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CITY NOTES

HAS BEEN DEPOSED.—The state executive board of the Stationery Firm's union has sent out a notice that State Organizer C. W. Baxter, of this city, has been deposed.

SECURED ANOTHER.—The Scranton Iron Pipe company was yesterday awarded the contract for furnishing the iron pipes and tubs for the thirty new cells being constructed in the lower corridor of the county jail.

NORTH MAIN AVENUE PAVE.—The paving of North Main avenue will be begun tomorrow at the city line and the street at that end will be closed to all vehicular traffic, which will have to go to the east side of the river until further notice.

ENTERED INTO POSSESSION.—The Methodist church entered into formal possession of its new edifice in the basement of the Lincoln street synagogue yesterday afternoon. The children had a short parade before entering the new school.

CAUGHT BETWEEN CARS.—Four Halpenny, a five-year-old young man employed as a driver at the Panama mine, was crushed between two cars last evening and received a severe contusion of the head. It is thought that his skull is fractured. He is at the Lackawanna hospital.

TWO COUPLES MARRIED.—Mildred M. Jones, who married more couples than any of the local aldermen, united two couples in wedlock yesterday. They were John Pyle and Miss Katherine Zumbardo, both of Scranton, and Thomas J. Charette and Miss Lizzie A. Edwards, both of Carbondale.

THE GOOD FELLOWS.—One week from Thursday night the Scranton assembly, Royal Society of Good Fellows, will initiate fifty new members. In connection with the initiation there will be an entertainment and social. Prominent members of the order and prominent cities will deliver addresses, and at the conclusion of the entertainment refreshments will be served.

P. L. & W. PAV BAY'S.—The employees of the car shops, who are not idle, will receive their pay at 9 o'clock this morning at the postmaster's office. The machine shop men, who are also idle, will be paid tomorrow morning, commencing at 7 o'clock at the postmaster's office. The mail boxes at the stores department will also be paid today, commencing at 11 o'clock.

Announcements. On Thursday evening the Elm Park Epworth league will give an "Old Fashioned Strawberry Social" in the lecture room of the church. A most interesting programme will be forwarded by the sale of ice cream and berries.

Ask for Kelly's union crackers.

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BILLIOTT IS NOW ON TRIAL

CHARGED WITH THE MURDER OF EDWARD H. HERBERT.

Crime Resulted from a Fight That Grew Out of a Sunday Night Wedding in Carbondale—Defense Claims It Was Another Man Who Did the Deed, but the Commonwealth Stands Ready to Prove Billiott Did It—New Jury Act Is Applied—Other Court Matters.

Samuel Billiott was arraigned before President Judge H. M. Edwards, in the main court room, yesterday morning, for the murder of Edward H. Herbert, at Carbondale, October 7, last. After the jury had been selected, the case was transferred to court room No. 2, to be tried before Judge Cyrus Gordon, of Clearfield, who will arrive this morning.

Constable Edward J. Neary, is the prosecutor. Assistant District Attorney W. G. Clifford, Thomas represents the commonwealth, and the defendant has as his attorney, O'Brien & Martin. Billiott is about twenty-eight years of age, small in stature, of very swarthy complexion, with heavy black hair, a small mustache and does not strike the beholder as being particularly intelligent. He is a laborer by occupation and a native of Italy. Herbert, the man he is accused of killing, was thirty-two years of age, married, a railroad engineer, and a resident of Carbondale. It is claimed by the prosecution that Billiott stabbed Herbert while the latter was acting as penman in a fight in which a friend of Billiott and a neighbor of Herbert were the principals. The defense alleges that Billiott did not do the stabbing; that it is a case of mistaken identity.

It appears there was a Sunday night wedding at the home of James Serrano on Dunliff street, near the Delaware & Hudson crossing. The crossing was a rendezvous for the men and boys of that neighborhood, and on the evening in question there was the same number gathered there. Some of the younger boys threw a piece of orange through the open window of the house where the wedding festivities were in progress. The defense says a stone was also thrown. Thomas Serrano, brother of the owner of the house came out together with several other guests and approaching one of the boys in a threatening way charged him with having thrown a stone into the house.

ACTED AS PEACEMAKER. Michael Golden and John Scott, two of the young boys, looking about the crossing intended to save the accused boy and the result was an encounter between Scott and Serrano. Herbert happened along at this juncture and stepped between the belligerents to separate them, calling upon them at the same time to cease their quarrel and using some force to get them apart.

