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BEWARE OF COUNTERFEITS. THE GENUINE POPULAR Punch Cigars. HAVE THE INITIALS G. B. & CO. IMPRINTED ON EACH CIGAR. Garney, Brown & Co. Mr's Court House Square.

PERSONAL. C. W. Broadhead, of Montrose, was a caller in the city yesterday. E. J. Lynott, of the Free Press, will return from Philadelphia today. A son has come to brighten the home of Senator and Mrs. M. E. McLaughlin. Mrs. C. G. Weston is entertaining Mr. and Mrs. Frank M. Biel, of Canton, Mass. Attorney George P. Little, of Montrose, was in the city yesterday on professional business. Miss Nellie Cummings and Miss Margaret Joyce, of Pittston, are visiting friends in the city. Secretary D. B. Atherton, of the board of trade, left for New York yesterday and expects to return to his office today. Misses Maggie Lounsbury and Katie Cunningham, of Pittston, returned to their homes yesterday after a visit with friends in the city. General Manager W. F. Hallstead received a telegram yesterday announcing the safe arrival of Mrs. Hallstead at Teledale, Cal. Professor Frank Selig has been engaged to lead the grand march at the Concordia hall on Thursday evening in the Concordia hall, Wilkes-Barre. John P. Williams, the cautious and obliging assistant clerk of the county commissioners, is convalescent at his home on the West Side after a three weeks' illness. Captain John C. Delany, of Harrisburg, who is to be state constable under the bill creating that office, which has come through the senate and is pending in the house, has been tendered the position of assistant manager of the Southern Land Investment and Immigration society, with headquarters at Baltimore. Ex-Lieutenant Governor Black, of York, is president of the society.

HIS LIFE IN DANGER. Revolver Mysteriously Drawn by an Italian on Patrolman Johler. An Italian from Dunmore was frustrated in an attempt to use a revolver on Patrolman Johler at 3 o'clock yesterday morning. One revolver had been taken from him, but he succeeded in concealing the second weapon, with which he afterward threatened the policeman's life. Felix Legrandt, alias John Grant, and another Italian were drunk and fighting on Lackawanna avenue. Patrolman Johler placed Legrandt under arrest and Patrolman McHale took charge of the other. A revolver was taken from Legrandt's pocket and the party started for the central police station. Patrolman Johler refused Legrandt's offer of \$5 for his liberty, whereupon the Italian broke from the officer, at the same time whipping a 25-caliber revolver from his pocket. Johler was alert and had the man disarmed in an instant. In default of \$500 bail Mayor Connell yesterday committed Legrandt to jail on the charge of drunkenness, carrying concealed weapons and threatening an officer.

MEASURES APPROVED. Those That Received the Signature of Mayor Yesterday. Among a batch of council papers approved by the mayor yesterday were the following important measures: A resolution petitioning legislators from this district to oppose the act now in the legislature creating boards of revision of taxes in cities of the third class; fixing the valuation of the Grand Army of the Republic memorial property on Washington avenue at \$100 for the next ten years, the property ultimately to be given to the city; providing for sidewalks on West Lackawanna avenue. Thousands are suffering excruciating misery from that plague of the night, Itching Piles, and may not know about it through a sense of delicacy. All such will find an instant relief in the use of Doan's Ointment. It never fails.

MURDER WILL REMAIN. Judge Albright Refused to Bar It Out of Rostovsky Indictment. COMMONWEALTH HAS RESTED. Were Compelled to Call a Number of Eye Witnesses of the Fight Who Were Friendly to Accused—Defense Will Open This Morning.

