The Culvey Murder Trial

Evidence of the Defense Ruled Out by the Court.

THE FINALE APPROACHING

SHAFFER LOOKING BADLY AND NOT SO CONFIDENT.

DISTRICT ATTORNEY BROWN ADDRESSES THE JURY—SYNOPSIS OF HIS REMARKS.

From the Lock Haven Daily Democrat.

THURSDAY MORNING, DEC. 8TH.

The court room was pretty well filled this morning, more so than at the beginning of any morning session yet. The judges, jury, counsel and every one interested in the case were promptly on hand. His honor, Judge Mayer, announced that as long as there were seats back the spectators could not be allowed to crowd forward and stand around the railing; and after all were seated, the seating capacity of the room was entirely filled. After opening the court, Court Crier Crowley announced that all jurors, except the ones in the box, were discharged from duty this week as well as next.

THE DEFENSE OPENED.

Attorney for defense waived a formal opening and called John Brosius as their first witness:

John Brosius sworn: Am one of the County Commissioners. Remember when I went to the scene of the murder. I was accompanied by Messrs. Grugan, Herr and McNaul. We found nothing at scene of murder. About two or three miles from Culvey's we found tracks from road to creek; near where Mr. Grugan found the gun. (Witness here explained how Mr. Grugan found the gun.) Found footprints in soft ground. I measured some of the tracks in the ground, and Mr. McNaul measured some. We compared them and both measured same length, 10½ inches.

Mr. Abrams then wanted witness to measure Shaffer's shoe, but counsel for Commonwealth asked attorney for defense to state whether Shaffer wore the same shoes now that he had worn on that Saturday, Sunday and Monday in August. The court decided that unless they had the same shoes it would not be evidence. The defense were then allowed to put their offer in writing, but the court did not think it would be evidence. Shaffer seemed to be very much interested in the preparation of this paper by his counsel.

The court ruled the evidence outfiling his reason therefore. The attorney for the defense then stated that as the ruled out evidence was their only line of defense they had nothing further to offer and would rest.

THE PLEADING BEGUN.

The statement of the attorneys for the defense, showing that the testimony was closed, the lawyers began to prepare for their speeches to the jury. District Attorney Brown opened the case on behalf of the prosecution by stating that the case they had been sworn to decide involved a crime the gravest known to the law, and as it seemed useless to further argue the matter, it was the Commonwealth's duty to explain the facts to the jury, so that they could better arrive at a decision. Mr. B. remarked that, as he had promised at the beginning, he would show the most brutish and hellish deed ever heard of in the annals of crime. All that surprised him was that a man, or a being in the shape of a man, could commit such a heartless and cruel act. The theory that Isiah and Nora Culvey had been murdered early on Sunday morning had been proven, from that time they had shown the trail until the time Shaffer had been arrested. He then explained the manner in which the bodies were found by Mrs. John Culvey on Monday, and of the alarm given by her and Charles Culvey, and the arrival of John Culvey and Abram Stein. Then he said, "You may wonder what was the motive. It does not seem to be necessary to show a motive; but if more than one, it might have been plunder, and if only one, it might have been lust." Mr. Brown then explained the manner in which the bodies were found, showing that Isaiah lay just as he fell when shot as he had but one wound and was clutching the grass and had a chew of tobacco in his mouth, while Nora undoubtedly was not found as she fell, as the fact that she lay on the broad of her back, with the clothes torn from her person and placed under her, besides the bundle of grass proves. He then showed how her clothes had been torn down in front, manifesting the eagerness, impatience and hurry of her violator. Mr. Brown then said: "These facts show one hellish motive for the deed. Another is, Isaiah farmed a small piece of ground, not having sufficient amount of land to pasture his stock and till the ground at the same time. They allege that Isaiah went out to cut grass for his stock. (Showing on map where grass had been cut and thick growth of underwood between there and the house.) It was also plausible that Nora was preparing the morning meal. The potatoes had been pared and sliced and she probably was after a bucket of water, at Cherry Run, returning from whence she may have been attacked, and dropped her bucket, running towards her husband, and crossing Cherry Run. (Which except for this she would not have had occasion to do.) She was probably overtaken and shot. Then it is probable that her husband, coming towards the buildings with his basket of grass, and seeing her lying on the ground dropped the basket and ran towards her body, and in doing this he may have been shot by a person concealed in the thicket, very close to which the bodies were when found. The other motive was plunder, as the facts of the case show that the house of the victims was found ransacked and in the greatest confusion. The watch is the clincher in the chain of evidence against the prisoner, as it was there on Saturday evening as late as six o'clock, hanging on the wall in the Culvey house. The speaker then explained how a person could come to Lock Haven, even if the deed was done as late as nine o'clock on Sunday morning, as early as Shaffer got to the passenger depot here in this city. We have certainly proved to you that Luther Shaffer was there at the time of the murder and that he received some of the plunder, and it is for the defense to show where he received it, if they can. Mr. Brown then explained the fact of the revolver and shells being of the same calibre and the fact that the revolver is a five chamber one; and the finding of the four empty shells in the house proves that the man that did the deed did not care to be found on the public road or by-way, with only one cartridge in his revolver. Then he went over the fact of his having been seen by Had Allison producing revolver; then by Robert Billet and Susan Reese, who saw him on mountain on old coal road.

