PERSONAL

Mrs. Joseph Levy is the guest of friends in New York city.

Mrs. O. B. Matteson, of Gibson street, has returned from a visit in Albany and Schenectady, N. Y.

J. H. Kirst has resigned his position as chief clerk of the Scranton Traction company and has opened an accountant's office.

Councilman Luther Keller has returned from Williamsport, where he spent last week in attendance at the Baptist Missionary sessions.

Announcement has been made of the marriage of Miss Kathryn May Smithing, of this city, to Edgar Mathland Barnes, of Peckville. The wedding will take place next Wednesday at the home of the bride.

F. E. PLATT THE WINNER.

Golf Tournament at the Country Club Saturday.

On Saturday a large number of golf enthusiasts witnessed the golf tournament on the Country club links for the T. H. Watkins cup. There was a very large number of entries, the event being a mixed handicap. J. H. Brooks, L. B. Fuller and A. Z. Huntington played with no handicap.

F. E. Platt made the very good net score of 80 and won the tournament. The score follows:

	Gross.	He'p.	Net.
Mr. F. E. Platt	107	27	80
Mr. J. Blair, jr.	84	3	81
Mr. H. C. Shafer	85	4	81
Mr. H. J. Fisher	100	19	81
Mr. George Fuller	106	25	81
Mr. W. B. Kirkpatrick	104	22	82
Miss Jessup	117	34	83
Mr. F. B. Fuller	84	0	84
Miss Anderson	96	12	84
Mr. A. Z. Huntington	85	0	85
Mr. A. H. Storrs	114	27	87
Miss A. Archbald	118	31	87
Mr. James Linen	116	28	88
Mr. J. H. Brooks	89	0	89
Mr. L. B. Fuller	102	12	90
Mr. J. H. Torrey	107	17	90
Mr. T. H. Watkins	94	3	91
Mr. H. J. Anderson	110	19	91
Mr. Law Watkins	105	11	94
Miss Welles	127	33	94
Mr. W. J. Torrey	99	4	95
Mr. C. H. Welles	128	25	107
Miss Simpson	156	43	113

Smoke the Popular Punch cigars, 10c.

CORNELIUS SMITH WAS THE SPRINGER

SENSATIONAL CHARGE MADE BY HIM IN COURT.

Allegation That John Gibbons Tampered With One of the Jurors in the Libel Case—When the Witnesses Are on the Stand They Admit They Might Be Mistaken in the Man—Juror Allen Swore He Does Not Know John Gibbons.

Quite a sensation was sprung and exploded in connection with the Scrantonian libel case Saturday. Cornelius Smith—as might be guessed—sprang it. The substance of it was that one of the jurors, E. R. Allen, had been tampered with; that he had be seen talking in a low tone in a back room of the St. Cloud hotel Monday evening and that the words "Ripple" and "Scrantonian" were used.

The witnesses who thought they saw all this were T. Ellsworth Davis, who is said to write articles for the Scrantonian, and Evan P. Davis, who admits being a regular contributor to the Scrantonian.

The allegation was made by Mr. Smith for Editor Little in his reasons for a new trial, which were filed Saturday morning with Judge Edwards. The reasons are fourteen in number and are as follows:

1. The court erred in ruling that the alleged libelous matter was not a privileged communication.

2. The court erred in excluding the evidence offered by the defendants to prove the truth of the charges contained in the libellous articles.

3. The court erred in charging the jury as follows: "In the present case the commonwealth claims that not only is there legal malice, but that the evidence discloses actual malice upon the part of the defendants against the prosecutor, especially on the part of the defendant Little. You have a right to consider the question of actual malice, although it is not necessary for the commonwealth to establish the existence of actual malice in order to secure a conviction of at least one of the defendants in this case."

4. Also in charging the jury as follows: "If through carelessness and the want of proper investigation he libels an individual he is guilty although he did not intend to publish a libel."

GRADY'S TESTIMONY.

5. Also in charging the jury as follows: "You may consider that his testimony is weakened by the fact that when sworn before the commissioners in the contested election case he testified that he had received no money for his vote or for political services from anybody in the campaign of 1897. It may be true that he informed the defendant of this fact, but even on that question the jury has the right to judge his credibility."

