

DRAMATIC SCENE IN CRIMINAL COURT

LITTLE MICHAEL GARVEY DEFENDED 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 little 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 street.

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 feared the worse in the end. He was struck on the forehead with a stone which cut a big gash and fractured the skull.

The Garveys swore that the Flemings 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 grievously.

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 B. Jones.

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 holleing 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.

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 adjourned 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.

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.

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 yesterday.

Elmer Howell was put on trial for placing his arm around the neck of the 14-year-old daughter of Mrs. Sarah A. Whitshreone of the streets of West Scranton at 10 o'clock one night.

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.

Yesterday's Marriage Licenses. Levi H. Lewis, of Beech street, Bald Mount; Gertrude M. Chapman, of Hamilton; John Palek, of Preeceburg; Anna Balack, of Preeceburg; Jay B. Richards, of Dalton; Cora Squier, of Waverly; Boleslaw Zomajtech, of Scranton; Katherine Novak, of Scranton.

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.

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