Late yesterday afternoon a bold effort was made by the attorneys for John Sylvester Rostovsky, who is on trial before Judge Albright in court room No. 2, to have that part of the indictment charging murder taken from the consideration of the jury. Judge Albright refused to make such a ruling and the jury will be called to pass upon the indictment just as it was framed. Yesterday morning the first witness called was Max Kochler, the constable who arrested Rostovsky in a mine after the murder of Joseph Clute. Rostovsky admitted that he did the killing and said there were others for whom he designed a similar death. Mrs. Joseph Bidojas gave unimportant testimony and then Andrew Dugutis was called. He is the proprietor of a hotel at the Ridge near where the murder was committed, and the murdered man boarded at his house. Clute, after he was wounded, walked into the boarding house unaided. His head was covered with blood. About ten minutes before that he heard a shot from the direction of Rostovsky's saloon. When Clute came in the witness told him to go upstairs and wash himself. At 7 o'clock next morning Clute died. Excelsior Detective Shea was called and identified the piece of a base ball bat shown him as the club he received from Constable Morris. Wanted Eye Witnesses. That ended the commonwealth's side of the case, and District Attorney Jones was prepared to rest, but Attorney O'Brien, of counsel for the defense, asked the court to compel the district attorney to call August Mighin, Andrew Roland, Mike Rostovsky and Mrs. Agnes Josetus, eye witnesses to the fight which resulted in the murder. These witnesses would naturally be friendly to the defendant, and the court being his brother. Court directed that these witnesses be called. Andrew Dugutis was recalled and said he gave the club to John Morris. The witness recognized the club by a X mark made on it by Mr. Shea. He gave the club to Morris and he saw Morris give it to the county detective. The club was then offered in evidence. The court admitted it, leaving the matter of identification to the jury. August Mighin was next placed on the stand. Witness was a boarder at Mike Rostovsky's hotel, and was upstairs with his double-barreled shotgun on the day of the trouble. He fired three shots in a vain endeavor to put an end to the riot that was in progress down stairs. He saw Clute present and when the hammer struck the wall with a billiard cue. When Clute went outside and picked up a stone and returned toward the house with it. When the fight began Clute suggested that they smash up everything in the room. The accused then ordered the men out of the house. Clute Used the Stone. Clute hit John Rostovsky in the breast with the stone he obtained in the yard. When the latter was struck he raised a sickle he had in his hand and struck Clute on the head with it. When the fight was over there was not a single window in the front of Rostovsky's hotel that was not broken. Mike Rostovsky, brother of the defendant, who was arrested, was next required to call. He said that a number of men were in his place on the Sunday of the murder, among them being Clute and Bidojas. He told them to go to church and Bidojas and Clute became angry and began to fight. They went outside and threw stones and sticks at the house and Clute returning hit the defendant with a stone; the latter retaliated by striking Clute with a piece of a broken billiard cue. Andrew Roland was next sworn and said he saw Rostovsky strike Clute with the handle of a billiard cue. He saw no base ball bat and was sure none was used. Mrs. Agnes Josetus corroborated the story of Roland as to the weapon used. She did not see a base ball bat figure in the fight at all. The commonwealth then rested. Mr. Jones did not desire to call the last four witnesses, knowing they would injure the case of the commonwealth, as they unquestionably did, but according to law the commonwealth is compelled to call all eye witnesses to such a tragedy as that in which Rostovsky is implicated.

Points Raised by Defense. At this stage of the case Attorney Joseph O'Brien and ex-Judge Stanton, who represented the defendant, asked Judge Albright to take the first count of the indictment, charging murder, from the consideration of the jury on the ground that the weapon used was not of a deadly character, therefore showing that there was no malice or intent to take human life. Judge Albright refused to grant the request and court adjourned for the day. The opening of the defense to the jury will be made this morning.

IN ARGUMENT COURT. Trying to Get a New Trial in the Hand Case. A considerable portion of the time of argument court was taken up yesterday by the arguments for a new trial in the case of D. B. Hand against the Central Pennsylvania Telephone company, represented by H. R. Price and R. P. Pletcher presented the case on the part of the plaintiff and Attorney Candler, of Williamsport, and Major Everett Warren made the arguments on the part of the defendant. Another case argued was James Kinney vs. Mary Tighe, certiorari. The following action was taken in other cases: Submitted—Kate Boyce vs. T. G. Boyce, rule for decree in divorce; C. S. Edwards vs. Susie L. Edwards, rule for decree in divorce; Morgan James vs. T. R. James, rule for decree in divorce. Rules Absolute—Yale and Town company vs. H. Battin & Co., rule to dissolve attachment; Barrett, Presby & Train vs. H. Battin & Co., rule to dissolve attachment; First National bank of Mahanoy City vs. George W. Beale, rule for judgment; Max Rice vs. Hannah A. Roche, rule for judgment; C. Smith vs. Wilkes-Barre and Scranton Railroad company, rule to set aside service of summons. Rules Discharged—J. G. Brill vs. Carbondale Traction company, rule to take off demurrer; Merchant & Co. vs. H. Battin & Co., rule to dissolve attachment. A rule to open judgment was discharged on Monday in the case of A. A. Chase vs. C. B. Sherwood, but court yesterday reinstated it.