6. Also in charging the jury as follows: "The testimony of the other witnesses is of a different character. I refer particularly to the testimony of Mr. Finn, Mr. Fellows and Mayor Moir. They testify that they gave information to the defendant as to the use of money for corrupt purposes in politics by the prosecutor, but their testimony is based on what is known as hearsay evidence. They do not testify that they themselves received any money from the prosecutor, but that they knew of others or had heard of others receiving money, and that this hearsay evidence is not of a very satisfactory character, but we admitted it because if true it came to the defendant and may be used by him as an excuse for the publication of at least a portion of the article in question, and for the purpose of rebutting the presumption of malice."

7. Also in charging the jury as follows: "I do not see how you can avoid the conclusion that this article is libellous and that it tends to blacken the reputation of the prosecutor and to expose him to public hatred and contempt. An examination and analysis of the article will satisfy you on this point."

8. Also in charging the jury as follows: "No jury can avoid the conclusion that to proclaim a man a coward, a hypocrite, a debauchee of politics, and a false pretender tends to expose the man to public contempt and hatred."

9. Also in charging the jury as follows: "You heard the testimony of John J. 'Grady. He says that before the publication of the editorial article complained of, he informed the defendant Little, that he, O'Grady, had ten dollars from the prosecutor to work for Pryor and Kelly in 1897, and had been promised a place in the county jail."

"You may consider his testimony is weakened by the fact that when sworn before the commissioners in the contested election case he testified that he had received no money for his vote or for political services from anybody in the campaign of 1897. It may be true that he informed the defendant of this fact, but even on that question the jury has the right to judge his credibility."

FINN, FELLOWS, MOIR.

10. Also in charging the jury as follows: "The testimony of the other witnesses is of a different character. I refer particularly to the testimony of Mr. Finn, Mr. Fellows and Mayor Moir. They testify that they gave information to the defendant as to the use of money for corrupt purposes in politics by the prosecutor, but their testimony is based on what is known as hearsay evidence. They do not testify that they themselves received any money from the prosecutor, but that they knew of others or had heard of others receiving money, and that this hearsay evidence they communicated to the defendant. This evidence is not of a very satisfactory character, but we admitted it because if true it came to the defendant and may be used by him as an excuse for the publication of at least a portion of the article in question, and for the purpose of rebutting the presumption of malice. It may occur to you gentlemen of the jury, that the defendant in the exercise of proper care as to the matter that went into this newspaper, should have made further investigation and should have verified the hearsay declarations made to him by the witnesses that I have mentioned."

11. Also in charging the jury as follows: "I have already called your attention to other charges tending to hold the prosecutor before the public as a coward and a false pretender. Is there any evidence in the case which tends in any way to justify these accusations or to rebut the presumption of malice which attaches to their publication? I can find none myself. If there is none, then regardless of the charges in connection with the corrupt use of money in politics, the defendant, Little, may be convicted as he stands charged in this indictment."

12. The court erred in declaring in the presence and hearing of the jury as follows:

Hon. Judge Archbald—Question: "Mr. Lenahan was the object of the article to give information to the public?"

Answer—"It was."

Hon. Judge Archbald—"From the reading of it I would draw the references that it was written not for information, but for the purpose of vilifying the prosecutor."

ALLEGED TAMPERING.

14. Richard Little, one of the defendants, being duly sworn, says: That he is informed and verily believes that one of the jurors to wit, E. R. Allen, after being empanelled and sworn in the case was tampered with and undue influence was used to induce him to find a verdict of guilty against the defendant.

Sworn to and subscribed before me this 21st day of October, 1899.

Thomas P. Daniels, Clerk.

C. Smith, att'y for deft. per Bonn.

Mr. Smith wants a hearing on the charge of embracery and Judge Edwards directed that it take place forth forthwith. Mr. Smith wanted time to get his witnesses and court told him to send out for them at once. The two Davises and Juror Allen were summoned and at 10 o'clock the investigation began.

T. Ellsworth Davis was first put on the stand. In answer to questions by Mr. Smith he said:

I saw him (Gibbons) Monday evening in conversation with a man whom I afterwards learned was a juror in this case. On Monday I had been subpoenaed to attend court as a witness in a little case. I did not come Monday and Monday evening I was sent word to go over to Mr. Vidaver's office. On my way over I met Mr. Ebenezer Davis and together we walked over the Linden street bridge to the St. Cloud hotel. We went in the side entrance from Linden street. We were not long there when John Gibbons and the juror who I afterward learned was E. R. Allen, came in from the barroom.

DAVIS WAS SUSPICIOUS.

