

JONES WINS BY SMALL MARGIN

(Continued from Page 5)

lot box at 3 o'clock. They found it in a one-story frame building used by Squire McGuinness, of Winton, as an office.

Deputy Sheriff Ferber came back at 4 o'clock with all the election board excepting Judge Fitzsimmons and Republican Overseer Woods. Fitzsimmons was not at home and his wife said he had gone to Scranton. Woods was reported to be at work in the mines.

Major Everett Warren, ex-Judge H. A. Knapp and M. W. Lowry, representing Mr. Jones, objected to having the hearing proceeded with until all the members of the election board were brought in. Judge Edwards decided to go on with the examination, and directed Deputy Sheriff Ferber to find the other two men.

Objection was then made by Major Warren to the affidavit, on the ground that it failed to state that White was a qualified elector, and that the affidavit was signed by White when he signed the return attesting its correctness," said Major Warren, "and court ought not to issue a writ now when it comes in and says it is incorrect."

INVESTIGATION PROCEEDS. Court sustained the first objection, but overruled the second, and after Attorney Donovan had procured from White a further affidavit that he was a qualified elector, the investigation was resumed.

The attorneys for Mr. Jones made formal objection to the taking of testimony until all the members of the board were present. Judge Edwards pointed out that it was the last day under the law for the court to order a ballot box opened for the purposes of the investigation, and that possibly the absent election officers might not be found at all.

Major Warren stated that the parties who were moving for the opening of the box had this matter in mind, and that they had been told to keep it back until the eleventh hour.

Judge Kelly remarked that the motion could not be made until the district was regularly reached. Judge Edwards concurred in this.

Attorney Donovan argued that an effort had been made to find all the election officers. Two of them, he understood, had been induced to stay away, and one of them, he was informed, had been talking with Mr. Jones.

Major Warren, in a meandering tone turned on Mr. Donovan with a remark to the effect that he had better not indulge in personalities of this sort. Judge Edwards remarked that there were a great many rumors about, and that it was best not to make allegations of this kind.

Then began the examination of the witnesses. Two of them, Inspector White and Overseer Langan, swore positively that they saw the face of every ballot while they were being counted, and that fifteen or more of them were marked as set forth in the affidavit. Carey, Quinn and Jennings testified they did not see the face of the ballots, and were excused from an extended examination.

OTHER TWO FOUND. Fitzsimmons and Woods were located in Winton, while the witness was in progress and a telephone message announced that they would be in Scranton on the 5:45 train. Court took a recess until 6 o'clock and upon reconvening Fitzsimmons, who read off the markings of each ballot and Woods, who, as stated, testified that he saw closely, swore positively and unequivocally that not a single ballot was marked as White and Langan alleged.

Fitzsimmons and Woods gave their testimony in a convincing manner. The testimony of Langan and White was full of inconsistencies and contradictions.

Langan, who is a cousin of Costello, says he stood by and saw these fifteen ballots counted for Jones, without making a protest; that he never talked to any one concerning the alleged irregularly marked ballots, until summoned before the court, and that he was not in court room No. 2 the day previous watching the count.

White remembered distinctly that there were "fifteen or more" ballots marked in the Republican circle, and the Costello square, but could not remember whether or not any candidates other than Costello had crosses after their names on ballots which had a cross in a circle at the top of the column.

He said that Langan spoke to him about the alleged irregularly marked ballots, and that it was Langan who told him to come down to Attorney Donovan's office Friday night to make the affidavit. He and Langan were around the court house Friday afternoon and in court room No. 2 where the count was in progress.

Judge Edwards asked several of the witnesses if they could remember now many straight Republican tickets were cast. None of them could remember and it came to Jennings. He said at first he couldn't remember exactly, and then correcting himself, said "Oh, yes, there were fifteen. I remember how I could track them of them."

CONDITION OF THE BOX. All the witnesses questioned about the closing of the ballot box testified that it was not sealed with wax and tape. After the count was completed, the box was locked by Judge of Election Fitzsimmons and taken to Squire McGuinness' office. The building, used by the squire for an office is located on the back of his lot, two-fifty feet distant from any other building. It faces the street, on the rear of a corner lot.

Jennings swore the box was sealed with wax, but not with tape, when it was taken from the booth to be deposited in the squire's office. He was the only one, however, who testified to this.