Here Mr. Holohan objected to dragging in outside matters. The court decided that there had been nothing brought in except what was in evidence. Mr. Brown stated that he proposed to argue the case in a fair manner; in fact it needed no argument, and it was not necessary to drag in outside matters as there was too much in the case against the prisoner already. Then stating how Shaffer produced the revolver and how Robby and Miss Reese ran away from him in their fright, and next showed where he had been seen on Sugar Valley Narrows road on Saturday, at different times, as late as 9.30 p. m. Next he was seen on Sunday going to Krom's Hotel, getting his dinner. After dinner he is seen in lumber yard showing watches, among them the watch of John Culvey, which was seen at Isaiah Culvey's house as late as six o'clock Saturday evening, and it was shown by Shaffer on Sunday evening in lumber yard, he having arrived in Lock Haven four hours earlier. How in the name of God could he have gotten it from any other place but from the house of Isaiah Culvey? Then the speaker went over the route Shaffer took up the river, and where he sold the Culvey watch, and also where he told a fellow-workingman that he was not going to "hammer hemlock knots" any longer, also telling him of the murder, being the first to tell him of it, and to the remark that the man that did it should be burned at the stake, he said, "no, that the man that had sand enough in the back of his neck to do such a thing should be let go." Then he came back to Lock Haven, but did not stay long, as he found the suspicion was on Luther Shaffer. He then starts back to North Bend, and goes up creek towards York State, stopping at Edgar's and getting his bundle, in which were the two pair of pants—one of which had the stains and the other corresponding with the goods in Isaiah Culvey's vest. Then stating on his road to the men at the camp, that he was going to leave the country, and finally, when he was arrested he was only forty miles from the York State line. After he was arrested, he said to Mr. Westbrook, "If I had not got lost in the woods last night, you would not have me here now." Then he went over the analysis of spots on chemise and pantaloons, and told the jury the test would be more fully explained to them. He also stated that he had no fear of the result as he thought they had shown a chain of circumstantial evidence that bound the defendant tighter than any positive evidence that could be produced.

At the conclusion of Mr. Brown's speech, of which the above is only a hurried synopsis, court adjourned until two o'clock p. m.

When Baby was sick, we gave her Castoria,
When she was a Child, she cried for Castoria,
When she became Miss, she clung to Castoria,
When she had Children, she gave them Castoria.

Thou Shalt Not Steal.

The people of the United States originally sell a certain portion of the land, that all own in common, to Mr. Pioneer, who pays his sayings for the privilege of individuality, and thus becomes the owner of that set apart section of the soil.

Not caring to improve all that he paid for, he builds a house over a portion of it and lets the other portion remain vacant so that on his own green grass his wife can spread her washing and his children can play.

Along comes a thoughtless theorist full of love for humanity, and declares, as does Henry George, that the vacant lot does not belong to its owner. That any man has the right to erect a house, barn, or pig-pen or tent thereon, and occupy it during life, simply because the owner is not using it for house purposes. That a man has no right to any more than he needs for the hour to sustain life.

Let it go so, because Henry George says it.

We now find in Henry George's pockets and in a bank that he has selected, several thousands of dollars that he claims are his because he gave something for them. But these are more than he needs to subside himself during the rest of his naturnl life. Being entitled to more than he can well use, any one, according to his theory, has a right to help himself to Henry's holdings.

There stands a barn full of hay and grain. More than the owner of the barn requires for his cattle. If the theory of Henry George is correct, he can go into that barn and make his home there, while the owner of the barn sleeps in his own house, and he can help himself to all in that barn over and above the amount required to support the farmer's cattle for an hour or a day.

