DRAMATIC SCENE IN CRIMINAL COURT

LITTLE MICHAEL GARVEY DE-FENDED HIS MOTHER.

"I Fractured Fleming's Skull," He Said, "and Now They Are Trying to Swear It on Me Ma"-Verdict of Guilty Against Tucker, Maxey and Jacobs-They File Reasons for a New Trial-Roney Jury Had Not Reported a Verdict at Adjourning Hour-Other Cases.

Michael Garvey is only a snub-nosed, dwarfish litle fellow of thirteen, but he has manliness enough for one of

twice his proportions.

His mother is Mrs. Sarah Garvey, who is extensively known to fame in South Scranton, Yesterday she was the prosecutrix in a case of assault and battery against her neighbors. Richard and Catherine Fleming, of Fig.

The parties had a fight one day last April in which fists and stones were freely used. Fleming, although a defendant yesterday, seems to have fared the worse in the melce. He was struck on the forehead with a stone which cut a big gash and fractured the skull Several other reminders of the April battle are to be found on his person, The Garveys swore that the Flem-

ings were responsible for the trouble and the latter as emphatically denied the charge and held Mrs. Garvey wholly the cause of the blood letting and other exciting features of the day. Both Mr. and Mrs. Fleming swore positively that Mrs. Garvey threw the stone that hit Fleming in the forehead and wounded him so greviously. While they were testifying Mrs. Garvey's young son, Michael, was visibly excited. He went over to the commonwealth's table and had a whispered conversation with District Attorney John R. Jones and Attorney John R. Murphy, who were conducting the prosecution. He wanted permission to go on the stand and testify and when it was refused he began to cry. Finally, to pacify him, he was allowed to go on the stand.

DRAMATIC WITNESS. He stood up in the witness box and

with dramatic gestures exonerated his mother from any responsibility for the fracture of Fleming's skull.

"I'm the one that did it," he said. "I hit Fleming with the stone. Why? 'Cause he was trowin' the right and left into me ma and she was hollering for help. When I saw what he was doin' I up with a stone and split him and knocked him down. Now they're tryin' to swear it on me ma," and here Michael broke down and began to sob, "but she didn't do it. If any one laid him up it was me. He didn't know who hit him."

In charging the jury Judge Edwards said if he was a juror he would believe the boy's frank statement. The jury retired just before court adfourned and agreed upon a verdict in a few moments. The verdict will be reported this morning.

After court opened yesterday morning the trial of the case of the commonwealth against Melvin Roney was resumed before Judge Edwards, Roney was charged with an attempt to criminally assault Miss Frances Wesser in Roaring Brook township at 6.15 on the night of March 16. The defense was an alibi.

On the night in question Roney said he worked on his father's farm cutting props until 8 o'clock and then started for his home in this city, reaching there about midnight. He was corroborated as to the time he left the farm by his father, Frank Roney, and his father's housekeeper, Barbara Robinson. A number of witnesses were sworn to prove Roney's good character, The case was submitted upon the charge of the court and the jury retired before noon. A verdict had not been returned up to the hour of adjournment.

TUCKER AND MAXEY GUILTY. When court opened yesterday morning a verdict of guilty was reported in the case of Evan J. Tucker, T. J. Maxey and M. P. Jacobs, who are charged with conspiracy by A. L. Wright, of the Bohea Importing company of New York. Reasons for a new trial were at once filed by Attorneys C. P. O'Malley and John F. Scragg, who represent the convicted men-

It is asserted that the verdict is against the weight of the evidence and that W. M. Hampton, while sitting as a juror in the case and before the evidence was closed, expressed an opinion as to the guilt of the defendants and as to the disposition he would make of the case to various persons,

It is also set forth in the reasons for a new trial that the court erred in not withdrawing a juror and continuing the case when the attorney for the commonwealth referred to the testimony taken in bankruptcy proceedings, in which two of the defen-dants were the bankrupts. Other alleged errors on the part of the trial judge were pointed out and portions of his charge are excepted to. It is contended that the court should have directed the acquittal of the defen-

The case at the head of the list for next week is the one against the men who robbed the Mayfield power house in March. They are now in the county jail awaiting trial. District Attorney Jones yesterday had the case continued until the next term, on account of the absence of material witnesses.