One of the wedding guests who had followed Serrano rushed up from behind Herbert and plunged a knife blade into his abdomen. The light ceased and the crowd began to scatter and the man with the knife was lost sight of. Herbert was taken to the Carbondale hospital and after five days expired.

Constable Neary and Chief of Police McAndrew secured a description of the man who did the stabbing, from Herbert, and after consulting various employers of laborers, thereabouts, picked up Billiott as the man who wielded the knife. They went to the house of Sean Griffin, an Irishman, where he boarded and arrested him. At the house was found a clasp knife, which fitted the wound, which had blood stains on it, and which Billiott admitted was his. He also admitted that he was at the wedding, but denied having done the stabbing. To explain the blood stains on the knife blade, he said he bled it at the wedding to persons who wanted to cut meat and bread for the wedding supper.

Billiott was taken to the hospital where Herbert lay, dying, and as soon as Herbert saw him he declared "That's the man that stabbed me." The defense will try to prove that Billiott had nothing whatever to do with the fight and that a man somewhat resembling Billiott, whose name is Frank Tallero, and who has left for parts unknown is Herbert's assassin.

THE JURY. The jurors into whose hands Billiott's fate will soon be placed are: John F. Gibbons, clerk, Scranton; C. J. Hagan, manager, Throop; Fred Hildebrand, laborer, Scranton; Albert Zeile, genl., Scranton; W. F. Van Dike, manager, Scranton; W. J. Haggerty, painter, Scranton; James Sullivan, laborer, Scranton; J. J. Rhodes, genl., Edinboro; Peter Dippe, carpenter, Scranton; Michael Bickers, engineer, Scranton; Charles Mitz, bookkeeper, Scranton.

The last four of these were selected from among twenty-four talsmen drawn during the afternoon, when the regular panel was exhausted. It was the first murder trial in this county in which a jury was drawn under the box act, which does away entirely with the standing aside of jurors by the commonwealth. Each side has twenty challenges and if the commonwealth does not want to accept a juror it must disqualify him "for cause," challenge him peremptorily or accept him.

The regular panel of sixty was exhausted, when only eight jurors had been secured. At this juncture the commonwealth had used up seven peremptory challenges and the defendant twelve. Twenty-one had been disqualified "for cause" by the prosecution and two by the defense. Thirteen talsmen were called before the needed four were secured.

When the box was filled, the commonwealth had used up fourteen of its twenty peremptory challenges, and the defendant fourteen. Twenty-five of the commonwealth's challenges "for cause" had been sustained. The defendant sent back two for this reason.

Twenty-six of the jurors examined or about thirty per cent, had conscientious scruples against capital punishment, and sixteen of these avowed they would not bring in a verdict that would hang a man, no matter how clearly the law and evidence in the case might warrant it. Judge Edwards gave the jury the usual instructions and added a word "by way of precaution, though hardly necessary" about the law forbidding the use of liquor by jurors. The jury then retired, in charge of two tipsters.

The talsmen drawn by Sheriff Schadt were James Faber, Matthias Schneider, Peter Dippe, Thomas Kelly, A. W. Short, E. E. Swartz, Frank Weller, Michael Bickers, Charles Mitz, Charles Roper, Isaac Steinberg, John J. Tooney, William Sunday, John McFalls, John Conroy, Peter Robling, Jr., Otto Raine, P. W. Davitt, J. W. Santo, Walter Needham, John J. Shea, Hugh Jeffrey, J. J. Ruddy, D. M. Davis.

Other Quarter Sessions Cases.

A petty case of rather more than ordinary interest is now on trial before Judge Carpenter in No. 2. The defendant, William Hall, of Carbondale, is charged by "Rolly" Welles, of Carbondale, with impersonating an officer, James Gardner Sanderson and J. M. Walker, the commonwealth being represented by Assistant District Attorney Louis Gramer.

Welles testified that on the evening of May 24th of last year, he was strolling down the Delaware and Hudson tracks, near Carbondale, and met the defendant in company with Ambrose Pidgin and Lyman Baker. He was informed by one of the party that "a girl" was coming to meet him, at which he expressed satisfaction, but no surprise. When the girl appeared, Welles accompanied her on a walk through a nearby field. Baker, Pidgin and the defendant following closely.

