

GRIER JURY NOT AGREED

(Continued from Page 3.)

their time in leisure, if they saw fit, are engaged in reforming those vicious, unlawful acts solely for the general welfare.

After a defense of the detectives and commendation for their cleverness, Mr. Torrey proceeded to go over the list of the defendant's witnesses and they way he arraigned some of them was bitter indeed. When it came to Attorney McGinley's testimony, Mr. Torrey said it amounted to nothing. Grier was safe in giving it to McGinley for what he said was sacred and the law could not compel Mr. McGinley to tell what was given. His evidence counts for nothing.

Mr. Grier's bank account was dwelt upon at length by Mr. Torrey and it was pointed out as significant that the store which Mr. Grier purchased a half-interest in was inventoried at \$2,800.

After reviewing the testimony and fitting it in with remarkable accuracy to the theory of the prosecution, Mr. Torrey pointed out that the money was taken with a corrupt motive and if the jury believed this it would have to convict the defendant.

The charge of Judge Edwards was one of the best ever delivered in the criminal case in this county. It was as follows:

JUDGE EDWARDS' CHARGE.

Gentlemen of the Jury: I congratulate you on the approaching termination of this case. You have listened to a large amount of testimony and to elaborate arguments on the part of counsel. It has been called to your attention several times that the case is of great importance. This fact is undoubtedly true. It is important for more than one reason. It is important to the defendant because of his standing in the community, his reputation and his liberty are involved. It is also important to the citizens of Scranton, because it concerns the purity and integrity of municipal government.

Considering the importance of the case, looking at it from these various standpoints, it naturally follows that the defendant and the prosecution should be treated with impartiality and that the determination of the case and to your deliberation in the jury room the best powers of your mind, the most enlightened judgment, great patience and forbearance in your discussions, a clear conscience and a courage to follow your convictions, whatever your verdict might be, or whatever may be the consequences of your verdict.

You have been selected with great care, each one of you having been introduced to me by conceived opinions touching the merits of the case, and you have been kept separate and apart from your fellowmen during the trial. This was done for the purpose of securing an impartial jury, free from bias, prejudice and passion, and secure from outside influences which might, consciously or unconsciously, swerve you from the straight path.

The defendant is entitled to a fair and impartial trial. He is presumed to be innocent until he is proven guilty. This presumption belongs to every citizen and it is your duty to follow your convictions, whatever your verdict might be, or whatever may be the consequences of your verdict.

READ THE ACT.

The section of the act of assembly defining the offense was read by the judge, after which he continued: You notice that the terms of the section I have read are comprehensive in their character, embracing almost every possible phase of the crime described in it which the mind of man can conceive. Let us examine the act more minutely. The offense is committed by a member of councils solicits money, or anything of value for his vote or official influence. It is not essential that he should actually receive the money. Whether he solicits money for himself or for another councilman makes no difference, the offense is the same. It is bribery. And the thing solicited may not be money.

It may be an office, or appointment, or employment, or reward, or anything else of personal advantage; or it may be only the promise of any of these things. Yet it is bribery if the purpose of the councilman is corrupt. Neither is it necessary that the councilman should actually vote on any measure; it is enough that he should corruptly withhold his vote for a consideration. I have referred thus to some of the phases of the offense of bribery to show how complete and far-reaching the act of assembly is, and how jealous the law-making power of our state is on the question of the honesty and integrity of the members of municipal councils.

Having called your attention to the act of assembly I will now consider the indictment. The indictment in this case contains two counts. The first count, in substance, charges the defendant with soliciting and receiving the sum of forty dollars for himself to influence his official action as councilman. The second count charges that the same amount, forty dollars, was solicited and received by the defendant not for himself, but for some other councilman, with the same corrupt purpose. If the evidence satisfies you beyond a reasonable doubt, that the defendant received the sum of forty dollars for himself, for the purpose I have stated, he may be convicted on the first count of the indictment.

THE FORTY DOLLARS.