By the manner in which the men acted I became suspicious and I told Mr. Ebenezer Davis to watch and see what was going on and to note what was said so that we might be able to use the information again if occasion should arise. They sat at a table across the aisle about eight feet away from us. Mr. Gibbons' back was turned and Mr. Allen faced us. They spoke low and in indistinct tones I could hear the name of the Scrantonian and I think they spoke of Ripple. I heard Allen say that he didn't know about that or something of the kind, and Gibbons said it would be all right, that he would see to it.

Mr. Smith—When Allen said he didn't know about it didn't John Gibbons say he knew it would be all right, he could depend on it? A. He did.

Juror E. R. Allen was called and examined as follows:

By Mr. Jones:

Q. You were one of the jurors in the libel case? A. Yes, sir, I was.

Q. Did you meet or see a man by the name of John Gibbons at the St. Cloud hotel in this city at the time stated? A. I did not.

Q. Are you acquainted with John Gibbons? A. I am not.

Q. Did you meet any person at the St. Cloud hotel and converse with them with reference to this case? A. I did not.

Q. The case in which you were empanelled? A. I did not.

Q. Did you have any conversation with any person outside of the jury while you were empanelled on that jury with reference to the case? A. No, sir.

Q. No conversation whatever? A. No, sir.

Q. Do you know Ellsworth Davis? A. I do not.

Q. Do you know Evan P. Davis A. I do not.

Q. Did you have any conversation with either of the bartenders at the St. Cloud hotel in connection with the case in which you were empanelled as a juror? A. I did not.

ALLEN CROSS-EXAMINED.

By Mr. Vidaver:

Q. Do I understand you to say you don't know John Gibbons? A. That is what I said; yes, sir.

Q. And that you did not meet him on Monday evening in the St. Cloud hotel? A. I did not.

Q. Then you deny in total that you had anything to do with him? A. Yes, sir, I deny in total everything that that man (T. Ellsworth Davis) says.

Mr. Vidaver said that as the juror had contradicted the witness an issue was raised and the investigation ought to be continued.

Eben P. Davis corroborated the other Davis as to their going into the St. Cloud and seeing John Gibbons talking in a "low anxious tone" to a man. He did not know the man and although he had been an interested spectator of the proceedings in the libel case did not associate the "man" and Juror Allen together until after Little was convicted, and T. Ellsworth Davis had told him the "man" and Juror Allen were one and the same.

The witness would not say positively that Mr. Allen and the "man" were identical, but to the best of his knowledge and belief they were. He heard nothing what passed between Mr. Gibbons and the "man," but was told in Welsh, by Ellsworth Davis that they were talking about the libel suit.

John S. McCabe, proprietor of the St. Cloud, was the next called. He testified that he seen Mr. Gibbons in front of the hotel Monday night, but never saw Allen about the place until Friday afternoon when the latter came there and told him some one had sent for him. It developed that Ellsworth Davis had sent for him.

MUST BE MISTAKEN.

Ellsworth Davis was re-called and asked concerning his connection with the Scrantonian. He denied being the author of the William Williams' articles. It was possible that Mr. Allen might not be the man Mr. Gibbons was talking with in the St. Cloud, he admitted.

Mr. Allen was re-called and testified in the most positive manner that he did not know Mr. Gibbons, never saw him in his life and was never in the St Cloud hotel until Wednesday evening when the tipstaff took the jury there for supptr. He was there again Friday afternoon in response to word left at his house by some strange man that he wanted to see him there at one o'clock As a matter of precaution he took Mr. Bell with him. He inquired at the hotel for the person who wanted to see him but could learn nothing of any such individual.

Mr. Gibbons was then called. He swore he did not know Allen and never saw him as far as he could remember until he saw him on the stand a few minutes previous.

He did not meet Allen in the St. Cloud hotel last Monday night and did not see him there. He said he was at the St. Cloud hotel about 8 o'clock Monday night. He went there in response to a letter from Mr. Loftus, of Carbondale. Mr. Loftus wrote that he would meet him at the St. Cloud as soon as possible after the arrival of the train which reaches Scranton from Carbondale at 7.48. It was about 8 o'clock when he got there. He went in through the barroom to the dining room. Mr. Loftus is a man about thirty years of age. He had written to him on the Friday before for a conference at the St. Cloud.

Mr. Loftus has passed a United States civil service examination and is looking for a position under the government. Knowing that Mr. Gibbons was friendly with Congressman Connell and Postmaster Ripple he wanted Mr. Gibbons to use his influence with Mr. Connell and Colonel Ripple to help him get an appointment since he had successfully passed the examination.