There is a store. It is filled with the product of labor from a thousand establishments, where skilled labor has increased the wealth productions of the country. There is more in that vast store-room than its owner can use in a dozen lifetimes. According to the twaddling theory of Henry George, any one can go in and help himself to all the store-owner is not actually using.

What a grand idea is that presented by Henry George. It is a trifle better than anarchy, as it throws itself, instead of bombs of dynamite.—*Pomeroy's Advance Thought.*

A California Beach.

To Kate the beach was a never failing attraction. She and Goodnow now had many a horse race from Castle Rock to the wharf, a good half-mile. . . A mile beyond the wharf the beach is bordered by a series of low sand heaps, over which one looks far up the valley to the Mission. Beyond these are high bluffs, which rise abruptly from the water's edge to a height of fifty feet. Their face is scarred and yellow, but their tops are carpeted with grass, and in spring with patches of yellow mustard and wild flowers. The deep coloring of the bay, the dull yellow of the beach and bluffs, the green tufts of grass and the wild flowers creeping over their edges, the distant hazy islands, the long stretch of curved coast, mountain-guarded, were always noticed and admired. As they cantered over the shining sands the waves softly broke in snowy masses of form, and the waters often bathed the horses' feet. It is possible to ride all the way to Carpenteria by way of the beach at low tide, a distance of eleven miles. There is a constant succession of coves and crescents, and at the western edge of Carpenteria begins a line of sandduues, low and rolling, and fringed with low-growing reeds and bushes.

There was still another beach ride that all liked. It began at the wharf extended west-ward along the beach, past steep bluffs, to a foot-path that turned inland through a narrow opening among the coast hills. Half a mile beyond the wharf a rocky headland, known as Castle Rock, projects across the beach, and over this the road led. Kate always rested her horse on reaching the top, and took a good long look at the prospect it commanded. The view across the valley to the mountains and along shore to Carpenteria, Ruicon, and Vantura points, was unobstructed. This headland is thirty miles from Santa Barbara, and forms a neck of land that at first is only a few feet above the water's edge, but which soon merges into a mountain. . . It was the middle of January now; but the air was warm, the sky was a cloudless blue, and among the grasses growing along the edge of the cliffs were brightly colored wild flowers. Tiring of the sea, she had only to turn her head to see the valley, or could look on both at the same time. Old Juan came with her one day, and told what he knew of the neighborhood. The Point, he said, used to be called La Punta del Castillo, and when the Spaniards were the only people living in Santa Barbara there was a strong fort on the level ground back of the rock—a fort of earth mounted with four brass cannons. When a ship sailed into port, laden with goods from Spain, and bringing many a lover to his sweetheart, the soldiers fired the cannon and the ship returned the salute. On hearing the noise, the people ran down to the beach, and waded into the surf to pull the boats ashore. Among those who one day went down to meet the ship was old Tomaso. He expected a certain senorita from Spain to be his bride. When all the boats had landed, and she did not appear, they told him the truth. She whom he sought had died on the voyage, and was buried at sea. Poor Tomaso! He fell on the sands, and was as one dead. From that time his mind was gone. After a long illness he came every day to the beach, watching for his beloved one. For many years he waited, running down to help haul in every boat and looking long into each face, but never saying a word. He died watching, too: for one day they found him dead on the beach, his face turned toward the sea and his eyes wide open. —*Edwards Roberts, in Harper's Magazine.*

SWALLOWED HIS FALSE TEETH.

At Least a Western New Yorker Thought He Had the Symptoms.

Mr. Walter Pettis, a prominent citizen of Sinclairsville, is the victim of an odd incident that has created a great deal of amusement in his section. In attempting to eat an apple the other day he discovered that his false teeth were missing. He at once concluded he had swallowed them. He said to his wife that he could feel them in his stomach and Dr. Stevens was summoned in much haste.

The doctor made a careful diagnosis and was at a loss to know how a large plate could pass into the stomach and Mr. Pettis not be aware of it. Dr. Stevens said some soothing words to his patient and withdrew. Mr. Pettis did not believe this treatment heroic enough for such an extraordinary case and he and his wife boarded a train for Buffalo. Dr. Stevens in the meantime telegraphed to Buffalo to be sure the teeth were in the man before cutting him open. Two or three Buffalo doctors examined Mr. Pettis and were unable to locate the hard substance which he assured them was slowly killing him. Mr. Pettis was of the opinion that he should be cut open without delay, as he knew it would come to this sooner or later. At this juncture a telegram was received from Dr. Stevens that the plate with all the teeth intact had been found between Mr. Pettis' house and barn.

