

CLAIM YOUNG QUINN KILLED HIS FATHER

DEATH DUE TO A MISDIRECTED BLOW, DEFENSE SAYS.

Commonwealth Concludes Its Testimony in the Carbondale Township Murder Case and Mr. Kelly Outlines the Story of the Affair Which the Defense Proposes to Prove. Widow, Son and Daughter-in-Law of the Victim Give Their Versions. Sunday Saloons Responsible.

Sunday beer selling was encountered at every turn of the proceedings in the Carbondale township murder case as it was developed before Judge Gordon and a jury in court room No. 2 yesterday. Young Tom Gallagher was drinking in a saloon in Carbondale after coming from church. On his way home he met a crowd of young men sitting on the steps of the township school house, drinking from a half-gallon can of beer and a half-pint bottle of whiskey. Young Quinn was in the crowd and both he and Gallagher drank their full share of this half-gallon and half-pint and another half-gallon and half-pint which Gallagher helped pay for. Gallagher was on his way back from Mrs. McHale's saloon, where he went to get a glass of beer after dinner, when he came up with Quinn, who had gone to the same place for a pair of beer. They had fought at the school house in the morning and a renewal of the fight in the afternoon brought on the killing.

All the testimony for the prosecution was presented at 2:30 o'clock and the defense was examining its second witness at adjourning time.

The theory of the prosecution as outlined yesterday by Assistant District Attorney Thomas, was described in detail by Mrs. Nellie Quinn and her husband, James Quinn, Jr., and corroborated in various features by several less important witnesses. It was in effect that Tom and Joe Gallagher followed young Quinn, who was returning from McHale's with a pair of beer, and assaulted him; that Mrs. Dempsey and Mrs. Gallagher came to the assistance of the Gallagher boys; that old man Quinn ran over from the railroad track to save his son; that he was felled by a blow from a stone on the side of the head, delivered by Thomas Gallagher, and another on the forehead, delivered by Joseph Gallagher, and that Mrs. Dempsey and Mrs. Gallagher also struck old man Quinn previous to his receiving the fatal blow on the side of the head.

DEFENDANTS' VERSION.

The defendants' version of the affair as given in Attorney Kelly's opening was altogether different to that told by the Quinns. Joe Gallagher was being held about the knees by young Quinn, while old man Quinn belabored him over the head with his cane. Mrs. Gallagher rescued her boy and told him to run for his life. He did, and was heading down the railroad track, pursued by the Quinns, when old man Quinn was felled by a stone which his son, who brought up the rear, threw at the fleeing Gallagher.

Mrs. Nellie Quinn was the first witness called by the commonwealth. She told that her husband, James Quinn, Jr., went down to McHale's to get a pair of beer for Thomas Cummings, who was working a Sunday shift on the gravity tracks, opposite their home. The witness happened by the Gallagher house and heard Tom Gallagher, his mother and grandmother talking together and Tom Gallagher was heard to say: "The bald-headed— I'll follow him. I owe him a grudge and I'll get it out of him."

The witness then started to McHale's to bring her husband home. Tom Gallagher started in the same direction, but had gone to McHale's when his mother called him back and gave him some bright shining article which he put in his hip pocket. Gallagher then hurried on to the hotel, reaching it before Mrs. Quinn, but not until after Mr. Quinn had departed.

Tom Gallagher saw the witness outside of McHale's and began to abuse her and to make threats to blow her brains out. Joseph Gallagher appeared about this time and joined with his brother in calling her names. He also remarked to the witness that it would be a sorry day for her.

GALLAGHER STARTED FOR HIM.

The witness' husband had left McHale's and gone across the commons to a clump of trees, where he and Cummings were engaged in drinking the pair of beer when the others went down the road to McHale's. When he came from behind the trees and took to the road Joe Gallagher saw him and shouted to his younger brother, "There goes the bald-headed— I'll catch him," at the same time starting up the hill, followed by Tom Gallagher.

The witness thought to pass them and reach her husband, but Tom Gallagher threatened to kill her if she followed and in her fear she remained standing. She heard the exchange between her husband and Joe Gallagher and saw the latter fell her husband with a blow. They were all beating Quinn when old man Quinn ran over and besought them not to kill his boy. Mrs. Gallagher said something to her sons and they turned upon old man Quinn. Thomas Gallagher struck him on the side of the head with a stone, and as he was tottering Joseph Gallagher hit him with another stone on the forehead. When he was done Joe Gallagher kicked him. The witness approached the scene of the fight, but was kept from participating in it by Tom Gallagher's threats to blow her heart out.

