

DEFENSE IN THE MARTIN TRIAL

The Commonwealth Also Closes Its Evidence.

NEWSPAPER MEN ON THE STAND

T. P. Ryder, I. H. Strauss and C. E. Keck Claim That They Saw No Marks of Violence on the Sheriff's Face on the Night of the Riot.

Wilkes-Barre, March 4.—The defense in the Martin trial closed today, the commonwealth's rebuttal witnesses heard, and the case is rapidly nearing conclusion.

Andrew Sivar No. 1 did not think he said anything about this feature. Sivar No. 2 said he had sworn that they agreed not to carry clubs.

Lanehan did not remember anything he said last September and neither did Kupa.

Arlo Farnes Platt, the last witness, was asked if Chief of the Coal and Iron Police Hamilton was at Lattimer at the time of the shooting. He said he was not.

The commonwealth's witnesses in rebuttal began their testimony at 12 o'clock. T. P. Ryder, I. H. Strauss and C. E. Keck, who met the sheriff a few minutes after he reached this city from the scene of the shooting, said they saw no mark, discoloration or bruise on the sheriff's face.

Joseph Costello was then recalled by the commonwealth for the purpose of showing additional facts in regard to the threats of violence made by Deputy A. E. Hess against Costello, who was being a second witness.

"I was helping a wounded striker," said the witness, "when Hess came up. He said, 'If you don't get out of here, I'll have you shot.' I said, 'I'll get out of here, but I'll have you shot.'"

"Did you write me a letter during this trial?" asked Judge Woodward. "No, sir," replied the witness.

COMMONWEALTH CLOSED. The commonwealth closed its case at 3 o'clock this afternoon, after hearing a few witnesses in rebuttal on unimportant points, for most of the testimony they hoped to see put before the jury was ruled out by the court.

The defense submitted the following points for the consideration of the court: Counsel for defendants respectfully request the court to charge the jury as follows: The sheriff is the chief conservator of the public peace within his bailiwick and is bound, ex officio, to the performance of this duty.

For this purpose he may command to possess comitatus, or power of the county, and every male over the age of fifteen years is bound to obey this call under pain of fine and imprisonment.

If it is made to appear to him that tumult or riot is threatened he may make the call.

In the determination of this fact, he exercises a judicial power, and his judgment cannot be examined into and reviewed in a judicial proceeding.

Evidence that each one, or particular ones, acted illegally or maliciously, is not proof of conspiracy.

There is no evidence in this case which would warrant a finding that the defendants were an unlawful assemblage. The question of riot was not necessary to resort to the extreme means of firing on the strikers in order to disperse them, was one of judgment which cannot be questioned.

If the jury find that the prisoners had reason to believe that the strikers were about to assault them and that they were in danger of loss of life or of grievous bodily harm, or of being empowered, then they had the right to defend themselves by the use of force sufficient to repel the assault.

If any deputy sheriff, knowingly and maliciously continued firing after the necessity for firing had ceased and did by such firing kill Mike Ceslak, he may be found guilty under the indictment, but to convict any one, the jury must be satisfied beyond a reasonable doubt.

That some person did set fire, and be able to identify the person, and that he did it willfully, and maliciously, intending to kill.

That Mike Ceslak was killed by such person.

As the testimony does not disclose the identity of any person who fired in the manner described a conviction of any of the prisoners would be warranted.

Before any one of the prisoners can be convicted, the jury must be satisfied beyond a reasonable doubt, that some one of them had special malice toward the deceased, or general malice toward the whole body of strikers, and intended unlawfully to kill some one of them, without caring which one.

That such maliciously disposed person did in fact fire and kill Mike Ceslak.

That the evidence clearly identifies that particular person.

That it appears from the evidence, substantially without dispute that the prisoners were lawfully aiding the sheriff as a posse, duly appointed, at the time Mike Ceslak was killed, and that their purpose was to disperse an unlawful assemblage, of which the deceased was one; that there was no conspiracy among them to do an unlawful act or to do lawful act in an unlawful way. Therefore, the act of one cannot be imputed to the others. Each one is to be held accountable only for what he himself did.

The evidence failing to identify the person who shot Mike Ceslak, there can be no conviction under the indictment.

Judge Woodward took the points and will pass upon them later.

The opening for the defense's conclusion will be made in the morning by Mr. Lenahan, then will come Mr. Scarrlett for the commonwealth, Mr. Palmer for the defense and District Attorney Martin for the commonwealth.

Judge Woodward says his charge will consume about an hour and a half.

FOREST CITY. W. J. Davis, of Scranton, was a business visitor in town for the past two days.

Rev. Mr. Thomas, of Taylor, will conduct services in the Welsh Congrega-

ROYAL BAKING POWDER Absolutely Pure. Royal makes the food pure, wholesome and delicious.

THE MARKETS.

Wall Street Review.

New York, March 4.—Prices of stocks show some recovery from 1 1/2 per cent. today on a very small business. The market was quite inanimate at times and what business there was, was concentrated in a few leading stocks.

Philadelphia Provision Market. Philadelphia, March 4.—Wheat—Was weak and low; contract grade, March, \$1.00; April, \$0.98; May, \$0.96.

Chicago Grain Market. Chicago, March 4.—Selling by Armour and presumably by other elevator interests was the feature in wheat trading today.