In reply to a crowd of grinning neighbors who met Mr. Pettis at the depot on his return, he said: "I suppose you fellows are awfully tickled, but you are not tickled half so much as I am."

A MAN in passing through the woods tramped on a large blacksnake. It sought safety in a crevice of the rocks, but before it got entirely in the man got a good grip on its tail. The coil of the snake within the rock made it impossible to pull it out. After a careful consideration of the situation, the man bent down a neighboring sapling and tied it to the tail of the snake. He then took his seat on a stump near by and patiently awaited the result. In about two hours he had his reward, when the steady pull of the hickory sapling brought out the snake and sent it whizzing into the air.

If You Wish to Get There.

Never buy anything that you can borrow.

Never return anything you have borrowed.

Never promise only what you can perform.

Never earn a dollar so long as you can borrow.

Never read a newspaper that gives you new ideas.

Never do to-day what you can put off till to-morrow.

Never let loose of a dollar, once you have clutched it.

Never give your office boy a dime extra once in a while.

Never subscribe for a newspaper so long as you can borrow one.

Never call upon a friend only when in want of some favor.

Never keep your word or promise, if you don't value it at par.

Never go home to your family till every other place is shut up.

Never pay your printer or editor so long as you can stand him off.

Never tell the truth while you can use an old or invent a new lie.

Never speak against any one who, for for the time, is accidentally popular.

Never speak kindly to all members of your family lest they all come to love you.

Never go into drinking places without treating all the old sponges waiting for a wet.

Never admit to yourself or others that you are not the smartest person in the world.

Never speak in defense of a friend or other person till you are sure you are in the majority.

Never trust in yourself so long as you can find any person, no matter who, to advise you.

Never clean the dirt from under your finger nails while you can shut your fingers into your palm.

Never, never, never neglect to climb up your ear and find fault with anything, everything and everybody.

Observe the above crumbs of comfort and you will get there, if your destination is out in the cold.

Short Bear Stories.

A bear weighing 500 pounds was killed on Flint River, near Albany, Ga., by the citizens, who never saw a bear in that neighborhood before.

A man was going over the Rocky Mountains for pine logs, driving a wagon. On the top of a large rock by the side of the road was a young bear, the mother having started up the mountain on the approach of the team. The cub not moving, the mother came bounding back to it, and giving it a nudge with her nose, started up the mountain again, expecting the cub to follow. But the little one made no move. The old bear then came back a second time, and taking the cub in her paws gave him several cuffs. The cub then obeyed orders and followed the old bear in a gallop up the side of the mountain.

A passenger train on a Florida railroad stopped some fifteen miles from Cedar Key to prevent a collision with some cattle, when a black bear came trotting leisurely out of the woods climbed upon the platform of a car and entered the express room, where he found three strings of fish and some bacon, all of which went quickly into his maw. When the train started on the swaying of the car shut the door. The bear soon became tired of his ride, and looked about for means of egress. Nothing appeared so vulnerable to him as the windows in the rear of the car, which were protected by iron rods about a half inch in diameter. He selected one of these, caught two or three of the iron rods with his paws, and, giving them a hug, broke and twisted them off clean. His body was then drawn through the aperture and struck the ground like a rubber ball. He turned two or three somersaults and hobbled off into the woods—if the local newspaper told the truth.

An Indiana Man's Big Feet.

There is no greater curiosity in human form in Indiana than Riley Smith, who for years has wandered about Bloomington, most of the time dependent upon the township for a livelihood, says the Chicago *Tribune*. He is remarkable as being the tallest man, the smallest about the waist, and having the largest feet of any person in the whole county. He is six feet seven and one half inches in height, measures twelve inches about the waist, and wears a number 17 shoe, that by actual measurement holds one and one-fourth pecks of corn. He weighs 145 pounds. No shoe is made by the trade large enough by four numbers, and when a pair is demanded, Smith's order is sent to a Louisville (Ky.) firm, where the shoes are made according to a measurement kept by them. Once each year a pair of plough shoes are ordered. They weigh almost ten pounds, and are made of heavy leather, and have broad heels. The shoes are 16 inches long, the heel measure is 13 1-2 inches, the instep 10½ inches, and the ball 10 inches. Smith is a native of North Carolina, is 46 years old, and emigrated to Indiana in 1860. He is married and has two children.

Has Sullivan Kept His Promise.

