

WALDRON'S Big Horse Sale



Tomorrow [Thursday] Oct. 10, at Cusick's Old Stable, Washington Ave. There will be two carloads, consisting of Roaders, Coachers, Pacers and Trotters, Big Single Draughts, Express and General Purpose Horses.

CITY NOTES.

MEETS THIS AFTERNOON. The Ladies Aid society of the All Saints Universal church will meet at 2:30 p. m. at the church, 230 Franklin street, Wednesday afternoon.

TO GO TO DALTON.—The managers of the Home for the Friendless will be entertained by Mrs. James P. Dalton today at her home in Dalton. They will leave for the Lackawanna on the 10:20 train.

SIGNED BY RECORDER.—The following ordinances have not been signed by the recorder: Providing for the construction of two sewer basins in the fourteenth ward; providing for the repair of the garbage receptacles; imposing a fine of \$4.00 for the payment of certain delinquent bills.

WARD ORGANIZED.—The outposts of this city met at the office of Dr. J. T. Downing, to the Board of Trade building last evening and effected an organization to be known as the Scranton Outposts association. Dr. Downing was elected president, and Dr. Herbert L. Farnham, secretary.

WORD CONTEST.—A word contest has been in progress during September at the Conservatory of Music. A large number contended for the prizes and the committee to whom the paper was referred, reported last evening. The first prize of \$50 in tuition (the cost of course A) was won by James T. Bardsley, Jr. The second prize, \$25.00, was won by Miss Eleanor Jones and the third prize was won by Miss Ella Thomas, who gets half the amount of the first prize.

IN THE MAIN COURT ROOM. Verdicts of Not Guilty in the Bevilacqua and Jansen Cases. After the Papa homicide case had been transferred to the main court room yesterday morning President Judge Edwards went on the bench in the main court room and the general list was taken up.

A verdict of not guilty was taken as to Pasquale Bevilacqua, who was indicted as an accessory to the killing of Mrs. Mary Rose by Bevilacqua's wife at Green Ridge on November 23, 1900. Mrs. Bevilacqua was tried at the last term and acquitted. Since a jury declared that she was not guilty of murder it followed as a natural consequence that her husband could not have been an accessory and a formal verdict declaring him not guilty was taken.

A verdict of not guilty was also taken in the case of Frank Jansen, of South Scranton, charged with arson. Jansen, it will be remembered, returned to his home about 3 o'clock one morning last February. A lamp threw its light through a window. It struck the sofa, broke and set the house on fire. His little daughter was burned to death and his sister-in-law, Miss McDonald, badly burned.

MRS. McDONALD'S CHARGE. His mother-in-law, Mrs. McDonald, charged that the fire was caused by Jansen throwing a lighted lamp at his wife and he was indicted for murder and arson. It was shown at the trial of the murder case that there was no intent on the part of Jansen to set fire to the building and he was returned not guilty. The same state of facts governed the arson case and a verdict of not guilty was taken.

Some months ago Dante Cecorey ran off and married Annie Farno, a girl not yet sixteen years of age, without the consent of her mother. He was arrested at the instance of the girl's uncle, John Horvath, on a charge of enticing a minor female. Since the arrest Mrs. Farno has forgiven the man who carried off her daughter and a verdict of not guilty was taken yesterday. The parties live at Jessup. Attorney C. E. Daniels appeared for the defendant and Attorney Joseph O'Brien for the prosecution.

A verdict of not guilty was taken in the case of Alexander Cook who was charged with assault and battery by Maekko Kepala for the reason that the prosecutor did not appear. Edward Martin was convicted of throwing a stone through a window of the house of Powell Smith on Thoms street, and he was sentenced to pay a fine of \$1 and spend three months in the county jail. Martin denied throwing the stone, but admitted that he was in a crowd that made a demonstration at Smith's house on the night of May 7 last.

PAPA GIVES HIS VERSION DESCRIBES THE WAY HE KILLED HARRY DAVIS.

Had the Open Razor in His Outstretched Hand and Was Drawing in the Hand to Protect His Face When the Razor Struck Davis' Neck and Cut Him—Commonwealth's Witnesses Say Papa Threw His Left Arm Around Davis' Neck and Then Slashed Him.

