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Violins, Violas, Double Bass, Guitars, Mandolins, Banjos, Autoharp, Zithers, Cornets, Clarinets, Flutes, Piccolos, Fifes, Bugles, Bass Drums, Snare Drums, and scores of other instruments, with their cases and trimmings.

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HUNTINGTON'S BAKERY. CREAM, ICES AND FROZEN FRUITS 420 Spruce Street. Masonic Temple.

C. S. SNYDER, The Only Dentist In the City Who is a Graduate in Medicine. 420-422 SPRUCE STREET.

DR. H. B. WARE, SPECIALIST. Eye, Ear, Nose and Throat Office Hours—9 a. m. to 12:30 p. m.; 2 to 4. Williams Building, Opp. Postoffice.

ADDRESS WANTED.—The address of Sidney O. Dickson, late Company H, First Washington Infantry, is wanted at the postoffice.

MRS. CARLING'S FUNERAL.—The funeral of Mrs. A. Carling will be held at her late residence, No. 41 Spruce street, at 2 o'clock this afternoon.

SECURED A LICENSE.—William Miller, colored, aged 31, tenister residing on Chestnut street, and Mrs. Lena Walsh, white, a widow, living as a domestic on Luzerne street, were granted a marriage license yesterday.

COMMITTED TO JAIL.—About 10:30 o'clock last night, Jennie Cohen, of Lackawanna county, arrived at the county jail. She was committed there by Alderman Miller in default of \$500 bail. The charge against her was larceny of a fur collar.

FIRE DEPARTMENT COMMITTEE.—The fire department committee of select council met last evening and transacted much routine business. Nothing would be given out as to whether the fire marshal ordinance, which is looked by some to come this evening, was approved or not.

NO PRAYER MEETING.—Owing to a disarrangement of the steam heating apparatus at the First Presbyterian church the usual prayer meeting was not held last night. Many of the congregation accepted the invitation of Dr. Robinson and attended the prayer meeting at the Second church.

WHIST TOURNAMENT.—In the Scranton Bicycle club house a whist tournament will be held today. Two open games for males will be played at 2:30 p. m. and 7:45 p. m. The games will be governed by the rules of the American Whist league, and played by either the "Mitchell" or "Howell" systems. Souvenirs will be given to top scorers. The table fee will be 25 cents for each player.

ANNIE DAVIS ARRESTED.—Tuesday, December 5, Thomas Gibson came before Alderman Kesson and swore out warrants for the arrest of Maggie Colburn and Annie Davis, the former on the charge of keeping a disorderly house, and the latter for robbery. The women were arrested Tuesday night at 25 Lackawanna avenue. The Colburn woman gave bail yesterday morning, but Annie Davis had her hearing last night before Alderman Kesson. Gibson then stated that Sun-

day morning he had been robbed of \$18 and believed it was the Davis woman who did it. The justice placed the latter under \$500 bail, which was furnished.

PAY-DAYS.—The Delaware and Hudson company paid the carpenters, masons and employes at No. 2 mines, Olyphant, yesterday. The Delaware, Lackawanna and Western company paid yesterday at the Pine, Taylor and Holden. Today the men at Storrs shaft will be paid and tomorrow the employes at the Cayuga and Western will receive their wages for November.

SURVEYING CONNECTING LINES. Work Begun on Spurs of the Erie and Wyoming Road. Surveys have been begun on the spurs which are to connect the Erie and Wyoming Valley road with the colliers up and down the valley, whose operators have signed contracts to ship their coal over the new route to tidewater.

A gang of ten men in charge of A. B. Dunning, chief engineer of the Dunning Engineering and Construction company, are at work on a two-mile road to reach the Greenwood colliery. The work is being done under the general supervision of James Archbald, former chief engineer of the Delaware, Lackawanna and Western company.

