct. 17 and 24 good to return until Nov. 3. For information, call on your ticket agent, or address F. J. Moore, general agent, Nickel Plate road, 291 Main street, Buffalo, N. Y.

Noncommital. "I hear you are working on an airship. "It is utterly without foundation."

In our CLOAK DEPARTMENT

Ladies' Jackets

Children's Coats

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Complete assortment of all the

latest weaves and colors.

Shirt Waists

Ladies' Capes

Ladies' Wool

we are showing the very latest

OPINION IN THE VAN HORN CASE

WAS RECEIVED YESTERDAY BY CLERK OF COURTS DANIELS.

Justice Green Deals at Length with the Various Assignments of Error and Says That the Trial Judge Was Calm, Fair, Reasonable and Dignified in His Charge-The Theory of Accidental Killing Was Too Silly to Delude a Child-Stenographer and Judge.

The opinion of the Supreme cour affirming the judgment of the local ourt in refusing a new trial to George an Horn, the murderer of Mrs. Jose phine Wescott, was received yesterday by Clerk of the Courts Daniels. It was written by Justice Green and cov-'s nineteen pages of typewriting.

Dealing with the first assignment of error, namely, that constitutional right of the defendant to be confronted by the witnesses, was violated when the jury was taken to view the premises and the defendant left behind, Justice

"No right of defendant was in any way impaired or affected by the mere fact of the view. It is not impairing a constitutional right in any conceivable sense. It is fairly within the discretion of the court to allow or refuse a view, and as no testimony could be taken it was in no way prejudical to the defendant." Former rulings substantiating this decision were quoted

"This essignment can not possibly be sustained because the record as it comes to us gives no indication that the words, which it is alleged were omitted from the charge, were in fact, we find it, and as we find it the instruction of the court was perfectly correct. But it is incredible that it could have been otherwise, because the learned trial judge, in the imme diately preceding part of the charge had expressly and much more fully charged the jury in precise accordance with the instruction as it now appears. and could not have charged as claimed by the defendant without stultifying himself. The defendant now asks us to decide that the words 'though not were omitted in the charge as actually

"It is enough to say that we have no right to change the record in this manner; and, even if we had, we would not do it, because it is impossible to believe that the court could have given two such contradictory instructions in the same breath. Moreover the learned judge, in his opinion on the motion for a new trial, expressly stated that the words were in the charge as it was actually delivered, and that their absence from the stenographer's note can only be attributed to the failure of the stenographer to hear them when his notes were made,"

this. giving undue prominence to the facts which were in his favor, Judge Green

MURDER WAS CRUEL.

"After a most painstaking, minute and careful reading of the whole of the charge, and again and again of the parts specially set forth in these several assignments, we are constrained to say that we do not regard these assignments as being sustained in any degree. No one can read the testimony in this case without being convinced that the offense committed was a most cruel, barbarous and cold-blooded murder, with every element of deliberation and premeditation, fully established by

abundant testimony." The attempt to make out a possibility of insanity was characterized as feeble by Justice Green. The theory that he was drawing the back of a rasor across the throat of his victim, was so utterly preposterous that there could be no rational expectations that any jury of sensible men would give it the least consideration.

at length. It was alleged that Judge Archbald sald "Every unlawful killing is presumed to be murder of the first degree." as shown by the stenographer's notes. This was amended by Judge Archbald by inserting in the certified copy of the charge the words "though nct" before "murder of the first degree. He claimed the stenographer misquoted him. The stenographer postrively held that he correctly reported the judge. On this point the opinion Savs:

CANNOT BE SUSTAINED.

delivered."

"The stenographer is not the judgand must not be endowed with any such functions when he and the judge are in conflict upon such a subject as

As to the allegation that the judge's charge was unfair to the defendant in which tended against the defendant, and not sufficient prominence to those Says;

HAMMANAN MANANAN MANAN Receptions, Teas, Banquets, Etc.,

Dainty Elegance in Candle Shades

Those with silk petals and iridescent effects are very striking. We have in addition to a large line of these shades—some new

styles of candles, holders, etc. China Hall.

Millar & Peck, Wyoming Ave.

Commenting on the killing Justice a rocking horse, brought by a dear little boy, Bertie Nolan. Other things came at intervals. It is hoped that all Green Says: "There was no sudden quarrel, no arguing dispute, no heat of contest, no

fear of personal violence, no presence of weapons on the victim, he was a man, she was a woman, sitting quietly by his ride, no circumstance, not one, which in the least possible degree mitigated or tended to mitigate, the atrocity, the cruelty, the diabolical wickedness of the murderous act. His story of the accidental killing was too silly to delude a child; it only added the crime of perjury to that of murder, If there was no presentation by the trial judge of the facts favorable to the prisoner, it was because there was no such facts in the evidence. The whole charge of the learned court was calm, fair, reasonable and dignified

NOT AN ASSIGNMENT. The allegation that error was committed in locking the jury room during the last day of the trial was not ong the assignments of error, Judge

Archbald having refused to allow an exception on this score, Attorneys L. P. Wedeman and E. W. Thayer, counsel for Van Horn, have petitioned Governor Hastings to delay the fixing of the day of execution to give them opportunity to take an an peal to the Federal supreme court They will proceed at once to apply to Justice Shiras, of this district, for a writ of error and if it is granted will immediately appeal to the highest tri bunal in the land. They will go before the supreme court on the ground that Van Horn's constitutional rights were impaired by reason of the jury being omitted. We must take the record as allowed to view the scene of the killing during the absence of the defendant. Should this step fall to save Van Horn's neck, the board of pardons

will be asked to interfere. Van Horn has broken down completesince learning of the failure to se cure a new trial and has asked his at torneys to cease their efforts and to a! ow the law to take its course. yould rather be hung and have the thing over with, he says, than stand the suspense any longer. His attorneys, however, have decided to continue he fight as long as their is a ray of tope left and are confident that they will yet be able to save him from th gallows.