Practically all the testimony in the case of Benedetto Papa, charged with the murder of Harry Davis in the Dewey hotel on January 4 of this year, was heard yesterday, and today will be consumed by the arguments of the attorneys and charge of the court. Papa was on the stand for about an hour during the afternoon and gave his version of the killing. He said that while defending himself with the razor, he accidentally cut Davis. He had no intention of killing him or even of cutting him.

When court opened in the morning, fifteen witnesses, summoned by the sheriff, were in court, and from them the two additional juries needed were secured. They are Michael Bickens, gentleman, Scranton; Edward Melvin, druggist, Scranton.

After the jury was sworn the trial was transferred to court room No. 2, where Attorney Palmer Williams opened the case for the Commonwealth. Before this, the attorneys for Papa offered to have him plead guilty to manslaughter, but the district attorney would accept nothing less than a verdict of murder in the second degree.

THE FIRST WITNESS. The first witness sworn was Harry Hess, who went into the Dewey about 10:20 on the night of the killing. Frank Riley and Lucius Clark, bartenders, and two other men were in the place. In a few minutes Harry Davis and Harry Matthews moved from Lackawanna avenue. Matthews gave an exhibition of a buck and wing dancing, and after this was finished a noise was heard in the back room. The witness and the others entered the back room and saw Harry Davis and Papa together. George Whitehead, Mary Totten, Papa, Arthur Davis and two Italian companions of Papa, Papa and Arthur Davis had evidently been fighting, and several of the girls took hold of Arthur Davis and drew him away from Papa to a side of the room.

Harry Davis went over towards Papa and said: "Here, we don't want any trouble here." Then Papa threw his arms around Harry Davis' head and drew it backward. Hess heard Davis say: "My God, I'm cut," and Papa ran from the room.

Henry Matthews, of 125 Wright's court, said that a fight arose in the rear room in which every body pushed Papa back. Harry Davis pushed Papa back so violently that he fell over a chair. Papa sprang up and grasped Harry Davis by the throat. He heard Davis cry out: "My God, I'm cut." A cross examination he said he entered the back room with Harry Davis. Riley went in at the same time. Papa stepped back toward a part of the room which was unoccupied and Harry Davis went toward him and pushed him over, and Papa fell to the floor. The witness turned his back then and did not see anything more. The witness would not admit that he saw Papa knocked down and kicked and that his eyes were blackened and his face bloody.

RILEY'S STORY. Frank Riley, the bartender of the Dewey, said he went into the back room with Harry Davis. Harry Matthews and another man whom he did not know. He and Davis went toward Papa and advised him to be quiet. Papa went over to the washstand at the side of the room and sat down. The witness then withdrew and left Harry standing in front of Papa. He looked around soon after and he saw Papa draw a razor and cut Davis' throat. Witness then caught Papa by the hair and threw him down.

On cross examination Riley said Arthur Davis and Papa were in a "scolding." Arthur Davis was very drunk and Clark, who was bartending, was trying to stop the fight. He had succeeded in separating them and Papa went to the extreme end of the room and sat down by the lavatory. Clark has since died.

George Stevenson submitted a drawing of the razor used and rear drinking room of the Dewey hotel. Lorenzo Domenico went into the Dewey with Papa on the night of the trouble. He said that Harry Davis pulled out a razor and cut Papa's neck before the latter drew his razor. Westcott said she left the Dewey when the fighting began and knew nothing of the killing. Alice Conway said that Papa had been knocked down and kicked before he drew his razor. George Whitehead, who testified in the case of the Commonwealth to any extent.

THE DEFENSE OPENED. That closed the evidence for the Commonwealth, and Attorney H. L. Taylor opened for the defense. A number of character witnesses were first put on the stand by Captain P. J. McAndrew and Lawrence Rooney, who live near Papa in West Scranton, testified that he was a quiet, peaceable and law-abiding citizen. Mr. and Mrs. James Chris also testified. Papa worked for Christ in New York and this city as a barber for over five years. He has also lived with him during that time.

Papa was then called. He was a dramatic witness. Every now and then he would spring to his feet and with the razor illustrate how he cut Davis. He fell to the floor at another time to illustrate the way he lay when Davis killed him.