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IN LOCAL THEATERS.

Tickets for Rev. T. DeWitt Talmage's lectures at the Frothingham tomorrow evening are now on sale at the theater box office. The lecture was postponed from Thursday last and tickets obtained for that date will be good for tomorrow. The subject of the lecture will be "My Journey Around the World," and as it is probable that a large audience will greet him. Of "The Derby Winner," which will be seen at the Academy of Music on Friday and Saturday evenings with a special Friday matinee the Chicago Journal says: "I believe that I can truthfully say that I have witnessed every racing play that has been produced in this country for the past twenty years, and I wish to put myself on record right now as saying that Al Spinks' production now running at the Lincoln theater is by long odds the best of the lot and especially so when viewed in this country for the past twenty years. From start to finish it is brimful of interest and depicts turf life true to nature. It was greeted by a large house last evening, a house that was most liberal in its applause, and promises to draw well for the balance of the week, as it well deserves to do."

The "White Crook" Big Spectacular Extravaganza company will open a three days' engagement at the Davis theater next Thursday, with matinee daily. The "White Crook" is something entirely new and up-to-date, and a well and evenly balanced company do great credit to the extravaganza. A production, profusely prodigal in charming music and timely jest, peopled with pretty girls and beautified by a gorgeous set of special scenery, is what the people at present time want, and the "White Crook" completely fills the bill. The clever little singing and dancing subplots, Miss Emma Rose Lee, and the funny Dutch and Irish comedians, Sanford and Lee, head this big company. They are surrounded and assisted by a host of pretty girls and pleasing specialty performers.

APTER COAL ROYALTIES.

Suit Begun to Recover Between \$30,000 and \$40,000. C. W. Wisner, executor of the estate of Horatio S. Pierce, deceased, Elizabeth Pierce, executrix of John S. Law, deceased, and the Winton Coal company yesterday began an action in assumpsit against the Lackawanna Coal company, limited, which owns extensive coal works near Olyphant. The suit was begun for the parties named by Attorney H. Winton, but no statement of the amount it is sought to recover was filed. Mr. Winton said last night that the suit was instituted to recover coal royalties. The Lackawanna Coal company mines coal owned by the plaintiffs and pays them royalties for the amount of the royalties now due, and the suit is the consequence. The amount the defendants claim is between \$30,000 and \$40,000.

NEWS OF THE RAILROADS.

Conductor Horatio Calvin, J. E. Masters and John Brock are on the sick list. Conductor Grant Corbin is progressing satisfactorily after his recent accident. A. W. Cooper, of the Hampton Street Methodist Episcopal church, will address the noon meeting at the machine shops today. A notice has been placed in the association rooms prohibiting "cigarette smoking." Pipes or cigars are allowed, but the offensive weed will not be tolerated. Engineer J. Buttigam, who runs engine No. 62 on the Delaware and Hudson road between Wilkes-Barre and Carbondale, weighs 200 pounds, and is regarded as one of the best built men on the staff of engineers. Considerable activity has been manifested during the past few days on the local roads in passenger and freight traffic. Although there is nothing unusual to indicate a boom, the prospects for additional trade are very bright. The statement made in the Onondaga Star that the Delaware, Lackawanna and Western and Delaware and Hudson companies contemplate cutting in all mileage agents is not substantiated by the ticket agents at the local depot, who do not believe that such a step will be taken, as no instructions have been received by them. General Passenger Agent J. W. Burdick, of the Delaware and Hudson company, has assumed charge of the telegraphic department made vacant by the death of Charles Peterson, which occurred at Honesdale recently. Mr. Burdick will not be superintendent of telegraph for the northern and eastern divisions of that company. Tomorrow evening the first of the series of free lectures on "Air Brakes" will be delivered at the association rooms, when the engineers and firemen department will be invited to attend all the lectures. The speakers will be Robert F. McKenna, superintendent of air brakes, Delaware, Lackawanna and Western company, and Patrick J. Langan, foreman of the air brake department at the Delaware, Lackawanna and Western machine shops.