It, on the other hand, you find that he received or solicited the forty dollars for some other councilman, for the purpose I have stated, and not for himself, the defendant may be convicted on the second count in the indictment. If he solicited or received the forty dollars mentioned, for himself and for other councilmen for the purpose of influencing his official action, he may be convicted on both counts of the indictment, or in manner and form as he stands indicted. If he received the said sum of money for the purpose stated by him, and not for a corrupt purpose, he should be acquitted.

I have now explained to you the indictment and the law upon which it is based. Before proceeding to consider the evidence I want to refer to a few preliminary questions which are at the threshold of this case. The evidence on behalf of the Commonwealth, in part, is to be found in the testimony of the detectives. It is claimed on the part of the Commonwealth that for some time past, it was rumored on the streets and charged in the public press that legislation in favor of certain corporations, by which valuable franchises were secured, was obtained from the councils of the city of Scranton by corrupt methods, and that in order to find out the truth of these charges an association was formed known as the Municipal League, of which the prosecutor in this case and other citizens of Scranton are members.

I think it is proper for me to state, in this connection, that such an association is to be commended and not condemned. Citizens of a municipality have the right to watch their public officials, and if they believe them to be corrupt and can support their belief by facts, they have a right to associate together, and to use proper and legitimate means to prevent corruption in the councils or elsewhere. The Commonwealth says that in order to accomplish this purpose, the league was formed, and the services of detectives were secured.

LICENSE ORDINANCE.

Another fact which is connected with what I have stated is that there was a license ordinance before the councils, a section of which taxed the gross receipts of the Scranton Railway company, known also as the Scranton Traction company, at three, four and five per cent, for different years. Before its passage, the council on the first Monday of April of this year, the ordinance failed to pass. A new ordinance was introduced in the same council imposing the same tax on the street

railway company. This ordinance, it is claimed by the Commonwealth, furnished the opportunity which was seized upon by the Municipal League to ascertain whether any members of the Scranton city council were or were not corrupt and the proposition was made to the defendant and other councilmen. If you believe the evidence of the Commonwealth to reduce the tax from three, four and five per cent, to one per cent, by an amendment to the ordinance, and it is claimed that in pressing this proposition the agents of the league were met with a demand for money from the defendant and others.

I have referred to these matters because they form a part of the evidence. I shall not attempt to go over in detail the testimony in the case. I gather, from my observation of your conduct during the trial, that you have paid close attention to the testimony on both sides. It is your duty to consider all the evidence. You are the sole judges of the facts. Nevertheless, it is my duty to assist you, as far as it is in my power, by classifying the evidence, bringing together the testimony relating to each salient feature of the case, instructing you as to the relevancy of the testimony to certain phases of the issue before you, and by informing you of certain principles of law which should guide you in considering and weighing the evidence and in judging of the credibility of the witnesses.

THE CENTRAL FEATURE.

All the evidence is to be considered by you in its relation to the central feature of the case, the motive which animated the defendant when he received the forty dollars from the witness Harris. Was his purpose corrupt or was it an honest one? Did he solicit and receive the money with the intention of using it as a councilman, or was it obtained by him for the purpose of obtaining evidence against Harris so as to prosecute him for bribery? These are the questions which you must answer for yourselves.

After a most impartial review of the testimony for the Commonwealth and defense, the judge continued his charge as follows:

I have now briefly but in substance gone over the testimony of the defense in relation to the transactions of the defendant and the witness Harris, and as I have already stated to you the question for your determination is largely if not altogether a question of motive. Did the defendant when he solicited and received the money from Harris receive it for an honest purpose or for a corrupt one? Was it received for the purpose of entrapping Harris and prosecuting him for bribery, or was it received for the purpose of a corrupt scheme to secure money for himself and other councilmen for his and their official favor? In order to judge rightly as to the question of motive, you must consider the facts and circumstances of the case so far as they are in evidence and determine what the actual motive of the defendant was.

It is an important circumstance in this case your attention has been called to the letter produced by the defendant, in which Harris requested him to call at the hotel. The defendant says it is the only copy of the letter he has. The time when this letter was written and the time it was received by the defendant have a material bearing in connection with the payment of the forty dollars. The defendant says he found the letter in his house on the evening of May 8, and that he mentioned the fact that he had such a letter to several witnesses on May 9, while on his way to keep the appointment.