East Liberty Cattle Market. East Liberty, Pa., March 4.—Cattle—Steady; market quiet; bulls, steers and cows, \$2.25; Hogs—Active and higher; prime assorted medium weights, \$4.00.

New York Live Stock. New York, March 4.—Beaver—Steady; native steers, \$1.85; bulls, steers and cows, \$2.25; Hogs—Active and higher; prime assorted medium weights, \$4.00.

Chicago Live Stock. Chicago, March 4.—Cattle—Active and strong at \$1.85; feeders, \$1.50; Texas steers, \$1.75; Hogs—Active at \$4.00; pigs, \$3.50.

New York Produce Market. New York, March 4.—Flour—Slow and weaker on spring patents; Minnesota patents, \$2.00; Wheat—Spot weak; No. 2 red, \$1.05; No. 2 white, \$1.00.

CHICAGO BOARD OF TRADE. WHEAT. Open-High-Low-Close. May, 187 1/2, 189 1/4, 188 1/2, 189 1/4.

Scanton Board of Trade Exchange. Quotations on All Quotations based on Par of 100. STOCKS. Bid. Asked. Scranton & Pittston Trac. Co., 49 49.

March and May

The months for renewing and healing in the physical world. The months for new life, new energy, new blood in men and women.

Satisfied with Hood's. For several years I have taken two or three bottles of Hood's Sarsaparilla every spring for medicating the humors in the blood and for building up the system generally.

Hood's Sarsaparilla. Sold by all druggists. Price \$1; six for \$5. Prepared only by C. I. Hood & Co., Lowell, Mass.

Williams & McAnulty, Money-Saving Specialties for March. Wall Paper, 10,000 Rolls at 3c Per Roll.

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5 per cent. in Gold

Some of the most successful business men of the Wyoming Valley, as well as shrewd New York bankers, have put and are putting their own money into the First Mortgage and Collateral Trust Bonds

New Mexico Railway and Coal Co.

Many of them personally investigated the resources and markets of the territory to be operated in before they invested. The more they learn of the security the better they think of the securities.

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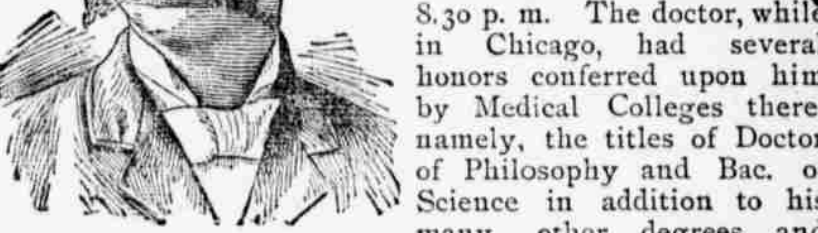
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Dr. E. Grever

(The Philadelphia Specialist)

Has just returned from his St. Louis, Chicago and Western offices and will now remain at his permanent office in the Old Postoffice Building, corner Spruce street and Penn avenue, where he can be consulted from 10 a. m. to 8.30 p. m.



honorary emblems which he holds. No specialist in this or any other country is able to show the credentials that Dr. Grever holds today.

Ozo-Nite Gas, including generator, warranted to generate Ozo-Nite Gas for one year, shipped to any part of the United States. Any child can handle it.

Ear, Nose and Throat.

Dr. E. Grever, the eminent Philadelphia specialist, is a graduate of University of Pennsylvania, formerly demonstrator of Practical Physiology at the Medico-Chirurgical college, of Philadelphia; honorary member of Medico-Chirurgical college; member of the General Alumni association of the University of Pennsylvania; member of the Houston club of the University of Pennsylvania; member of the Joseph Ledy Fellowship of Anatomy; member of the Board of Charity of Scranton, Pa.; member of the Historical science association of Lackawanna county, Scranton, Pa.; president of the Association and Advertising League of America; one of the youngest members of the Grand Army of the Republic; surgeon of the Union Veteran union; and the doctor comes highly indorsed by the leading professors of this country and abroad.

The doctor and his staff of English and German physicians make a specialty of all forms of Chronic Nervous Diseases, Skin, Womb, Blood Diseases.

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All who call upon the Doctor from now on will receive advice, examination, service and examination free. Dr. Grever's high standing in the state will not allow him to accept any incurable cases. If they cannot cure you they will frankly tell you so.

Diseases of the Nervous System,

The symptoms of which are dizziness, lack of confidence, sexual weakness in men and women, ball rising in the throat, spots floating before the eyes, loss of memory, unable to concentrate the mind on one subject, easily startled when spoken suddenly to, and dull, distressed mind, which unfit them for performing the actual duties of life, making happiness impossible, distressing the action of the heart, causing flush of heat, depression of spirits, evil forebodings, cowardice, fear, dreams, melancholy, tire easy of company, feeling as tired in the morning as when retiring, lack of energy, nervousness, trembling, confusion of thought, depression, constipation, weakness of the limbs, etc. Those so affected should consult us immediately and be restored to perfect health.

Lost Manhood Restored, Weakness of Young Men Cured.

If you have been given up by your physician call upon the doctor and be examined. He cures the worst kind of Nervous Debility, Scrofula, Old Sores, Catarrh, Piles, Female Weakness, Affections of the Eye, Ear, Nose, Throat, Asthma, Deafness and Cripples of every description. Tumors, Cancer and Gouters removed without the use of knife or painful caustics by our newly devised absorbent method known as the "ELECTRO-GERMICIDE."

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