CASE AGAINST CITY OFFICIALS. A nolle prosequi was entered yesterday in the case against ex-Mayor James J. O'Neill and the members of the select and common councils of Carbondale, who were charged with maintaining a public nuisance on Sept. 12, 1898, because they failed to keep cer-tain streets of the city in proper condition. Detective "Mickey" Moran was prosecutor. Mr. O'Neill is no longer mayor of Carbondale, and, anyway, the

streets have been repaired. A verdict of not guilty was ordered by Judge Searle in the case of Michael Sharack, charged with embezziement by John F. Lukack. The prosecutor was directed to pay the costs. Sharack was charged with emblezzling the funds of a Polish church of West

In the case against Stanislaus Phillipkowski, charged with malicious mis-chief by Rosie Zolkowska, a verdict of not guilty and the prosecutrix was directed to pay the costs. The defendant was charged with breaking windows in the house of the prosecutrix in Keyser Valley.

Joseph Agrodusky was tried before Judge Searle on a charge of assault and battery preferred by Joseph Schultz. The defendant said he was

in a saloon on South Washington avenue when a fight started in which Joseph Schultz was mixed up. Agrodusky said he merely acted as a peace-maker. The prosecutor said the defendant was far from acting as a peace-maker, for he gave him several thumps in the face. The jury was out deliberating on

the case at adjourning time. HUSBAND RELENTED.

Verdicts of not guilty were taken in the cases against Annie Powell and Edwin Jones, charged with unlawful relations. Thomas H. Powell, the woman's husband, was the prosecutor in the case. The troubles of the Powells caused a generous sized sensation in North Scranton several months ago. The husband decided not to prosecute his wife and consequently the case against the man had to fall,

Mrs. Michael Fee and Mrs. Catherine Fee, of Archbald, are married to brothers, but they do not seem to dwell in peace and harmony. They were before Judge Edwards yester-Mrs. Catherine Fee said Mrs. Michael Fee hit her with a stone. The jury said not guilty and divided the

Elmer Howell was put on trial for placing his arm around the neck of the 14-year-old daughter of Mrs. Sarah A. Wiltshire on one of the streets of West Scranton at 10 o'clock one night. Howell is 15 years of age. Judge Edwards said the case ought never to have come into the courts and ordered a verdict of not guilty. The county will pay the costs.

In the case of John Thomas, charged with assault and battery by Thomas V. Lewis, a nolle prozequi was entered upon payment of the costs,

William Coyle was exonerated by a jury of having anything to do with the theft of a number of articles from the house of George Benardt, of Fell township. The defense was an abibi,

Reasons for a New Trial.

Reasons for a new trial were filed yesterday in the case of Miss Lizzie Carey against W. G. Jones and M. L. Jones, which was tried at the last term of common pleas court. A verdict of \$700 in favor of the plaintiff was returned by the jury.

In the reasons for a new trial it is set forth that the verdict is excessive and that the court was guilty of errors in the trial of the case

Yesterday's Marriage Licenses.

Levi H. LewisBald Mount
Gertrude M. Chapman Hamilton
John PaleckPriceburg
Anna Balack Priceburg
Jay B. RichardsDalton
Cora Squier
Boleslaw ZomajtchScranton
Boleslaw ZomajtchScranton Katherine NovakScranton

MORE BRASS STOLEN.

George Smith of Beech Street, Placed Under Arrest.

George Smith, of Beech street, aged 12 years, was arrested yesterday upon a warrant sworn out at the instance of the Barber Asphalt company, who charged him with stealing brass from an engine belonging to the company. He was arraigned before Alderman Millar and at first denied the charge, but finally admitted the theft and implicated a boy named Hiram Gable, He said they sold the brass to a dealer

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But some stubborn people wait until "down sick" before trying to ward off illness or cure it. The wise recognize in the word "Hood's" assurance of health.

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Boys' Senate Braid Straws, old price, l; sale price, 50 cents. Men's buts, assorted shapes eld price cents; sale price, 35 cents. Men's Rough Straws, old price, \$1; sale price, 50 cents. Men's Curl Brim Straws, old price, 12;

H; sale price, \$2. Men's Derby and Alpine shapes, just half of former price. Ladles' Duniap Sailors, \$2, \$3, \$4 quality, all to be closed out at \$1.

Collars.

The Anchor brand of collars, which were sold at 15 cents; sale price, 9 cents, 3 for 25 cents.