BANQUET OF U. P. MEN. At a Meeting Last Night Arrangements for Event Were Considered at Length. Alfred Wooler will sing at the banquet and will also have charge of all the musical arrangements. Some clever University of Pennsylvania men will also be secured from those at the college this year, who are prominent members of the Glee clubs. Among the famous alumni who will take part in this part of the programme is William Goeckel, the young Wilkes-Barre lawyer. While at college he was very prominent both in athletic and musical circles. In the former respect he was known as one of the best first basemen that ever stepped on a college diamond, and in the latter was regarded as one of the best pianists in the college, and was also known as writing most of the college songs. He will be present at the banquet and render several musical selections.

Samuel Bore, who played end on the Varsity football eleven a couple of years ago, will also attend. Among prominent men connected with the university who will be at the banquet are Provost Harrison, from whom a letter was received stating that he would be here, and Samuel Huston, one of the prominent men on the board of trustees of the university.

Thomas Donaldson, secretary of the General Alumni association of the University of Pennsylvania, has sent word that he will be present, and the athletic side of the college will be well represented by Coach Woodruff, of the football eleven.

Three members of last year's Glee club will materially strengthen the programme. These gentlemen are Messrs. Marjorie, Bailey and Duing, and they will probably be the guests of Dr. J. L. Wentz, of this city. Delegations are expected to the banquet from Wilkes-Barre, Stroudsburg, Carbondale, Pittston and various other places in the locality, and all indications show that this will be one of the most successful affairs the association has ever held.

NEW TELEPHONE COMPANY. Joseph J. Jermyn and Dr. John L. Wentz, of This City, Are Largely Interested in It. Joseph J. Jermyn and Dr. John L. Wentz, of this city, are the president and the secretary and treasurer, respectively, of a long distance telephone company to be known as the Columbia Long Distance Telephone company, which was incorporated yesterday in Albany, N. Y., with a capital of \$50,000.

ACCUSED BURGLARS MAKE NO DEFENSE

CONTENT TO ESCAPE CONVICTION ON FIRST COUNT. Strong Intimation That They Will Succeed in Doing This—Interesting Arguments on the All Important Question as to Whether or Not the Bunk Room in the Burglarized Power House Made the Premises a "Dwelling House" Within the Definition of Law.

As foreshadowed in The Tribune on Tuesday, the defense in the Mayfield burglary case consists mainly in an effort to reduce the grade of the crime to statutory burglary, for which the maximum penalty is four years' imprisonment and \$500 fine. If common law burglary be proven, a penalty of ten years and \$1,000 fine may be imposed. If the verdict is one of statutory burglary and the prisoners are sentenced now they cannot be given the full term of four years, as the law requires that a prisoner's sentence must so run that it shall expire in the summer time.

The fact that the defense offered no testimony entitles it to make the last address to the jury. Mr. O'Brien will do the summing up. It is generally expected that he will intimate to the jury that his clients had nothing to gain by going on the stand and telling who they are and what their business was around Carbondale on the morning following the burglary, and then argue that the Commonwealth has failed to prove beyond a reasonable doubt that the defendants belonged to the party that robbed the Mayfield power house. The story the prisoners have held to all along is that they were not by accident in the Carbondale yard at different periods of the early morning, but that they were in the yard after the train had started. Gaughan and Cummings are the only two who admit they knew one another before that morning.

PROSECUTION RESTED. The prosecution rested at 3:55 o'clock yesterday afternoon, after having presented one of the most complete, logical and connected stories of a crime that was ever unraveled from the witness box in the Lackawanna courts.

Mr. Kelly forthwith moved the court to compel the district attorney to elect the count of the indictment upon which he would ask a verdict, alleging that the second count, statutory burglary by breaking in, and the third count, statutory burglary without breaking in, were inconsistent with the first count, common law burglary, in which it is essential that the burglarized premises shall be a dwelling house.

Judge Edwards announced that there was no evidence, as he viewed the matter then, on which to rest the charge of common law burglary, and that he would probably charge the jury to that effect. He would not, however, compel the district attorney to elect which count he would press until after the defense had closed.

Messrs. O'Brien and Kelly held a short whispered consultation and then Mr. O'Brien called out: "The defendants rest."