At a certain period in their conversation Welles was surprised by the sudden flight of his companion, and followed by the defendant on his shoulder, in company with the information from Hall that he was under arrest. He alleges that Hall, simultaneously threw open his coat, showing an ancient "Elks Carnival" badge affixed to his waistcoat. Welles asked the price of an amicable settlement, and paid, he alleges, five dollars, on the proceeds of which the party got together in a friendly spirit and drank whiskey.

On cross examination by Mr. Sanderson, Welles admitted a rather reticent and short memory. Pidgin, called for the prosecution as a witness, told an extraordinarily conflicting story, his statement of the case being that Welles, in company with the other three men, had been drinking all that day and were intoxicated. On cross examination by Mr. Walker, he testified that Welles informed them that he had a "date" with the girl in the case and that he and his companions then resolved to play a joke on the lady-killer and scare him. As a part of the joke they followed Welles and his companion, and at a critical moment, Hall stepped forward and tapped him on the shoulder. Pidgin heard no words concerning an arrest, and saw no money pass, although he was at no time over ten feet from Welles and Hall.

Carbondale's chief of police, J. J. McAndrew, was then called to testify to the badge which Hall wore on his wrist, but all that he could remember was that on the day of Hall's arrest, some two weeks after the alleged impersonation, he wore a small badge with the word "Carnival" upon it. He had left the badge at home.

The commonwealth called Carrie Stiles, the girl who was with Welles at the time of Hall's alleged impersonation, but she suddenly changed her mind and refused to put her on the stand. The attorneys for the defense insisted that she was an eye-witness of all that occurred, she should be called by the prosecution in the interests of justice. The object of the contention is doubtless to get at Miss Stiles on cross examination. Judge Carpenter reserved the point for decision and the case was continued until tomorrow morning.

These same parties figure in three other cases scheduled on yesterday's list. Welles is the prosecutor in each of them. He is charged with a fight with liberty; Lyman Baker with subornation of perjury, and Carrie Stiles with perjury. The case against Baker was stricken from the list. The defendant was drowned in Lake Loeb's last Friday night.

John Gillespie, pleaded guilty to statutory burglary on two counts and was sent to the penitentiary for two years. He was caught in the act of robbing Finley's store last March, while out on bail on a charge of stealing from the latter's warehouse. Superintendent of Police Tolbling told the court that Gillespie also secured time before for stealing a log of beer.

The cases in which James Tompkins was charged by C. E. Sheridan with assault and battery and playfully pointing a pistol, were continued because of the fact that the defendant is ill at the Hillside home.

Thomas J. Chadwick, of Carbondale, escaped prosecution on two charges preferred by Elizabeth Edwards, by agreeing to marry the girl. They left the court room together, secured a license from Clerk Daniels, and were joined by Alderman Kasson. When the marriage certificate was exhibited to Judge Carpenter, he had a verdict of not guilty entered in both the cases. James Gardner Sanderson and J. M. Walker represented the defendant.

John Turner, of West Market street, whose speakeasy was raided by Director of Public Safety Hitchcock last March, pleaded guilty to the charge of selling liquor without a license.

At the time of his arrest he was fined \$50 and sent to the county jail for sixty days for violating the city ordinance, and for violating the state law of selling without a license was held in jail for court. He couldn't pay the fine or secure bail.

When called for sentence, Turner had to be led to the bench by Warden Shippen, his eyesight being very poor. When asked if he had anything to say, he replied "It's a crime to beg and it's a crime to sell drink. Between the two I thought selling drink was the more honorable."

You could not get out of the Hillside home," Judge Edwards remarked. "Your excuse has no weight. There is nothing that will justify a violation of the law."

"I know that, your honor, but I didn't want to send my family in want, and I didn't want to be separated from them."

Judge Edwards was evidently impressed by the earnestness of Turner's declarations. He deferred sentence until the last day of Turner's present term of imprisonment.

George Wilson, whom Patrolman Karius captured in E. Josephson's Penn avenue store, early one morning last March, pleaded guilty. He was remanded for sentence.