Neckwear.

15-cent wash ties; sale price, 5 cents. 3-cent quality, all shapes; sale price, 16 cents, 3 for \$50 cents. 50 cent quality, all shapes; sale price, 5 cents, 3 for \$1. \$1 quality, all shapes; sale price, 50

Suspenders.

S-cent quality; 19 cents, 3 for 50 cents 50-cent quality; 35 cents, 3 for \$1, \$1 quality; sale price, 50 cents.

Shirts.

All the \$1 quality shirts at 75 cents. Special lot of colored bosoms at 50 ents.

Manhattan Negligee and stiff bosom,

the \$1.50 quality; sale price, \$1. Manhattan Shirts, the \$2 and \$2.50 cual-Men's Curl Brim (Dunlap), old price, \$1,50.

Men's Curl Brim (Dunlap), old price, \$1,50.

Men's Curl Brim (Dunlap), old price, \$1,50.

Men's Curl Brim (Dunlap), old price, \$1,50.

Special lot of silk bosom shirts, were \$1,50.

Special lot of silk bosom shirts, the \$1,50 quality, to go at \$1.15.

> Belts. All 25-cent belts to go at 19 cents; 3 for

All 50-cent belts to go at 35 cents; 3 for All \$1 belts to go at 65 cents.

Hosiery.

All 25-cent plain and fancy hoslery; sale price, 15 cents; 3 for 50 cents. All 50 cent plain and fancy hosiery; sale price, 35 cents, 3 for \$1. All Golf Hose at helf price.

Underwear.

All 50-cent underwear to go at 35 cents I for \$1. All 75-cent and \$1 quality to go at 5 Al high grade underwear at half price, 25 per cent, discount on all Dr. Jaeg-er's Underwear.

A big line of Handkerchiefs, Bath Robes, Bags and Traveling Cases, Mackintoshes and Storm Coats, and dozens of other articles to be closed out below cost. Call and convince yourself that we advertise nothing but facts.

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Men's fine vici kid shoes, tan and black, all sizes. worth \$3.00, at \$1.98. Men's fine shoes in patent leather and Russia calf, worth \$4 and \$5, at \$2.98 Men's fine shoes at \$1.49, \$1.29 and 98c. 36 pairs men's tan shoes at 69c. Men's Oxfords at 98c, \$1.29, and \$1.98.

Ladies' Shoes and Oxfords-Ladies' fine dongola and patent leather shoes, worth \$3,00, at \$1.98. Ladies' fine turned shoes, button and lace, at \$1.69. Ladies' fine hand-sewed and turned shoes, at \$2.48 and \$2.98. Ladies' russet shoes, at 69c, 98c, \$1.29, \$1.49 and \$1.98. Ladies' fine Oxfords, in black and tan, at 49c, 79c, 98c, \$1.29, \$1.49 and \$1.98.

Misses' tan shoes at 50c. Little gents' tan and black shoes at 50c. Misses' \$1.00 tan sandals, a few at 59c; sizes 12 to 2. Baby shoes, in red and black, at all prices.

Call and examine our goods before buying elsewhere. Remember, there is no trouble to show you goods, and you will surely save money by it.

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At 121/2c Barnaby Ginghams, value 20c. Fine Printed Dimities, value 15c Fancy Printed Piques, value 25c

At 18c Fancy Woven Piques, 50c value. Colored Dotted Swiss, value 25c.

Oxford Suitings, value 35c. At 19c Scotch Ginghams, value 25c, 39c, 35c

At 25c Silk Plaid Piques, value 50c. Scotch Ginghams, 38c quality. At 35c Hemstitched Scotch Ginghams, value 50c to 68c.

At 50c Fine Silk Plaid Piques in various colors, value 85c.

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An unprecedented opportunity to buy Infants' and Children's Summer Under Vests at a mere song of a price.

At 5c each 100 dozen of fine cotton vests for children from 1 year to 10 years of age. The lot comprises all the little odds and ends from a large manufacturer and includes every shape and style that is made. Long and short sleeves-high neck-low neck and sleeveless, in both white and ecru.

Another hundred dozen to choose Lot No. 2 At 10c each from in fine liste and silk vests for ages from 1 to 12 years-the lot includes some of the finest little vests for children and misses that the vest markets afford.

We anticipate that these two lots will go out quickly-early comers will get best selection.

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