DATE OF THE LETTER.

If this letter was not written and sent until May 11, it would be, of course, impossible for the defendant to have shown the letter to anybody. You probably recall the evidence as to the date when Harris received the letter in possession of it on May 9. He tells others on that day that he had such a letter. I don't think the other people saw the letter so as to know its date. It is the only copy of the letter that the letter was sent on May 11, and that this fact was reported to the agency in New York at the time. Mr. Heers testifies that he received from New York a copy of a report a few days after May 11, showing that the letter was written on May 11 and not on May 9. You have heard the testimony on this point. If you believe that this letter was not sent until May 11, then you cannot help coming to the conclusion that the defendant is either mistaken or is not telling the truth, and that the matter to his attorney and you heard the testimony on this point. If, on the other hand, you believe the letter was sent on May 9, then it may be considered by you as a revelation of the defendant.

RELATIONS WITH HARRIS.

Your attention is called also to the conduct of the defendant in relation with Harris and in relation to his assertion under oath that his actions were honest and his motive not corrupt. The Commonwealth claims that the conduct of the defendant has been inconsistent with his contention that he was indignant when he was offered money and that he took the forty dollars for the purpose of prosecuting Harris for bribery.

If that was his purpose, say they, why did he not arrest Harris? Why did he not expose the attempt at bribery to the councils, or to the proper officials? Why did he not lodge an information before a magistrate and cause the arrest of Harris? He says that he submitted the matter to his attorney and you heard the testimony on this point. The defendant says his attorney told him to get more evidence, to bring certain witnesses, naming them, to the office.

The defendant says he did not try to get more evidence, that he made no particular effort in that direction, and that Harris was not arrested. Whatever the reason was, you have a right to consider the defendant's failure to prosecute Harris in judging of the honesty of his motives in his transactions with Harris. You must consider the defendant's explanation also, in discussing this point.

I have a right also to consider the official action of the defendant in connection with the ordinance I have referred to. He voted in favor of the reduction of the tax on the street railway company. Did he do this from an honest conviction, or was it the result of a bargain and sale? Consider the evidence on both sides in considering this point and give it its proper weight.

Reference has also been made to the defendant's bank deposits beginning Jan. 2, with a deposit of \$800 and the subsequent deposits as testified to. You heard the explanation of the defendant as to his earnings, his accumulation of money and his living expenses. Before you can use these deposits to the detriment of the defendant or to his discredit, you must be satisfied that they were, at least in part, the proceeds of corruption in connection with his official conduct and this inference must be based upon facts in the evidence.

CHARACTER OF MOTIVE.

These are some of the facts and circumstances which may throw some light upon the central point in the case. You have a right to consider any other facts which are based upon proper testimony, although not referred to by me. I state generally that as a help to ascertain the motive of the defendant in connection with a particular act you have a right to scrutinize his conduct subsequent to the act so as to determine the character of the motive.

I will now give you some instructions as to the credibility of witnesses. The jury are the sole judges of their credibility. In weighing the testimony of witnesses the jury may consider the conduct of a witness upon the stand, the interest he may have in the case as a party, the relation of the witness, friendly or otherwise, to the parties concerned, and the character of the witness himself. The purpose in view is to ascertain the truth.

Most of the testimony on behalf of the Commonwealth is taken from the detectives. Some comment has been made upon this fact. In judging of the credibility of the detectives as witnesses you have a right to consider the nature of the crime which they are investigating. Bribery is a crime that is committed in secret, behind closed doors, and not in the presence of witnesses. To ferret out this crime detective service is indispensable. In weighing the testimony of a detective in connection with an official for the purpose of ascertaining whether or not he is corrupt and the detective has this without criminal intent on his part

and acts throughout with this original purpose, he cannot be regarded as an accomplice and his testimony is to be treated just as the testimony of any other witness, and you should give such weight as you believe it is entitled to and judge it by the rules governing the credibility of witnesses.