WASHINGTON, Dec. 8.—Patrick Duggan, the crank, who interupted the proceedings of congress by singing the "doxology" on the first day of the session, is a noted enthusiast and has many strange experiences. Soon after John L. Sullivan opened his saloon in Boston Duggan, under the direction of the Lord, as he told a reporter, went into the restaurant, walked up to the pugilist and said: "I wish you would give your heart to the Lord." "Why?" asked Sullivan after he had recovered from his surprise. "Because," answered Duggan, "you would gain eternal salvation. Then think, Mr. Sullivan," he went on, finding that he was not likely to be hurt, "what an effect your conversion would have on the world and how many would follow your example." "You are right, my boy," said the fighter, "and I promise to think the matter over."

Whiskered Women.

The St. Louis *Globe-Democrat* says "It is the remark of a prominent physician, who has given much time to the subject, that 70 per cent of the women of the West are burdened with growths of hair upon their faces. Nearly every brunette is affected to some extent in this manner, and it would only require a little care and practice on her part to bring forth a visible crop of what the callow male of 18 anxiously waits and watches for on his face. Blondes are not so badly affected, as the growth of hair upon their faces is too light and too fine to be observed, except upon very close inspection. "However," continued the physician aforesaid, "when the blonde does have a growth it is of a greasy, shiny nature, that is far more harrowing to her feelings than the black down that appears upon the brunette's face. No doubt the cause that affects the color of the skin also affects the growth of the hair, for the darker the complexion the greater the growth will be. It may be taken as a general rule that any lady who wishes to rid herself of a moustache or a beard will only increase its thickness after she begins to pay attention to it, for shaving, ointments, burning and plucking will not do otherwise than invigorate the roots and follicles. It is only by killing these follicles, that the hair will cease to grow and electricity is the only means yet discovered to accomplish this end. The process is novel and interesting. Several paysicians of this city have acquired the science of using the electric needle, and have been engaged for some time in the work of ridding woman of the greatest misery to which she can fall heir.

A Mother's Wisdom.

'Fish again,' petulantly exclaimed a young lady at the table. 'I declare, mother, you are determined to give us girls a surfeit of it.'

'Those are my sentiments exactly,' remarked the eldest sister. 'Mother entertains an idea that our brains need cultivating, and as fish is said to be good for the brain, she is anxious to promote its healthy growth.'

'It is not for that purpose,' replied the old lady. 'It is not given you as a brain food—not at all.'

'Then why do you give us fish diet three times a day?' asked the third sister. 'Is it a matter of economy?'

'No, my children, not exactly, in the strict sense of the word.'

'Then why do you insist upon having it served three times a day?' asked another one. 'You must be aware that it is exceedingly distasteful to us.'

'Fish is really beneficial, my daughters, and high medical authority asserts that fish is rich in phosphorus, and as you have all reached that period in life when it is time to seek a matrimonial alliance I have dieted you on fish, as phosphorous is the principal ingredient in making matches.'

Most Got One Year's Imprisonment.

NEW YORK, Dec. 8.—Herr Most was to-day denied a new trial and sentenced to one year's imprisonment without a fine for making an anarchist speech. When Most reached the tombs an examination of the commitment failed to reveal any memorandum of an arrest of judgement. Warden Walsh at once decided to send the prisioner to Blackwell's Island, and was about to order him back to the Black Maria, when lawyer Howe came and informed Walsh of the facts. A clerk in court had neglected to endorse the order staying judgement on the commitment. Later in the day he obtained from Judge Donohue a writ of habeas corpus returnable to morrow morning, when an application to admit Most to bail will be made.

1888

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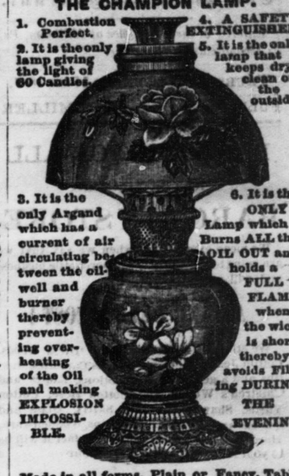

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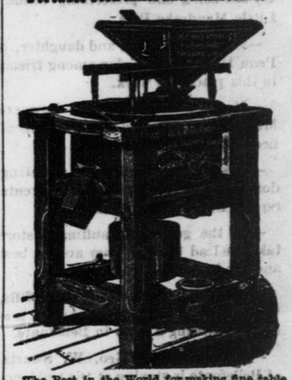

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