"RIPPLE"-"SCRANTONIAN."

Mr. Gibbons told Mr. Loftus that Mr. Connell was then in Washington and Colonel Ripple's attention was taken up with the libel case against the Scrantonian. They spoke in low voice, as it was a matter that Mr. Loftus did not wish to be generally known.

Mr. Gibbons swore that he never had any conversation with any of the jurors, and never communicated with any of them in writing about any matter.

Attorney John B. Jordan, who boards at the St. Cloud, testified that while in the office of the Anthracite Brewing company in the front part of the St. Cloud building a gentleman passed. The witness's brother said: "There is William Loftus, who is looking for a government position." "I don't know him," said the witness. "You ought to know him," said his brother; "he was pall-bearer at the funerals of both the Loftuses." Mr. Loftus was about the height of Mr. Allen. He has a black, close cut moustache, but a rounder face. This concluded the testimony. The court showed itself not a little perturbed, not to say disgusted at having its whole day taken up with such a flimsy fatter, and after Judge Archbald remarked, "What's the use of proceeding further in this case," Judge Edwards dismissed the proceedings.

Thursday morning next at 9 o'clock was fixed as the time for hearing arguments on the rule for a new trial. Pending the disposition of this rule, sentence was postponed.

SENTENCE DAY IN COURT.

'Squire J. B. Lesh Will Spend Six Months in the County Jail for Shoting E. F. Rosencranz.

'Squire J. B. Lesh, of Newton township, who was convicted last week of shooting E. F. Rosencranz, of Ransom, was sentenced on Saturday to pay a fine of $10, to pay the costs of the prosecution and to undergo imprisonment in the county jail for six months.

Charles Gravic, convicted of assault, was fined $5 and the costs.

Fuller Johnson, convicted of assault, was at first sentenced to pay a fine of $10 and to spend thirty days in the county jail. This sentence was later recalled and sentence deferred until next term.

Sentence was suspended in the cases of the following boys, who pleaded guilty to statutory burglary, on account of their youth: Martin Lubolski, Eugene Seeley, Roy Seeley, George Seeley, John Ulsick, William Coleman, David Vaughan and Joe Mox. The other member of the gang, William Mox, who is fifteen years old, will be sent to the Huntington reformatory.

Anthony Fasano was acquitted of the charge of seducing Rose Pasqual, but was convicted of fornication and bastardy. Judge Edwards sentenced him to pay a fine of $25, to pay $50 to the prosecutrix for lying-in expenses and to pay $1.25 a week towards the support of the child.

The jury which tried Joseph Kilpatrick, on the charge of robbing Mrs. Clarence Ballentine, brought in a verdict of guilty and Judge Archbald sentenced him to the House of Refuge.

A verdict of guilty was found against Martin Runne, charged with assaulting Michael J. Kennedy. Judge Edwards sentenced the prisoner to one month in jail and to pay a fine of $1.

A verdict of not guilty was rendered in the case of Patrick Padden, charged with burglary.

Anthony Hance, Alex. Mayfiski, John Maryanski and Frank Domenki, convicted of assaulting William Resiski, will be sentenced next Saturday.

NATIONAL EXPORT EXPOSITION, PHILADELPHIA.

Special Low-Rate Excursions Via Pennsylvania Railroad.

The Pennsylvania Railroad company has arranged for special low-rate excursions to Philadelphia, account National Export Exposition, on October 20 and 27, November 10 and 24. Round-trip tickets, good going only on date of issue, and good to return within three day, including day of issue, will be sold on above dates from Williamsport, Lewisburg, Northumberland and intermediate points, and from points on the Sunbury division, Philadelphia and Erie railroad; from all points on the Susquehanna and Shamokin divisions, Northern Central railway; and from points Adamsburg to Selinsgrove, inclusive, on the Lewisburg division, Pennsylvania railroad, at rate of single fare for the round trip, including admission to the Exposition. For specific rates apply to ticket agents.

The National Export Exposition contains the best and most complete exhibit of American export products ever seen in the United States. **

Special Low Rates to Philadelphia, Pa., National Export Exposition.

October 25th, November 3th and 22d, the Delaware, Lackawanna & Western railroad company will sell round trip tickets to Philadelphia, Pa., at the one way fare plus fifty cents for the admittance coupon to the exposition. Tickets will be good going on any regular train on the above dates, and for return within ten days from and including date of sale. Full information may be obtained on application to any ticket agent of the "Lackawanna" railroad. ** **

New Building Association.