Judge Edwards then listened to arguments on the question of whether or not the bunk room over the office at the power station made it a dwelling house within the meaning of the law. Undaunted by Judge Edwards' announcement that he was of the opinion that the evidence had not shown the premises to be a dwelling house, within the definition of the law, Mr. Jones proceeded to prove it was and cited a long string of authorities in support of his contention.

MR. JONES' ARGUMENT. A dwelling takes on the character of a building house, Mr. Jones argued, and becomes such in the eyes of the law under the following circumstances: As a store in which a watchman regularly sleeps; as a guest at a hotel even though he is a transient guest; any premises having internal communication with apartments under the same roof which are occupied as sleeping apartments. He also contended that the court should define what a dwelling house is under the law, and leave it to the jury to say whether or not the premises in question meet the definition.

Mr. Kelly argued that the only question on which the charge of common law burglary hinged was whether or not the power station was a dwelling house. It could not be such, he said, under the reading of the very indictment itself, which used these terms: "Used as a power house and a dwelling house by the Carbondale Traction company, a corporation, etc." A corporation, Mr. Kelly averred, was so constituted physically that it could not very well be accredited with a dwelling.

The fact that a few trolley men were in the habit of sleeping there did not make the place a dwelling house, he said. "Did they sleep there? Because it was more convenient at times for them to stay there than to go—where? To go to their dwelling houses."

WHAT MR. KELLY URGED. An engineer on the Delaware and Hudson road might come in late to the round-house in Green Ridge and, rather than walk a long distance to his home in the darkness, he would stretch out on a bench and sleep till daylight. Would this make the round-house a habitation? Mr. Kelly asked. If a lawyer should come back into town on a late train and go to his office to sleep, instead of traveling to his home in the suburbs, would a man who had rented the building in which the lawyer's office was located be guilty of common law burglary? A sleeping car is frequently occupied by a party for four or five days in a row, he said. If, for instance, yet no one would hold it to be his habitation. A booth or tent at a county fair have been held by the courts not to be a dwelling house.

Mr. Kelly pointed out, the men who slept in the bunk-room in the power station at Votora would be found registered as voters in Carbondale, Jermyn, or wherever else it happened to fall from. It is safe to presume, he said, that none of them ever voted in Mayfield borough on the street where they were sleeping. "Did they stretch out on a bench to sleep in the train?" queried Mr. O'Brien.

"What men?" retorted Leach. "The men you shot," said Mr. O'Brien. "I don't know that I shot any men," quickly responded Leach.

It was further elicited by Mr. O'Brien that Leach is a peace officer appointed by the Susquehanna court and that his commission was left up in his saloon in Ararat.

AN ECHO OF THE OLD FORGE STRIKE

DEPUTY AND NON-UNION MAN - ARRAIGNED IN COURT. Charge of Pointing Fire Arms That Grew Out of One of the Exciting Early Morning Incidents in Which the Women Were the Principal Participants—By Agreement the Case Was Not Pressed—Defendants Fared Well Before Judge Biddell, Only One Conviction.

An echo of the Old Forge strike was heard in Ararat yesterday afternoon, when John Byers and Thomas Scavo were arraigned to answer the charge of pointing fire arms, preferred by Constable John S. Davis.

Byers was a deputy and Scavo one of the workmen, who was escorted to and from work each day during the continuance of the company's effort to run the mine without the aid of their old employes. One morning Scavo and Byers were held up by some women strikers sympathizers, and they displayed their revolvers. Scavo fired a shot which avers the pistol was aimed in the air.

When the strike was settled, the prosecutions instituted by one side or the other, it was agreed, should be dropped, and, yesterday, when this case came up, a verdict of not guilty was agreed to upon the defendants paying the costs.

A verdict of not guilty was directed in the case of Martin Josephik, charged by his fellow-boys, Andrew Strus, with the larceny of \$20. Strus left the money under his pillow in the bed in which he and Josephik slept. He returned credit from Josephik's returned the money was gone. Josephik was there but denied all knowledge of how the money disappeared, and submitted to a search, which failed to discover any of the money.