DIME BANK BUILDING SOLD. The Owner, Charles Schlager, Receives \$55,000 for It. Charles Schlager has sold the building in which the Dime bank is located, at Wyoming avenue and Spruce street, to the owners of the bank for the sum of \$55,000. The bank building has a frontage of twenty feet on Wyoming avenue and about sixty feet on Spruce street. The building was erected in 1891, is four stories high, and is constructed of Virginia red stone. Not long ago the building could have been purchased for \$10,000 less. Alex. D. Stelle, of the Sauquoit Silk mills, has purchased a newly erected dwelling house on Monroe avenue, between Mulberry and Vine street, from Mr. Schlager for the sum of \$11,000. Pillsbury's Flour Mills have a capacity of 17,500 barrels a day.

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CIVIL CASES FOR TRIAL.

Suits on the List for the Coming Term of Common Pleas Court. SEVERAL HAVE BEEN HEARD. Come Up Now for a Retrial—Others Will Have Their First Airing Before a Jury—Names of Those Interested in Actions.

The trial list for the three weeks' term of common pleas court which begins on Monday, March 25, is as follows: Monday, March 25. Jackson Merryweather vs. city of Scranton; trespass. Michael Dean vs. Whitmore Jones; wages. George L. Yost vs. Charles Church; interpleader. D. W. Vaughan vs. Fred R. Jenkins; judgment opened. Isaac Hamilton vs. C. A. Hamilton; Levy & Kase vs. William Nealis; appeal. John Elsbenderger vs. John J. Lavis, garnishee; appeal. Ignatz Preitz vs. John J. Preitz, garnishee; appeal. John G. Jennings vs. Lehigh Valley Railroad Co.; trespass. G. E. Powell vs. S. M. Sloat and Annie Johns; appeal. B. H. Thibault vs. John Horn; sci. fa. John P. Jones vs. C. W. Manvelias; replevin. Claude Piteher vs. People's Street Railway company of Luzerne county; trespass. J. J. Moran vs. B. E. Leonard; assumpsit. S. Callender vs. H. D. Hindsell; appeal.

Tuesday, March 26. Max Smith vs. city of Scranton; trespass. J. H. Gunster vs. G. A. Jessup; assumpsit. J. H. Gilbert vs. Evan T. Davis; appeal. Isaac Hamilton vs. Caroline Hamilton; judgment opened. R. E. Evans, et al., executors, vs. Thomas W. Thomas; appeal. Charles E. Cooper vs. William J. Lewis; judgment opened. New York Bowery Fire Insurance company vs. Fred Theis & Son; assumpsit. Della Gibbons vs. Prudential Life Insurance company of America; assumpsit. W. A. St. John vs. J. B. Masters; appeal. Catherine Norton vs. John J. Fahey, executor; assumpsit.

Wednesday, March 27. Patrick M. Egan vs. city of Scranton; trespass. Jennie E. Brink vs. borough of Dunmore; judgment opened. Albert Henne vs. People's Street Railway company; trespass. Michael P. Handley, et al., vs. Mary Barrett; judgment opened. H. A. Dewey vs. J. A. Bradley; assumpsit. W. J. Burke vs. John Seism, et al.; assumpsit. Morris and Essex Mutual Coal company vs. Delaware, Lackawanna and Western Railroad company; trespass. Lazarus Moser vs. Ira G. Westcott; assumpsit. Christian Johnson, et al., vs. Delaware, Lackawanna and Western Railroad company; trespass. City of Scranton vs. Martin McDonough; sci. fa. Second Week—Monday, April 1. William H. Maxey, vs. Hillside Iron and Coal company; judgment opened. Fannie Aswell vs. city of Scranton; trespass. William Bramson vs. Mutual Life Insurance company; appeal. Carson & Davies and J. B. Shiffer; assumpsit. Charles P. Hallock vs. Strond & Chamberlain; trespass. Walter B. Christian vs. Michael Reap; appeal. Peter Mulligan vs. Max Phillips; appeal. James M. Everhart vs. George M. Nesbitt and G. Mortimer Lewis; judgment opened. W. P. Kennedy vs. T. A. Beamish and E. J. Lynott; trespass. A. A. Chase vs. Jacob Bonner and F. Hagen; sci. fa. Edwin Fyris & Co. vs. A. J. Merrill & Co.; sci. fa. A. E. Burr vs. C. B. Farries; appeal. T. R. Wallin & Son vs. H. H. Withers Paper company; assumpsit. Thomas Morrison vs. Carbondale Traction company and the City of Scranton Traction company; trespass. Tuesday, April 2. City of Scranton vs. Martin Carroll; sci. fa. Daniel Driscoll vs. Patrick A. Morrow; trespass. Rebecca Flynn vs. George E. Hill; trespass. Fyris & Co. vs. E. S. Deans, et al.; assumpsit. Delaware and Hudson Canal company vs. Joseph Alexander; judgment opened. Joseph Chilton vs. city of Carbondale; judgment opened. Cincinnati Safe and Lock company vs. M. M. DeWitt; assumpsit. Griffiths & Jones vs. Francis Seeley; trespass. Charles Moyer vs. H. R. Richardson; assumpsit. E. C. Hieker & Co. vs. F. S. Warren; replevin.