The Economy Building and Loan association of Scranton has opened a new series of stock and shares can now be procured at the office of the association, 421 Lackawanna avenue. Open day or evening. J. C. Vaughan, secretary; O. B. Partridge, treasurer. **

Smoke the "Joy Maker" cigar, 5c. **

Mrs. Winslow's Soothing Syrup.

Has been used for over FIFTY YEARS by MILLIONS of MOTHERS for their CHILDREN WHILE TEETHING, WITH PERFECT SUCCESS. It SOOTHES the CHILD, SOFTENS the GUMS, ALLAYS all PAIN; CURES WIND COLIC, and is the best remedy for DIARRHŒA. Sold by Druggists in every part of the world. Be sure and ask for "Mrs. Winslow's Soothing Syrup," and take no other kind. Twenty-five cents a bottle.

RESTRAINING RULE IS NOT OPERATIVE

SO SAY "THOSE IN A POSITION TO KNOW."

The Amendment to the Rules of Select Council Prohibiting the Re-Introduction of a Defeated Measure or Anything Similar to It in the Same Year in Which It Originated Is Declared to Be Invalid. Reasons Advanced in Support of This Contention.

Much discussion has been going on in municipal circles since Thursday over the new rule adopted by select council prohibiting the re-introduction of any defeated measure or anything similar to it until the fiscal year in which it originated has elapsed.

The general concensus of opinion is that the rule is inoperative and at the next meeting of the selectmen, when the Lackawanna telephone ordinance comes over from the lower branch for concurrence the invalidity of the rule will be shown.

One reason assigned for its being invalid is that it was not properly passed. There is a clause in the manual of councils prescribing that no rule shall be suspended except by a two-third vote, and on the strength of this it is claimed that no modification of an existent rule can be effected unless a two-thirds vote is recorded in its favor.

The rule in question was submitted in the form of an amendment, but practically annuls the rule formerly prevailing. This being the case the amendment announces to a suspension and must be given the sanction of two-thirds of the members voting. The new rule was adopted without a roll call.

VOTED AGAINST IT.

Mr. Lansing and some others voted against it, but the "ayes" were so palpably predominant that there was no doubt of an overwhelming majority in its favor and the "noes" refrained from calling for a division. The "ayes" neglected to make a call and the consequence is the record of the vote shows simply a majority.

Another argument advanced against the new rule is that it restrains legislation and no legislative body has power to adopt a measure tending to do this.

One of the councilmen whose opinion in municipal matters is always sought by his colleagues in tangled questions had this to say when asked for an expression on the constitutionality of the new rule:

"Without considering whether this is aimed at any particular measure, it seems to me that this is 'rule run mad.' No legislative body can make a rule which restrains legislation, or, rather, prevents it. Possibly they might in a case where identically the same measure had been considered, but even this is doubtful. Certainly they cannot make so sweeping a rule and more certainly they cannot refuse to entertain and consider a measure which comes to them from another and co-ordinate branch of councils.

CAN KILL MEASURE.

"They can, by the various rules of parliamentary practice, effectually kill a measure, but, before doing it, it must, at least constructively, consider it. Any refusal to do so would be in defiance of the purpose for which they were created and that is to legislate or in other words, to act. So far as the several acts of legislature under which our city gets it power are concerned, no power to do otherwise is conferred.

She act of 1874, which, in this respect, is not changed by that of 1889, provides that 'every bill shall be read at length in each brat etc.' It also gives each branch the to determine the rules of its proceedings which shall, however, not be inconsistent with any joint rule that may be adopted by the two branches of said councils.' If it was the intention of the framers of the new rule to debar legislation from the other branch from being received it seems if the above would govern both branches are under the same rules duly adopted by them. Ordinances that conform to law and the constitution must be received and acted on in the same way. No legislative body can arrogate to itself any such power as the new rule provides for."

Whether or not select council will attempt to act in accordance with the new rule is a matter that will be watched with interest.

Smoke the "Joy Maker" cigar, 5c. **

Noted Palmist to Return.

Martini, who created such talk a year ago by reading the palms of Scrantonians, will soon be here. **

Steam Heating and Plumbing.

P. F. & M. T. Howley, 231 Wyoming ave.

Beecham's Pills will dispel the "blues." **

Try a "Joy Maker" 5c. cigar. **

Finest wines and cigars at Lane's, 320 Spruce street. **