ONE PUPIL SUES.

Victim of the Green Ridge Epidemic Asks \$25,000 Damages from the School District, Contractor and Workman.

Bessie M. Westcott, a pupil of No. 2 chool, who is one of the victims of the liphtheria epidemic, brought suit yeserday through her father, George L Westcott, to recover \$25,000 damages from the Scranton school district, Con-

ractor Conrad Schroeder and one of his employes, Chales Heier, It is alleged that an improper openwas allowed in the sewer pipe: that this connected with a ventilating duct; that the foul gas from the sewer vas sent through the building, and that the plaintiff, being compelled by law to attend school, was forced to

breath the polluted air and thereby was made ill. The school district, it is claimed should have exercised such supervision as would have prevented such a thing from occurring. The contractor and his workman, who were responsible for the opening in the sewer are held to be culpable for improper and negligent

workmanship. I. H. Burns and Charles L. Hawey are the plaintiff's attorneys.

ADDITIONAL GIFTS RECEIVED. Those Who Remembered the Home

for the Friendless Yesterday. Mrs. Walker, the matron at the Home for the Friendless, was kept busy yes-terday securing additional gifts intended as donation day remembran ces. The first thing that appeared was

"Walk in and Look Around." *~*

who forgot to send donations previously will add to the list today. The following were received: W. H. Allen, H. W. Kingsbury, barrels flour; G. B. W. Doud, one dozen cans fruit celery; Seamans and Mayen barrel crackers; Mrs. W. H. Storrs, 50 pounds flour, 2 sacks buckwheat flour, crackers; Miss Minnie Davis, 25 pounds oat flakes; Cash; Mrs. C. H. Welles, \$5; J. C.

Kiesel, \$2. AN ENEMY to health is impure blood, as it leads to serious diseases and great suffering. Hood's Sarsaparilla meets and conquers this enemy and averts the danger.

HOOD'S PILLS are the only pills to take with Hood's Sarsaparilla. Cure

all liver ills. NO HEART TOO BAD TO BE CURED, Testimony could be piled high in com-mendation of the wonderful cures wrought by Dr. Agnew's Cure for the Heart. No case stands against this great remedy where it did not relieve the most acute heart sufferings inside of thirty minutes. It attacks the disease in an instant after being taken. Sold by Matthews Bros. and W. T. Clark, -38.

CASTORIA For Infants and Children.

The Kind You Have Always Bought Bears the Signature of Chart Hillthus.

A Fine Orchestra

Cannot be in every home, but a fine Piano or Organ may be, and that without worry or great ex-pense to even people with most

moderate incomes. We sell every kind of musical instrument known to the civilized world on the closest terms known to the trade, for spot cash, or buyers may arrange most advantage ous terms for small monthly pay-

ments. Or perhaps

A Second-Hand Piano In as good condition as a new one would suit your purpose. If so we have two splendld upright grand instruments on view today at very special bargain prices.

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Bright Lights

Are necessities for the long evenings. Our shelves and counters have been replenished, even to overflowing. Holiday numbers came a month too soon. Can't make more room, consequently prices at which they will go prevail,

Reading Lamp

China Bowl. China Shade, 9 inches in diameter, fits 7-inch ring, decor-ated and tinted, worth \$1.09, now 74c

Squat Lamp

New Shapes, China Bowl, S-inch globe, decoration of flowers and prominent tints, was to be \$1.50. Early 980 sale price

. Parlor Lamp

Brass Foot China Bowl and 8-inch globe, No. 2 burner, 4 shapes, 7 designs, complete with chimney and wick, is cheap at \$2.00 Move 'em out \$1.24

Parlor

Lamp 26-inch high central draft burner, large base, 10-inch globe. To see it buys it; it should be \$5.00. It will go \$2.98

Parlor Lamp

30-inch large base, 19-inch globe, decorations of Rhodedendrens, was 58, 54.98 to make them go they'll be

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TO-DAY AND TO-MORROW

New Buckweat Flour. New Honey Maple Syrup. Home Made Sausages.

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THREE DIMENSIONS. The kind that is fully guaranteed. By that we mean you can have another hat without cost if it does not give entire satisfaction.

BROWN or BLACK

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SELLS THEM AT \$3.00

Pears, Grapes, Quinces, Oranges, Figs, Apples, New Buckwheat Flour, Maple Syrup Blue Point and Rockaway Oysters, Turkeys, Ducks, Chicken,

MONDAY. Low Priced Blankets,

Medium Priced Blankets, High Priced Blankets. Blankets for Cribs, Blankets for Bath

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PRICES REDUCED ON ALL

Broken assortment Natural Wool

Men's Natural Wool Underwear, ■all sizes, one-third wool.......50c Ladies' Fleece Lined Underwear. 25c Ladies' Fleece Natural Wool 75c 6c Outing Flannels..... 436c 10c Outing Flannels..... 8c 6c Shaker Flannels..... 4c Best Dark Prints 31/2c Best Indigo Blue 4c Good Brocaded Muslin..... 3366 Best Fine 6c Muslin..... 5c Hill Bleached Muslin..... 51/4c 8-4 Cotton Blankets..... 39c And Lounging Robes | 9-4 Fine Blankets 98c | 10-4 Fine Blankets 98c | 53.60

Dr. Bull's Is the best remedy for the troublesome cough the troublesome cough Syrup at once, effects an easy cures in a few days. Price age, at all druggists. MEARS & HAGEN, 415 and 417 Lackawanna Ave. Pierce's Market