Papa is 22 years of age, weighs 118 pounds, and came to this country from Italy about six years ago. He lived in New York until May, 1900, when he came to this city to work in Christ's barber shop on Robinson street. On the night of the killing, he left the shop about 8 o'clock to go to see his cousin, Nicholas De Salvo, who has a shoe shining parlor at Lackawanna and Franklin avenues. The day before De Salvo gave him his razor to sharpen, and he was taking it back to him and also intended to shave De Salvo at the latter's home, 25 Lackawanna avenue. De Salvo could not leave his stand.

TO SKEPTICAL ASTHMATICS.

The truly marvelous cures of Asthma which have already been effected by Dr. Rudolph Schiffmann, certainly call for notice. His preparation, (Schiffmann's Asthma Cure) not only gives instant relief in the most stubborn and obstinate cases, but positively cures, in proof of which bear what the Town Clerk of Cavalier, N. D., Mr. W. Serenus, says: "I was troubled with asthma for 20 years, about 8 years ago I started to use your Asthma Cure, and have not had an attack for six years."

Schiffmann's Asthma Cure can be obtained of all Druggists at 50c and \$1.00 per package, or by writing direct to Dr. Schiffmann, Box 894, St. Paul, Minn.

WANTED PAPA TO BUY. Arthur Davis was there also. He was drunk and wanted Papa to buy beer for him. When he refused there was a disturbance, and Clark, one of the bartenders, came in and struck him in the face. His nose began to bleed and he began to cry, and then Harry Davis rushed in and saw the hand holding the razor open and struck him in the face and knocked him down. When he tried to get up, Davis knocked him down again and kicked him. Others flocked into the room, and Papa drew his razor from his pocket and holding it in front of himself he kept his assailant away.

Davis, unmindful of it, closed in on him and again struck him in the face. Papa was thrown backward and at the same time drew the hand holding the razor forward to protect his face from another blow. The razor struck Davis in the neck, cutting him. Papa was then grabbed by Reilly and knocked down, and picking himself up, walked out into the street and threw away his razor. He was so excited, and the blows he had received hurt him so much that he did not know what he was doing.

Nicholas De Salvo identified the razor, with which the killing was done, as his. It was given to him as a present by Papa in New York, several years ago. That closed the testimony yesterday. The defense said they might call one more witness this morning.

NEW BOWLING LEAGUE.

Composed Exclusively of the Members of the Various Bicycle Clubs—Personnel of Teams.

The much talked of bowling league composed exclusively of bowlers from the various bicycle clubs hereabouts, assumed definite shape Monday evening when the organization was perfected at a meeting held in the West End Wheelmen's club house at Wilkes-Barre.

One club each from the West End Wheelmen of Wilkes-Barre, Scranton Bicycle club and Green Hills Wheelmen of Scranton will compose the league, which will be known as the Bicycle Clubs' Bowling League. In the event of the competition of the new league of this city in time for the second series, which starts here in time for January, a place in the league will be offered to them which will no doubt make a four team league during the last series.

The following officers were elected: John Hunter, Wilkes-Barre, president; Edward Pryor, Scranton, vice-president; L. L. Rowson, Scranton, secretary and treasurer.

OLD WITNESSES. Among the witnesses summoned are some of the earliest miners of Carbondale, who worked in this place before 1816. Among them are Dudley and Thomas Gordon, Thomas Higgins, John Duffy, Daniel Hodgins, William Thomas and Patrick Lumney. They were boys then. Now they are in their sixties.

The suit was brought in 1881 in the common pleas of this county, and in 1885 on motion of the defendant, was transferred to the United States court. On the motion of the defendant the district court, it was transferred from the western district.

All of yesterday was occupied by the plaintiff in putting in evidence of paper title. Among the documents presented were large, parchment exemplifications of wills made by Russell heirs in England. The trial will likely occupy several days.

The jurors selected to try the case are: Enoch J. Ayres, farmer, Towsanda; E. D. Book, farmer, Bain; William H. Fletcher, merchant, Herick; Joseph B. Garber, merchant, Anderson; A. D. Gray, farmer, Rush; Henry C. Gardner, farmer, Alden; Edward C. Johnston, farmer, New Germantown; Charles W. Mains, merchant, Plymouth; C. C. Ransom, contractor, Plymouth; A. A. Raymond, lumberman, Condersport; William H. Seabold, druggist, Aquia; Jeremiah Stephens, farmer, Nicholson.