Thomas Cummings was the second witness. He said he saw the belligerents bunched together and could not tell who threw the stone that struck the old man. He was working on the railroad when the fighting was on.

In answer to a question by Judge Gordon the witness said that the two Quinns were about thirty feet apart when the old man received the blow. He did not see Mrs. James Quinn, Jr. anywhere in the vicinity of the fighting, he said. Neither did he see old man Quinn using his cane on the Gallagher's.

Min James Quinn, widow of the victim, next testified that she saw Tom Gallagher follow her son down

towards McHale's. At Sweeney's he stopped to pick up a stone. "My husband," she went on to say, "was on the porch. He went away and later I saw him talking with John McDonald from a lot which we own, and which is close to the Gravity road. I saw my son coming up the road and I saw Joe Gallagher running after him and yelling. James did not pay any attention to him at first, but finally he turned and asked: 'Is it me you want?' Joe Gallagher said it was and my son asked: 'What do you want?' Gallagher said: 'There's trouble between me and you and it must be settled.' My son said: 'We will settle it, here and now,' and he took something out of his pocket and struck my son, saying: 'You scoundrel, take that.' My son fell. Mrs. Gallagher and Mrs. Dempsey were running up the railroad to the scene and threw stones at my son. He was getting up. I think he had regained his feet and they knocked him down again. My husband came across the railroad. He had a stone as if some one had spoken to him. Then I saw Thomas Gallagher strike him with a stone. He staggered, but before he fell Joe Gallagher hit him in the forehead."

On cross-examination Mrs. Quinn admitted that when her husband fell and she ran to his side she said to her case: 'James you are the cause of your father's death.' She denied that he retorted: 'Shut up, or I'll give you a thump in the mouth.' What he did say was: 'That Tom Gallagher killed him.' She testified that her husband was 69 years old.

MCDONALD'S TESTIMONY.

John McDonald, the man with whom the elder Quinn was talking before he ran over to the fight, was the next witness. He did not see the fatal blow struck. He saw Mrs. Gallagher hit old man Quinn and he saw the latter hit Joe Gallagher with his cane. He could not tell, though, who threw the stone with which old man Quinn was felled.

Martin Battle and Thomas Carden, who witnessed the affair from a distance of 300 feet, were also called, but did not throw any light on the case. They saw old man Quinn fall, but could not tell by whom the blow was struck.

James Quinn, Jr., whom the defense charges with the death of his father, was next subjected to a lengthy examination. He first recounted the incident at the school house in the morning, when he and Tom Gallagher got into a quarrel and which ended in his striking Gallagher and knocking him to the ground. Then he went on to tell of the incidents of the afternoon. The first he saw of the Gallagher's was when he was starting home after coming from behind the tree, where he and Cummings went to drink beer. Both the Gallagher boys and their mother were at McHale's and when they saw him they came after him. Joe called after him several times and finally caught up with him. Joe referred to the trouble the two families were having and said "We'll settle it now." The witness answered that he wouldn't have anything to do with him that day. Cummings offered to interfere and Joe told him "keep away. This will be man against man."

WAS SHOVED AWAY.

Joe caught hold of Quinn and was shoved away. He caught hold of him again and was again pushed back. Quinn's attention was attracted by Tom Gallagher and his mother coming up and while his head was turned partially aside Joe Gallagher drew some instrument from his back pocket and hit him in the breast, sending him to the ground.

Then the three Gallagher's and Mrs. Dempsey assaulted him, the boys pounding and kicking him and the women pelting him with stones. This was going on for several minutes when Quinn's father came running over and begged of them not to kill his boy.

The assailants turned their attention to the father, all of them pelting him with stones. Thomas Gallagher hit the old man on the side of the head with a big stone and as he was tottering Joe Gallagher hit him with another stone on the forehead. The witness got up and chased Tom Gallagher, but did not overtake him. When he returned the tumult had subsided and his father was being carried to the house.

On cross-examination he denied having seen his father use his cane on the Gallagher's and positively swore that he not only did not throw a stone at Joe Gallagher which struck his father, but that he did not throw or attempt to throw a stone during all the fight. He also denied that his mother said: "You are the cause of your father's death." What she did say, he averred, was that "You are the cause of the trouble that brought on your father's death." He admitted that he whipped Tom Gallagher at the school house in the morning and that he would have given him a worse beating if the crowd had not restrained him.

COMMONWEALTH RESTED.

With his testimony the commonwealth rested and Mr. Kelly opened for the defense. His version of the affair was, as told above, that young Quinn killed his father in attempting to strike Joe Gallagher.