A verdict of not guilty was likewise directed in the case of William Green charged by John McCabe with the larceny of a horse. Green, it was made to appear, owned the horse originally and sold it to a man named Anderson. The latter sold it to McCabe. The horse wandered back to Green's premises and he put it in his barn to await the call of the owner. McCabe came for it, but Green refused to give it up, not knowing that he was the owner.

Lizzie Labotsky, charged with having secured credit from the Swift Packing company by falsely stating that she owned eleven unnumbered properties, was returned not guilty by direction of court, the prosecutor having failed to establish that there were any false pretenses, within the definition of the law.

Miles Finch was accused by Joseph Pool, the son of his boarding-boss, with the theft of a gun, but the jury believed his statement that the gun was given him by the prosecutor's father as security for a loan of \$3, and returned a verdict of not guilty.

John Sartor of Minooka, was tried for assaulting and robbing a peck peddler named Morris Gleberg. He was found guilty of assault and battery, and not guilty of larceny.

Not guilty, costs divided, was the jury's return in the assault and battery case from Pileburgh, in which Robert Davis was defendant, and Matthew Harrocks, prosecutor.

Marriage Licenses. William Miller, Chestnut street; Lena Walsh, Luzerne street; John Reilly, 1045 Mohawk avenue; Katie McNish, 529 Mary street; Martin J. Hoach, Archibald; Ellen Conway, Archibald; James Adam Cramer, Archibald; Kizora Ida May Boyer, Wimmers; George Taylor, Throop; Lizzie Freeman, Throop.

Court House News Notes. The case stated agreed upon in the case of ex-Petrolman James Saul against the city will be argued by Attorney Farney for the plaintiff and City Solicitor Voshburg for the defendant, next Monday in argument court.

H. S. Gorman & Co. brought a trespass suit yesterday against their landlord, J. S. Miller, to recover for damages alleged to have resulted to their goods and chattels through defects in the building.

In the case of Conrad Vernon against Maria Adler, Judge Edwards yesterday directed a felony issue to be framed with Vernon as plaintiff, to determine the question whether or not the assault was a misdemeanor of the figure six in 1896 and the substitution of the figure three were made fraudulently by Vernon.

A \$20,000 damage suit was instituted yesterday against the Scranton Railway company by Veto Petrello, of New York, for the loss of his three-year-old and nine-month-old daughter, who was killed while playing in front of the house by a trolley car, that it is alleged, was negligently run. O'Brien & Kelly and C. Comery are the plaintiff's attorneys.

A Card. We, the undersigned, do hereby agree to refund the money on a 20-cent bottle of Greene's Warranted Syrup of Tar if it fails to cure your cough or cold. We also guarantee a 25-cent bottle to prove satisfactory or money refunded. David M. Jones, M. J. Vetter, A. W. Musgrave, Albert Schultz, J. J. Pharmacy, C. Lorenz, H. M. Cole, F. L. Terpe, C. Thompson, Chas. P. Jones.

For morbid conditions, take Beecham's Pills. Smoke the "Hotel Jermyn" cigar, 10c.

DIED. JORDAN.—In Scranton, Dec. 6, James P. Jordan, at his home, 917 Pittston avenue. Funeral Saturday morning at 9 o'clock. Services in St. John's church, interment in Calvary cemetery.

KELLY.—In Scranton, Dec. 6, 1899, Edward Kelly, at her home, 225 Prospect avenue, mother of John F. Kelly and Thomas Kelly, of this city. Funeral Friday afternoon, interment in Calvary cemetery.

LORD.—In Scranton, Dec. 5, 1899, Mrs. Kate Lord, wife of Contractor C. M. Lord, of Washington avenue, Green Ridge. Funeral Thursday afternoon at 1 o'clock. Interment will be made in Forest Hill cemetery.

ZITZELMAN.—In Scranton, Dec. 6, 1899, Lydia Zitzelman, aged 8 years, at 409 Webster avenue, daughter of Mr. and Mrs. Charles Zitzelman. Funeral Friday afternoon at 2 o'clock (private). Interment will be made in Forest Hill cemetery.