Attorney M. J. McDonald is acting as court stenographer.

GRAND JURY'S WORK.

The grand jury returned true bills against William A. Gray alias Frank Wallace, and James E. Dymond, charged with using the mail to work a green goods game, and John H. Dwyer, charged with tampering with letters at the Harrisburg postoffice where he was employed as a clerk. Dwyer was arraigned and entered a plea of guilty. Judge Edmond sentenced him to the Huntington reformatory. The case against Gray was transferred to the November term at Harrisburg on motion of his attorney, M. W. Lowrey. The prisoner was ordered removed to the Luzerne county jail.

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SUIT FOR MORE THAN A MILLION

BIG COAL CASE ON IN UNITED STATES COURT.

Delaware and Hudson Company Charged with Appropriating Several Hundred Thousand Tons of Coal from Land Belonging to the Heirs of James Russell and Others—Young Dwyer, the Harrisburg Postoffice Pilferer, Pleads Guilty and Is Sent to Huntingdon. Green Goods Men Indicted.

In the United States circuit court yesterday, before Judge R. W. Archibald, was begun a suit in which declaration is made for the biggest amount of damages ever claimed, in this county, \$1,200,000.

The plaintiffs are the heirs of James Russell, the Edgerton Coal company, ex-Judge W. J. Lewis, and the estate of the late Judge F. W. Gunster. The defendant is the Delaware and Hudson Railroad company.

The Russell heirs claim a one-half interest, the Edgerton Coal company a one-fourth interest, the Gunster estate a one-fourth interest and ex-Judge Lewis a one-fourth interest, in two hundred and fifty acres of land in Carbondale township, from which they allege, the Delaware and Hudson company has mined without their consent 400,000 tons of coal, valued at \$1 a ton. Under the triple damages act of 1875, they are entitled to claim \$1,200,000. The claim was, however, \$1,000,000 in the opening to the jury. The plaintiffs would be able to prove, it was asserted that between 200,000 and 300,000 tons were mined, instead of 400,000 tons, as set forth in the declaration.

WHERE THE LAND IS.

The land is situated a little south of the city of Carbondale, and embraces what is locally known as "No. 1" or Welsh Hill. It was in this territory that the big cave-in of 1846 occurred, in which seven men were entombed, and which was the first great mining disaster in the Lackawanna valley. The victims of this accident were engaged in taking out the coal which enters into this suit, the defense will claim. This was also the scene of the first mining operations of the Delaware and Hudson company.

The land, top and bottom, was formerly owned by the Delaware and Hudson company. In 1881 it was sold by the company to William Warte, and, about eleven years later passed to James Russell. The other plaintiffs acquired their interest in it from various of the Russell heirs.

There was no reservation of the coal which was engaged in taking out the coal which enters into this suit, the defense will claim. This was also the scene of the first mining operations of the Delaware and Hudson company.

The plaintiffs say that the discovery of the removal of the coal was made by the plaintiffs in 1888, they leased the coal to the Hillsdale Coal and Iron company. The company was engaged in exploring the land, with a view of opening it, when one day a drill that had been sunk nearly a hundred feet suddenly shot down and was lost. Investigation showed that it had encountered an abandoned mine working, and further investigation showed that the working was a part of the Delaware and Hudson operations in that vicinity.

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Attorney M. J. McDonald is acting as court stenographer.

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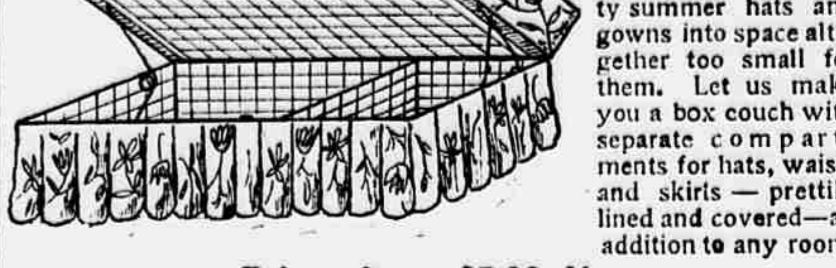
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