Papa Murder Case May Go Over. The case in which Benedetto Papa is charged with the murder of Harry Davis, at the Dewey Hotel, on Lackawanna avenue, last January, may

Duffy's CONSUMPTION Pure Malt Whiskey

possibly go over until next October. Attorney Joseph O'Brien made a motion for a continuance yesterday, but District Attorney Lewis would not consent to continue it beyond next week, because he wanted to clear up the list and prevent a possible postponement at the next term, which is always a busy one, because of the long intervening recess. Mr. O'Brien stated that on account of being engaged in the Billiott case, he could not well prepare a defense in the other list term as he is ready to go to trial this term.

Judge Edward seemed disposed to grant the motion, and directed that the defendant be brought down from jail tomorrow.

The case was continued from the last term to give time for the defendant's father to reach here from Italy.

In Common Pleas Court. A charter was yesterday granted the Mountain Lake Fishing and Shooting club.

A rule for a new trial was granted in the case of J. E. Westgate against J. K. Wedeman; a rule to perfect appeal, in the case of Griffin against the Scranton Dairy company; a rule to set aside the award, in the case of P. D. Manley against Isabella O'Rell; a rule to set aside the judgment, in the case of S. Cohen against M. D. Broch; a rule for a decree in divorce, in the case of Jennie Wilson against James P. Wilson, and a rule to accept or refuse the finding of the master, in the case of George G. Winans. Alias subpoenas were awarded in the Rowe and Day divorce cases.

Alleged Disorderly Houses. Alleging that their hotels are disorderly and resorts for lewd women, the Municipal league yesterday petitioned court to revoke the licenses of the "Theodore Morris and Henry M. Jones, of Spruce street.

Rules were granted, returnable Wednesday, June 19, at 9 a. m. Attorney F. E. Heers appeared for the petitioners.

Liquor Cases Reported Settled. The cases prosecuted by Drummer Evangelist W. H. Williams against Dominic Vucaro, charged with selling liquor on Sunday, and Mary and Angelo Malino, charged with selling without a license, were yesterday reported settled.

Vucaro agreed to obey the law religiously, and the others promised to go out of business.

Now They'll Be Good. James J. Corbett constable yesterday applied for a deputy constable of the Twelfth ward.

Court approved the appointment.

Marriage Licenses. Diney Libby, 1014 Dickinson city street, Fred Pyles, 222 Second street, Gertrude G. Thomas, 104 Carbondale street, Harry E. Bay, 510 Franklin avenue, Fannie L. Russell, 229 Fourteenth street, Nathan J. Packard, 229 Syracuse street, Della Harris, 229 Syracuse street, Thomas Salsbery, 229 Syracuse street, Jeanne Schanz, 229 Syracuse street, John Frey, 229 Syracuse street, Katherine Zumbardo, 229 Syracuse street, Gertrude E. Twilling, 229 Penn avenue, Dr. John T. Downing, 229 Jefferson avenue, Amelia R. Williams, 65 Doble street, Arthur B. Williams, 229 York street, Emma M. Hadley, 229 York street, M. E. O'Malley, 229 York street, Katherine Gordon, 229 York street, George R. Pittman, 229 York street, Mary Schaefer, 229 York street, William E. Clappell, 497 Mary street, Grace Henderson, 229 Wals street, Thomas J. Chadwick, Carbondale, Lizzie A. Edwards, Carbondale, George L. Cobell, Danvers, Ralph M. Price, Scranton, James M. Powell, 341 N. Garfield avenue, Gertrude M. Thomas, 478 N. Main avenue.

COURT HOUSE NEWS NOTES. Court yesterday transferred to Daniel O'Brien the hotel license held by Seth Grubbs, of the Second ward of Taylor.

In the case of G. W. Palmer et al, against the Scranton railway company the jury yesterday returned a verdict of \$25.00 in favor of the plaintiff.

Judge Carpenter yesterday admitted the following to citizenship: Walter K. Scranton, Rafaela Pirota, of Scranton; Arthur Brodus of Dickson City, and Peter Tappan, of Juncos.

HARRIS AND SEAMANS. Saturday was the last day for the registration of candidates for delegate to the Republican state convention from the Third legislative district.

Harry E. Harris, of Taylor, and Harry C. Seamans, of Benton, were the only candidates to register and pay the regular assessment, and under Rule 25 of the regulations governing the National Educational Association, they had declared the delegates from that district, not having any opposition.