Tom Gallagher came home to dinner under the influence of drink and with blood on his face and clothing. Mr. Kelly went on to say. His mother learned from him of the encounter at the school house and when he started out to go to McHale's in the afternoon Mrs. Gallagher feared he would get into more trouble and sent her mother to the store, where Joe Gallagher was working, to tell him that Joe was drinking and to have him go to McHale's and bring him home.

Mrs. Gallagher said that Quinn was down at McHale's and as this heightened her fear for her son, she herself went down. Mrs. Quinn was there and she heard her say to Tom: "You'll swallow your own blood before this day is over."

Mrs. Gallagher and Joe were taking the younger brother home and when they approached the crossing where Quinn and Cummings were standing, Cummings called out to Quinn: "There's your man."

Quinn turned to Joe Gallagher and said: "I licked your brother this morning and I can lick you, too." At this he struck out with his right hand at Joe, but missed him, and then swung the beer barrel at him. Joe then struck back and knocked him down. Quinn caught Joe by the knees and was trying to pull him down when old man Quinn appeared and commenced to pound Joe over the head with his cane.

STRUCK HIS FATHER.

Mrs. Gallagher jumped in to save her boy and succeeded in getting him away. Joe ran down the track with the old man in pursuit. Young Quinn followed the old man, a few feet behind. They had gone only a short distance when young Quinn hurled a stone at Joe Gallagher. It struck the old man, who was between them, and

Outing flannel skirt patterns

Extraordinary offer for Friday of five hundred good quality outing flannel patterns, with crochet edge, never sold for less than 25c in any other store in the United States. This is an extraordinary bargain at a special Friday price..... 15c

Store Open Evenings Until Christmas.

THE LEADER

Scranton Store, 124-126 Wyoming Avenue.

Pillow shams and dresser covers

One lot of Irish point dresser covers, 39c grade. Special..... 25c
One lot of 54-inch Irish point dresser covers, 69c grade. Special..... 39c
25 dozen Irish point shams, regular price per pair \$1.00. Special..... 59c

A Friday sale of staple and holiday goods without an equal

The greatest effort will be made to make this Friday exceed in activity any Friday of the present season. We call attention to our special sale of domestic goods, dress goods, curtains, and an extraordinary sacrifice in books of all kinds.

Four special sections provided for dolls, glassware, fancy boxes and calendars.

Two hour bargains—from 8 to 10 on Friday.

For just two hours on Friday morning we shall offer the following extraordinary attractions at our domestic goods counter.

One case Apron Gingham, real value 5c, special.....
One lot of remnants of Colored Outing Flannel, 7c grade, special.....
One lot of full standard Dark Prints, 6c grade, special.....
One lot of Glass Toweling, all linen, 6c grade, special..... 3c

All of these great values are for all day.

Never in the history of this store have we offered the saving chances to be found here during this pre-holiday sale. This stock must be condensed to make room for holiday goods.

One lot of checked and plaid India linens and imported nainsook, real value 12 1/2c; special on Friday..... 7c
One lot of 11-4 white crochet quilts, \$1 grade; special on Friday..... 75c
One lot of unbleached hemmed sheets, 55c grade, special on Friday..... 39c
One lot of bleached hemmed sheets, 9-4, 55c grade, special on Friday..... 42c
One lot of hemstitched sheets, 9-4 bleached, 69c grade, special on Friday..... 49c
One lot of remnants of colored outing flannel of every description, 8 1/2c grade, special Friday..... 5c
One lot of linen huck towels, 15c grade; special Friday..... 10c
One lot of fleece back wrapper cloth, in all the new designs, 8c grade, special Friday..... 5c
One lot of all wool flannel, very suitable for shirts and undershirts, 35c grade, special Friday..... 20c
One lot of extra heavy Honesdale flannel, sells everywhere at 33c, special Friday..... 25c
Twenty-five pieces of extra width all linen crash, 10c grade, special Friday..... 6 1/2c
One lot of extra large size huck towels, 20c grade, special on Friday..... 12 1/2c
One lot of extra large size damask and huck towels, 20c grade, special on Friday..... 10c

Friday Bargains on second floor

White corrugated cottage poles, with trimmings complete, worth 10c. Special for Friday..... 12c

Oak cottage poles with trimmings complete, worth 15c. On Friday..... 9c

Sofa cushions, covered with fast colored cretonne, ruffled border, worth 39c. On Friday, special..... 25c

Figured denim, reversible patterns, former price 12c. Special Friday..... 12c

Tapestry table covers, yard wide, new designs, worth 35c. On Friday..... 25c

60-inch reversible oriental stripe drapery goods, same as others asked 75c and 85c for. Friday..... 50c

Denim laundry bags, worth 30 cents. Special for Friday..... 25c

Fish net, yard wide, worth 15 cents. Special for Friday..... 7c

Blankets and Comforts sale

All of our \$3.50, \$4.00 and \$4.50 blankets in white, red and grey, in one lot. Choice of any one..... 2.98

All of our \$5.00 blankets, in one lot, for Friday..... 3.55

All of our \$6.00 and \$7.00 blankets. Special for Friday..... 4.98

Special sale of comforts at 49c, 75c, 98c and \$1.25, worth twenty-five per cent. more.

