

THAT STONE CASE AGAIN COMES UP

Four Lawyers Argue on It for Four Hours.

CLAIM THE TRIAL JUDGE ERRED

Submitted the Case to the Jury and When the Jury Would Not Agree Took It from Them and Directed a Verdict—Mr. Soper Entertains with One of His Characteristic Arguments—Arguments in the Marshall-Rice Ejectment Case.

Four hours of yesterday's session of argument court were consumed by the speeches of the four attorneys in the celebrated case of M. O. Webster against Fred J. Widmayer.

The suit grows out of a deal between the Scranton Store company and the Lackawanna Store company, by which the latter swallowed up the former.

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Mr. Martin's argument. Mr. Martin opened for the defendant, Widmayer. He claimed that the court erred in directing a verdict after the jury had failed to agree.

Mr. Burns followed in support of Widmayer's claim and argued that the verdict before the court at the trial was whether the paper signed by Widmayer as president of the Lackawanna Store company could be used to hold him individually liable.

Mr. Warren and Mr. Holgate, for the plaintiff, contended that there was really no disputed question of fact in the case. That the paper itself was for the court to construe and that Webster supposed he was dealing with Mr. Widmayer in his individual capacity.

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case before a jury of three. I don't see any reason for trying the matter over again. The case was fairly and thoroughly tried. The charge of the learned court was without error.

In the case of J. J. Marshall against Simon Rice, the application for a new trial, made by Mr. Newcomb was based mainly upon an alleged error of the trial judge in not allowing him to comment on a feature of Marshall's Newcomb thought as well of it that he withdrew his yard-long string of exceptions to it and then I thought as well of it I withdrew mine.

Mr. Murphy's contention. J. J. Murphy, attorney for the plaintiff, held that the girl could not discontinue the case, as she did not bring it, and that she could only be discontinued by the next friend with consent of the girl.

The case went to the jury, a \$500 verdict was returned for the plaintiff. Judge Stanton thereupon secured a rule to show cause why the verdict should not be set aside.

The story of the case is that Phillips engaged to marry the girl, and after they had been called out in church and had gone even so far as to get out a marriage license, he cast her aside and married another girl.

The case of W. A. McDevitt against William P. J. Lee, the rule for a new trial applied for by the defendants was discharged, the defense offering no opposition.

The Law and Wall divorce cases were handed up, and in the divorce case of David T. Hand against J. M. Hand, Attorney J. W. Walker argued for counsel fees and alimony, W. W. Lathrop, opposing.

FOUR MEN TRAPPED.

They Entered a House on Luzerne Street For the Purpose of Burglarizing It. Two of Them Injured.

John and Stephen Reap, 17 and 20 years of age respectively, and residing on Jackson street; John Dacey, 29 years old, of Luzerne street, and John Phillips, 20 years old, of Price street, were committed to the county jail yesterday morning by Alderman Davies at a hearing in police court.

As was exclusively stated in yesterday morning's issue of the Tribune, the young men were caught, after having entered the dwelling house owned by Anthony McNulty, at 1908 Luzerne street, at 2 o'clock yesterday morning. The house is a two-story frame dwelling, with a basement. The upper floors are occupied by the family of John Kuniski, and John Brown uses part of the basement. The remaining portion, of rear part, Kuniski uses as a cellar.

The cellar proved a trap for the four young men, as it was through the door leading into the cellar from the outside that the entrance was effected.

The discovery of their presence was made by Kuniski, who, taking a revolver, stole quietly out of the house and found that his fears were confirmed. The McNultys were aroused and were soon downstairs and some neighbors also hurried to the scene.

The West Scranton police were notified and Patrolmen Garrick, Marker, and Constable Jerry Driscoll soon arrived upon the scene—and such a scene. It is probable that had the distance from the main house been greater, so that the officers would have been longer in getting there, a lynching or something nearly as bad might have happened.

As it was, shots were fired into the cellar; Stephen Reap received a scratch on his upper lip being struck with a revolver as he attempted to get out of a window, which they had broken out, in a vain attempt to escape.

Then, too, when the people outside opened the door the two Reap boys and Dacey made a dash for liberty, and Dacey got a clip on the head which drew blood and deterred them from any further attempt to flee from the inevitable.

The crowd, which had been augmented and was nearly all foreigners, were growing turbulent and the men were hauled out. Just at this moment the police officers arrived and none too soon, for already all four had been rolled in the mud and roughly tumbled about.

At the hearing Kuniski, the McNultys, and several others testified against the alleged burglars. The young men disclaimed any intent to do anything wrong and claimed that it was the noise they made by rattling an inside door, which led into Brown's liquor parlor but had been locked, that aroused Kuniski, instead of Brown, as they intended. Kuniski claims he locked the door on whatever Mr. Soper said.

Your Honors, Byron Akery scowled Buckwheat Hill for two days with a team and wagon and couldn't get anybody to say aught against A. S. Myers except his men, who had a grudge against him.

NOTHING TO ARGUE.

"There is nothing before us to argue," said Mr. Soper in winding up his speech. "We are simply retrying the

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