LOW FARES TO DETROIT. Via the Lehigh Valley Railroad. Account meeting of the National Educational Association, tickets on sale July 6, 7 and 8. See ticket agents for particulars. Smoke the Pocomo cigar. Ask for Kelly's union crackers.

FINN LIKELY TO GO FREE

GRAND JURY DID NOT HAVE PROPER JURISDICTION.

Motion to Quash the Indictment Based on a Supreme Court Decision That Is Claimed to Be on All Four with the Case at Bar—Old Forge Councilmen's Case Depends on Same Decision—At All Events, Finn Will Not Be Tried This Term.

If the positive opinion of leading lawyer goes for aught, Select Councilman Wade M. Finn will not be tried on the indictment returned by the grand jury alleging bribery against him. The grand jury, it is claimed, exceeded its jurisdiction in returning him in the manner it did.

This opinion is based on a decision of the supreme court, in a Northampton county case, Commonwealth against Lizzie Green reported in 126 Pa. The syllabus of the decision is as follows:

The grand jury may set upon and make presentment only of such offenses as are of public notoriety and within their own knowledge such as witnesses, victims, etc., as are given to them in charge by the court or by the district attorney, but in no other case without previous examination of the accused before a magistrate.

When a grand jury made presentment of a defendant for keeping a bawdy house, acting as a pimp, etc., in a Northampton county case, Commonwealth against another defendant, an indictment preferred thereon by the district attorney, with leave, and returned, a new bill, will be quashed.

On the hearing of the motion to quash, a member of the grand jury by whom the presentment was made, is a competent witness to testify to the fact that that body, in making the presentment, acted upon such testimony, and not upon their own knowledge and observation of the character of the house kept and maintained.

Where the testimony of the grand jury, offered at the hearing of the motion to quash, is objected to, objection overruled and an exception taken, the question as to the admissibility of the testimony is not upon an indictment, but upon a record under paragraph 1, act of May 19, 1854, P. L. 23.

THE PROCEEDINGS. Last Saturday, James H. Torrey, of counsel for the Municipal League, went before court, as attorney for Wade M. Finn and motion to quash the indictment. Court directed him to renew the motion yesterday morning, when the three justices would be present, and the Commonwealth represented.

When court opened, yesterday, Mr. Torrey renewed the motion and had W. H. Taylor, foreman of the last grand jury testify that the indictment against Finn was founded on testimony adduced in the hearing of the perjury case against H. C. Hutton; that there was no transcript; that none of the jurors professed any knowledge of the case outside of what they learned in the jury room and that the jury itself took the initiative in the matter.

President Judge Edwards ordered the testimony transcribed and said a decision would be made later. Mr. Torrey expressed a wish that a decision might be rendered before Thursday next, when the Finn case is set for trial and if the case was to be tried he would like to have it tried now.

District Attorney Lewis said he would like to present some testimony before the case was finally disposed of. Judge Edwards said the case would have to go over till argument court. There was a number of other cases, he said, hinging on the same point and the court will want to consider the matter with due care.

THE OLD FORGE CASES. The cases referred to by Judge Edwards are those in which the five Old Forge councilmen are indicted for bribery. A transcript sent in alleging bribery against Frank Silliman, Jr., general manager of the Scranton Railway company. He was accused of having bribed these five councilmen. They and a number of other witnesses were summoned to substantiate the charge against Silliman. The jury returned a verdict against Silliman and likewise indicted the five councilmen on the charge of receiving bribes. The point raised by Mr. Torrey was raised also by O'Brien & Martin in the move to quash the indictment against the Old Forge councilmen.

Practically all attorneys who were present in court yesterday, were one and all positive in the opinion that the decision favored to free Finn and the Old Forge men will be efficacious.

LOW FARES TO DETROIT. Via the Lehigh Valley Railroad. Account meeting of the National Educational Association, tickets on sale July 6, 7 and 8. See ticket agents for particulars. Smoke the Pocomo cigar. Ask for Kelly's union crackers.

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WALDRON'S BIG HORSESALE. Next Friday, June 7, at Cusick's Old Stable, Washington Avenue. There will be two carloads, consisting of Roaders, Coachers, Pacers and Trotters, Big Single Draughts, Express and General Purpose Horses. Any one in want of horses should not miss this Big Sale. Exchanges can be made any time before the auction hour. If you have one to sell send him to Waldron, for he will find a new home for every horse.