Wednesday, April 3. Thomas Cuniff vs. city of Scranton; trespass. William L. Linderman & Co. vs. Clara Mayer; replevin. George W. Layton vs. New York, Ontario and Western Railroad company; trespass. American Desk and Seating company vs. Samuel Farnham and A. R. Edgett; appeal. Jacob Helmer vs. Haslam Lime company; appeal. Emmitt Hoffer vs. M. C. Box and B. F. Box; appeal. Michael Murray, et al., vs. borough of Winton; trespass. Thomas Cavanaugh vs. Iron City Mutual Fire Insurance company; assumpsit. B. Taylor Lacey vs. Patrick Winn; trespass. Margaret Gaynor et al., vs. Stephen and Louisa Spruka; judgment opened. Third Week—Monday, April 8. Margaret Hughes vs. Delaware and Hudson Canal company; trespass. Laura J. Beach vs. E. H. Pickering, Perry Dohb, E. A. Pickering; trespass. S. T. Hayes vs. Carbondale Oil and Refining company; foreign attachment. Julius Subrowicz vs. Martin Woyhny; appeal. James W. Walsh, executor, vs. Dwelling House Insurance company; assumpsit. M. E. Munley vs. city of Scranton; trespass. Thomas Davis vs. D. F. Kearney; appeal. J. P. Trout vs. W. H. Hall; appeal. Joseph Church vs. James T. Wheeler; appeal. E. L. Haas vs. T. J. Johnson; appeal. Arnold Huber vs. A. Bauman; appeal. Elizabeth Snyder vs. Patrick Golden; trespass. Yostena Gogats vs. New York, Ontario and Western Railroad company; trespass. M. E. Worden vs. Shiffer Brothers; assumpsit. Thomas Kennedy vs. Delaware, Lackawanna and Western Railroad company; trespass. Tuesday, April 9. John Hurn vs. city of Scranton; trespass. Watson & Zimmerman vs. Green Ridge Lumber company; appeal. Miller Colman vs. B. T. Lewis; appeal. L. Stowther vs. A. H. Harvey; appeal. Lulu Gress vs. D. E. Nicholas; appeal. Patrick Roland vs. Scranton Traction company; trespass. George Brehony vs. Scranton Traction company; trespass. Hillside Huber and Iron company vs. Peter Esatayga, et al.; judgment opened. Supple Hardware company vs. Henry Battin & Co.; assumpsit. Scranton Packing company vs. H. A. Roche; appeal. Wednesday, April 10. City of Scranton vs. John Tierney, Jr.; sci. fa. James Flynn vs. C. S. Jacobs; appeal. H. C. Comerys, et al., vs. A. B. Buswell; judgment opened. Sprukis Bros. vs. Charles Mursch, et al.; sci. fa. Moffitt, Thurston & Co. vs. L. A. Evans; appeal. Philip Conrad vs. Haslam Stock yard; appeal. Central Egg company vs. Ackerman Bros.; appeal. Ezra Finn & Sons vs. G. F. Barber; assumpsit. P. F. McDonald vs. Anthony Connor; assumpsit. Mary McGowan vs. Scranton Traction company; trespass.

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