Fitzsimmons swore positively that the box, as it appeared in court, was not in the same condition as when it was taken from the booth to be deposited in the squire's office. He was the only one, however, who testified to this.

Official Result of the Election Held Tuesday, November 5.

Table with columns for STATE, JUDGE OF SUPREME COURT, JUDGE OF COMMON PLEAS, COUNTY CONTROLLER, CORONER, SURVEYOR, AMENDMENT 1, AMENDMENT 2, AMENDMENT 3. Rows list various districts and candidates like Harris, R., Conroy, D., Porter, P., etc.

Witnesses, he was sure, but couldn't say who the young man was. Fitzsimmons also told that Langan struck him in the mouth while the count was going on, because he read a vote for Jones from a ballot that had crosses for all the Democratic candidates excepting Costello, and a cross after Jones' name.

Judge Edwards and Kelly retired for consultation and after twenty minutes returned to the bench. Major Warren was about to address the court when Judge Edwards interrupted him with the remark that the court did not care to hear any argument. Then Judge Edwards expressed his finding of the court, as follows:

JUDGE EDWARDS' REMARKS. We have been careful and patient in this matter. In this particular case we start out with a specific affidavit, and we have had the hearing. The votes are here and the presumption must be sustained by such testimony as we have already indicated. There are several reasons why we have arrived at the conclusion that we have.

First, the reason that I have already mentioned, is that the presumption is in favor of the correctness of the return, except the character of the testimony that has been given in order to establish the facts alleged in the affidavit. The testimony is contradictory; two witnesses testify one way, and two witnesses testify the other way. We are required to believe the same character in the testimony as is required in the allegations in the affidavit. It is only when the facts alleged in the affidavit are established by clear and satisfactory testimony that we presume a count to have been made and to give the parties making such allegations a chance to establish the facts. The same character of testimony is required in the hearing; the same character in the testimony as is required in the allegations in the affidavit. It is only when the facts alleged in the affidavit are established by clear and satisfactory testimony that we presume a count to have been made and to give the parties making such allegations a chance to establish the facts.

box. Then if there were such ballots, especially those marked on both sides were intensely suspicious. That is, that there were irregularly marked votes in the circle at the head of the Republican column and votes marked for Mr. Costello, particularly as he had some partial interest in his candidacy for the board and at the count, we think that it would not have been allowed that fifteen votes could have been counted for Jones, the other candidate, without a vigorous protest on the part of those that were interested in the other side.

Free Tuition. By a recent act of the legislature, free tuition is now granted at the Literary Institute and State Normal School, Bloomsburg, Pa.

CHESTNUT HILL ACADEMY. A boarding school for boys in the elevated and beautiful open country north of Philadelphia, 30 minutes from Broad St. Station.

SCRANTON CORRESPONDENCE SCHOOLS. SCRANTON, PA. T. J. Foster, President. Elmer H. Lawall, Treas. R. J. Foster, Secretary.

PENNSYLVANIA RAILROAD. Schedule in Effect June 2, 1901. Trains leave Scranton: 6.45 a. m. week days, through vestibule train from Wilkes-Barre.

Lehigh Valley Railroad. In Effect June 2, 1901. Trains leave Scranton: For Philadelphia and New York via D. & H. R. R., at 6.45 and 10.45 a. m., 2.15, 4.45, 7.15, 9.45, 11.45 p. m.

Delaware, Lackawanna and Western. In Effect June 2, 1901. Trains leave Scranton for New York at 1.10, 3.40, 6.10, 8.40, 11.10 a. m., 2.40, 5.10, 7.40, 10.10 p. m.

Delaware and Hudson. In Effect June 2, 1901. Trains for Carlisle leave Scranton at 6.20, 8.50, 11.20 a. m., 2.50, 5.20, 7.50, 10.20 p. m.

New York, Ontario and Western. In effect Tuesday, Sept. 11, 1901. Trains leave Scranton for New York at 6.00 a. m., 11.00 a. m., 1.00 p. m., 6.00 p. m., 11.00 p. m.

RAILROAD TIME TABLES. New Jersey Central. Stations in New York-Foot of Liberty street, N. Y. and South Ferry, N. Y.