THE SCRANTON TRIBUNE—THURSDAY, DECEMBER 7, 1899.

That proclaims good management more than a dainty, neatly laid table, and, perhaps there is nothing that adds so much attractiveness as pretty pieces of cut glass and odd pieces of decorated china. There is nothing that makes a more lasting or acceptable Christmas gift. Don't you think this would be a good time to make your selections and have us lay them away for you as we have a store full of such suggestions.

China Hall. Millar & Peck, 134 Wyoming Ave. "Walk in and look around."

Recognized Headquarters for Reliable Furs, Stylish Tailored Gowns, Handsome Capes. Everything in Ladies' Outer Garments, Misses' and Children's Coats and Capes, Ladies' Silk Waists in new shades and effects.

F. L. Crane, 324 Lacka. Ave. Raw Furs Bought. Furs Repaired.

See Big Window. By the kind permission of a well-known local artist we are enabled to display for a short time only, a superb collection of exquisite Hand Painted Panels. Prices range from \$25.00 to \$75.00. To miss this exhibition is to deny one's self a great treat.

A Flyer.... For the balance of the week—500 Indian Seats, in Mahogany and Oak. Regular price, \$1.50; during this sale \$1.00.

ESTABLISHED YESTERDAY. COWPERTWATE & BERGLAUSER. 406 LACKAWANNA AVE.

East Mountain Lithia Water. Sold by All First-Class Druggists. Highly Recommended by Physicians. FAMILY ORDERS PROMPTLY FILLED.

JOSEPH ROSS, AGENT, Office 902 West Lackawanna Avenue, Scranton, Pa. TELEPHONE 4732.

Everett's. Horses and carriages are superior to those of any other livery in the city.

If you should desire to go for a drive during this delightful period of weather, call telephone 794, and Everett will send you a first-class outfit.

EVERETT'S LIVERY, 326 DIX COURT, (REAR CITY HALL).

THIS WEEK'S PRICES IN DIAMONDS, WATCHES, JEWELRY.

The following prices, which we are selling goods for this week, are the lowest that we have ever offered. The goods are the finest grade and cannot help but please everyone. Call and see them.

Fine Diamond Rings at \$50, worth \$75.00. Solid Gold Band Rings at \$1.25, worth \$2.50. Solid Gold Band Rings at \$1.00, worth \$2.50. Gold Filled Cuff Buttons, 60c, worth \$1.25. Cuff Buttons, previous prices \$1.00, now 75c.

Gent's Solid Silver Watch, Elgin movement, \$2.50. Ladies' Sterling Silver Watches, worth \$5.50, now \$3.75. Ladies' Nickel Watches, S. W., price \$3.50, now \$1.75. Rogers Bros' Spoons, warranted, 50c. Rogers Bros' Butter Knives, Sugar Spoons, Pickle Forks, etc., previous price 75c.

Ladies' Solid Gold Watch, Elgin movement, \$5.00. Ladies' Gold Filled Watches at \$2.50, worth \$5.00. We also have about three hundred Ladies' Solid Silver Rings, worth 50c and 75c, will close them at 15c each. Special sale now going on at Davidow Bros. Attend as we are offering goods at one-fourth their original value. Extra Heavy Solid Silver Thumbies at 15c.

The Dickson Manufacturing Co. Scranton and Wilkes-Barre, Pa. Manufacturers of LOCOMOTIVES, STATIONARY ENGINES. Boilers, Hoisting and Pumping Machinery. General Office, Scranton, Pa.

Davidow Bros. 227 Lackawanna Ave.

THE SCRANTON TRIBUNE—THURSDAY, DECEMBER 7, 1899.

Our stock of HORSE SHOE PADS is complete. A proper Pad once used will convince every horseman of their merits. Neverslip Calks for winter use are unsurpassed.

BITTENBENDER & CO. 126-128 Franklin Avenue.

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