It is claimed that Harris is a briber. This would be true if he associated with the defendant and others with a criminal intent and for the purpose of detecting corruption. The fact that a party is deceived by a detective into a violation of law is no justification for a stand-offence. The question is: Did the defendant solicit and receive the money to influence his official action? Nevertheless the credibility of the detectives is for you.

WERE THEY DISCREDITED?

The Commonwealth also claims that several of the witnesses sworn for the defense have been discredited by certain facts disclosed by the testimony, particularly the councilman witnesses, Coleman, Coyne and Calpin. Coleman and Coyne were asked upon the witness stand whether at any time they had solicited and received money from the witness Harris to influence his official action, and they both denied it. You heard the testimony in contradiction of their denial. Coleman, according to the testimony of Harris, received \$200 once and \$50 at another time, and Coyne, as early as March 21 received \$100, and arrangements were made with Coyne to pay him \$1,000 for use in the select council.

You have heard Calpin's testimony in which he says that he made no intimation to Harris that he wanted money and you heard Harris' testimony that on May 9, Calpin said that he would not vote to reduce the tax until his suit was settled, and that it would cost the company more than \$200. It is for you to consider this testimony in its bearing upon the credibility of these witnesses. If you believe that they solicited and received the money as testified by Harris, then you would have a right to consider the fact that they were not their credit as witnesses. But if you believe the witnesses themselves, that they were not guilty of such corrupt practices, you should not use it against them.

Many witnesses have been sworn to testify to the good reputation for character of the defendant previous to his arrest in this case. Good character or reputation is not to their credit as witnesses. It is for you to determine the fact and must be proven like any other fact in the case. The terms character and reputation are sometimes interchangeably used, but speaking of good character or reputation is not to their credit as witnesses, but it is to their credit as persons. It is for you to determine that which his neighbors and the people believe him to be.

MATTER OF REPUTATION.

You must consider the evidence on this point and first ascertain whether the defendant has proven a good character or reputation in his official character. This depends to some extent on the knowledge the witnesses for character have of his official acts and conduct. If you are satisfied with your own good reputation you have a right to consider it with the other evidence in the case in determining the guilt or innocence of this defendant. Good character may be proven by the creation of a reasonable doubt produce an acquittal. If his good character or reputation has not been proven to your satisfaction in your judgment, then, of course, it has no actual value. If it has, you must give it the weight that I have indicated.

The case is now in your hands. The responsibility of a verdict rests upon you. The importance of the case, both to the defendant and the community has been extensively commented upon in your hearing. Let your verdict be such as will satisfy your own conscience and be in accordance with the law and the evidence. If you think this defendant should be acquitted say so by your verdict; if you believe that he is guilty, say so by your verdict. If you acquit him you have to dispose of the costs. If you convict him on either count of the indictment you have nothing to say on that question.

In connection with his charge the judge passed upon a number of law points presented by the defense.

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THIRD—The lists submitted in accordance with the conditions will be passed on by the Committee and their decision will be final. In no case will a list submitted by any one connected with the Zenola Company be considered. The lists decided to be first, second and third will be printed in this paper. FOURTH—The ZENOLA used must be produced by each competitor by a dealer in the city or town where competitor resides, and the name and address of the dealer must be stated. Any grocer or druggist has ZENOLA or can supply it.

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Add a fifth—we permit no lower price than our lowest price. Whatever we sell is fairly priced, and no price is fair that is higher than others ask for the same qualities. So, when we say fair prices, we say it all.

It was reserved for the style setters of this season to give the most positive distinction to plain weaves. Their mandate is praiseworthy and purely sensible. All women admire and desire the simple elegance of unobtrusive fabrics. We give impulse to the prevailing tendency by offering unusual values in Broadcloths, Venetians, Camel's Hair Serges, Poplins, Whipcords, Prunellas and other weaves. The quotations represent an effort to convey an idea of the true goodness of these materials. However, types have proved incapable of performing the task. Eyesight is our main reliance. Come and see the displays. That's the convincing way.