76c Nottingham curtains, with pole complete, 40c

One hundred pairs of Nottingham curtains, full length and full width, the same quality that you ordinarily pay 75c for, with which we will give you the pole and trimmings complete, all for one great bargain price.. 40c

Dress goods for Friday's sale

One lot of dress goods, all this season's fabrics, would be cheap at 39c. Special on Friday..... 29c

One lot of novelty dress goods, including chevrons and chevrons, in black and all colors, 59c grade. Special on Friday..... 39c

54-inch camel's hair serge, in black and colors, 98c grade. Special on Friday..... 65c

42-inch black storm serge, 59c grade. Special..... 43c

All of our 98c black serge. Special on Friday..... 69c

All of our \$1.25 black crepon. Special on Friday..... 98c

All of our \$1.75 black crepon. Special on Friday..... 1.25

One lot of broadcloth, real value \$1.25. Special..... 83c

One lot of high class camel's hair plaids, 75c grade..... 43c

Very special holiday sale of furs

Being overstocked on fur garments of all kinds, we shall have a special sale at reduced prices. Don't miss this extraordinary showing of fine collarettes, boas, muffs and children's furs. Prices have been cut to half.

Cut price sale of silk waists and silk undershirts

Our silk waist stock has been marked way below cost, and we have divided the same in three lots, as follows:

Lot 1—Fine quality taffeta silk waists, in black and white, also a few satin waists, regular price \$6.00. Special..... 3.95
Lot 2—Much finer quality than above, tucked all over, regular price \$7.00. Special..... 4.98
Lot 3—Our very best quality, worth as high as \$10.00. Special..... 5.98
Fine quality taffeta silk undershirts, worth \$5.50. Special..... 3.98
Much finer quality than the above, worth \$8.00. Special..... 5.48

Ladies' 76c outing flannel gowns at 45c

This is a special lot for Friday's sale, comprising fifty dozen of a quality that usually sells for 75c. Our special price for Friday and for Friday only..... 45c

Special sale of ladies' white aprons at 17c

The real value of these is 29c, made of good quality lawn, trimmed with insertion. Very special price for Friday only..... 17c

A DRAMATIC TREAT.

It Will Be Furnished at St. Luke's Parish House Tomorrow Night.

Mr. Willis E. Dudley, who was booked at St. Luke's Parish House in "Strange Adventures of a Kodak Fiend" on tomorrow night, has broken down in health and will be unable to appear. Fortunately for holders of orange tickets, the committee of arrangements have been able to secure a first class and high-priced attraction to substitute. Miss Anna Deony Martin, of Boston, one of the great entertainers of the season, will present on that evening the picture drama based on Anthony Hope's great novel, "The Prisoner of Zenda."

Miss Martin is an artist who commands one-third higher terms than Mr. Dudley and her entertainment is complete with dramatic action and strong elocution. The press notices of her entertainments and the personal endorsements of prominent people warrant the committee in promising its patrons a treat equal to any entertainment in the course. There are a few good seats still on sale at Powell's at 15 cents each.

FUNERAL OF MRS. CHAS. HORN.

Remains Brought Here from Pittsburg and Interred in Forest Hill. The body of Mrs. Charles Horn, late of Pittsburg, was brought to this city yesterday on the Delaware and Hudson railroad and interred in Odd Fellows' plot, Forest Hill cemetery.

Her husband, who was a brother of Attorney George Horn, of this city, was buried in Forest Hill cemetery about twenty-two years ago. The pall-bearers were John T. Howe, Chester Gardner, James McAnulty, Samuel Edgar, C. Comeyes and William G. Robertson.

DR. BULL'S COUGH SYRUP. Cures a Cough or Cold at Once. Conquers Croup without Fail. Is the Best for Whooping Cough, Hoarseness, Whooping Cough, and for the cure of Sore Throat. Mothers praise it. Doctors prescribe it. Small doses; quick, sure results. FOR ALL LUNG TROUBLES.