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Chapter II--About Black Dress Goods

Knowing ones predict an increased popularity for black dress fabrics this fall and winter. There seems to be much plausibility in the prophesy, judging from this remarkable collection, enlarging almost daily. Makers have been vying with each other toward that end. Never have they produced designs in black goods so rich, never variety so extensive. Perhaps this is more particularly true of the Venetians, Prunellas and Camel's Hair effects. And there's a vast number of fine silk and wool fabrics here now. Altogether the gathering is an interesting one—worth studying. Visit the Black Dress Goods Department, just as you would any other department in the store—without feeling any obligation to buy. Just a little list, illustrative of range of choice:

English Broadcloth, 54 inches wide, \$1.25, \$1.50, \$2.00, \$2.50 Venetians, 54 inches wide, \$1.25, \$1.50, \$2.00 Whipcords, 45 inches wide, \$1.50, \$2.00 Prunellas, 45 inches wide, \$1.35, \$1.50, \$2.00 Poplins, 45 inches wide, \$1.00, \$1.25, \$1.50, \$1.75, \$2.00, \$2.50, \$3.00, \$3.50, \$4.00, \$4.50, \$5.00, \$5.50, \$6.00, \$6.50, \$7.00, \$7.50, \$8.00, \$8.50, \$9.00, \$9.50, \$10.00, \$10.50, \$11.00, \$11.50, \$12.00, \$12.50, \$13.00, \$13.50, \$14.00, \$14.50, \$15.00, \$15.50, \$16.00, \$16.50, \$17.00, \$17.50, \$18.00, \$18.50, \$19.00, \$19.50, \$20.00, \$20.50, \$21.00, \$21.50, \$22.00, \$22.50, \$23.00, \$23.50, \$24.00, \$24.50, \$25.00, \$25.50, \$26.00, \$26.50, \$27.00, \$27.50, \$28.00, \$28.50, \$29.00, \$29.50, \$30.00, \$30.50, \$31.00, \$31.50, \$32.00, \$32.50, \$33.00, \$33.50, \$34.00, \$34.50, \$35.00, \$35.50, \$36.00, \$36.50, \$37.00, \$37.50, \$38.00, \$38.50, \$39.00, \$39.50, \$40.00, \$40.50, \$41.00, \$41.50, \$42.00, \$42.50, \$43.00, \$43.50, \$44.00, \$44.50, \$45.00, \$45.50, \$46.00, \$46.50, \$47.00, \$47.50, \$48.00, \$48.50, \$49.00, \$49.50, \$50.00, \$50.50, \$51.00, \$51.50, \$52.00, \$52.50, \$53.00, \$53.50, \$54.00, \$54.50, \$55.00, \$55.50, \$56.00, \$56.50, \$57.00, \$57.50, \$58.00, \$58.50, \$59.00, \$59.50, \$60.00, \$60.50, \$61.00, \$61.50, \$62.00, \$62.50, \$63.00, \$63.50, \$64.00, \$64.50, \$65.00, \$65.50, \$66.00, \$66.50, \$67.00, \$67.50, \$68.00, \$68.50, \$69.00, \$69.50, \$70.00, \$70.50, \$71.00, \$71.50, \$72.00, \$72.50, \$73.00, \$73.50, \$74.00, \$74.50, \$75.00, \$75.50, \$76.00, \$76.50, \$77.00, \$77.50, \$78.00, \$78.50, \$79.00, \$79.50, \$80.00, \$80.50, \$81.00, \$81.50, \$82.00, \$82.50, \$83.00, \$83.50, \$84.00, \$84.50, \$85.00, \$85.50, \$86.00, \$86.50, \$87.00, \$87.50, \$88.00, \$88.50, \$89.00, \$89.50, \$90.00, \$90.50, \$91.00, \$91.50, \$92.00, \$92.50, \$93.00, \$93.50, \$94.00, \$94.50, \$95.00, \$95.50, \$96.00, \$96.50, \$97.00, \$97.50, \$98.00, \$98.50, \$99.00, \$99.50, \$100.00

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