

The Centre Democrat.

CHAS. R. KURTZ, Proprietor.

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APRIL COURT CONTINUED

The Irvin Trial Finished on Friday Afternoon

JURY DECLARE IRVIN GUILTY

Application for a new trial made and will be argued in June—Other cases disposed—Doings of the Second Week.

Reported by S. D. GETTIG, Esq.

Com. E. L. Irvin, indicted for abortion on eight different counts, embracing the administering of drugs or using of instruments to produce the same in each case, causing the death of the woman Ella McWilliams or the child; prosecutor W. E. McWilliams. This case is from Ferguson township, near Pennsylvania Furnace. Defendant's counsel moved to quash the indictment, which was refused by the Court save as to the fourth count which the Court said was surplusage. On trial at hour of going to press, last week.

This was certainly a most unfortunate case as it involves two of the best families in that community and grew out of the death of Miss Ella B. McWilliams under peculiar circumstances. The Commonwealth was represented by the District Attorney N. B. Spangler, assisted by E. R. Chambers; and the interests of the defendant were ably looked after by Messrs. Reeder & Quigley. Wednesday afternoon, when the case was first called the following jury was selected to pass upon the guilt or innocence of the defendant: John Albright, laborer of Gregg township; Park Bullock, laborer of Snow Shoe township; J. Will Conley, clerk of Bellefonte borough; William Cupp, farmer of Half Moon township; James Cori, teacher of Spring township; Frank Detweiler, farmer of Haines township; W. E. Furst, farmer of Patton township; Gardner Grove, farmer of Gregg township; Irvin M. Harvey, farmer of Boggs township; Edward McCalmont, liveryman of State College borough; William Rhinesmith, teamster of Bellefonte borough; and Robert M. Wolf, merchant of Haines township.

A large number of witnesses were called and examined on the part of the Commonwealth and facts were about as follows, as alleged by the Commonwealth, the major portion of the testimony being of a character better left unprinted. The decedent and the defendant were accepted lovers, but no public announcement had been made of an engagement, but as alleged the defendant had stated to some of his friends that they expected to be married in March. On the evening of the 9th of January the defendant escorted the decedent to church at Graysville, some three miles from the residence of the prosecutor, who was also at church that evening in company with his wife. The parties returned to the home of the decedent sometime between 9 and 10 o'clock, the father and mother arriving home sometime in advance of the young people, the latter having driven around by way of Baileyville as the evidence developed it, where the defendant got some cigars, candy and a drink of water and for another purpose, as alleged, at his store. The father and mother retired for the night sometime about 11 o'clock, the young people being still in the parlor. The decedent was in the best of health and at about 1 o'clock the defendant called Mr. and Mrs. McWilliams by rapping at the stove and told them to hurry and come down that there was something the matter with Ella. Mr. and Mrs. McWilliams quickly went down into the parlor, where they found the daughter lying upon the couch, almost entirely disrobed, her face having the appearance of death, unconscious and bordering on convulsions, and did not recognize either of them. The father at once tried to rouse her up, but this was futile. He asked the defendant and was informed that she complained of choking, and asked him to help her get her dress waist and corset loose, and then lapsed into the unconscious condition. The defendant, Mr. Irvin, was at once sent for Dr. L. M. Houser, the family physician, and in the meantime the father began rubbing, in an attempt to revive the daughter, but she went into convulsions.

Dr. Houser arrived at about 2 o'clock and found the patient writhing in convulsions, and no medicine of any kind could be administered internally as her mouth was closed and she could not swallow. He was there until about 7 o'clock; Dr. Woods from about 10:30 till 4 o'clock; and Dr. Lowry, of Tyrone, from about 4:30 till 5 o'clock. The case was a peculiar one, and at the time the doctors assigned acute indigestion; hypodermic injections, hot baths, vapor baths, and other remedies were applied with little relief. The girl died about midnight of the night following, passing from one convulsion

into another during her brief illness at more or less intervals, which were pronounced both tonic and clonic by the physicians and she died without once having regained consciousness or spoken a word nor recognized any one.

The decedent was buried at Graysville cemetery on or about the 14th of January and it was but a short time until ugly rumors and whispers were going about the community that her death was due to criminal malpractice at the hands of her accepted suitor, she having been in a delicate condition. These whisperings became so strong that they could no longer be ignored and the defendant was arrested and put under bond in pursuance, and on the 14th of March the decedent was disinterred and an autopsy performed by doctors J. L. Seibert, of Bellefonte, and L. E. Kidder, of Boalsburg, assisted by doctors G. H. Woods, Pine Grove Mills, and L. M. Houser, of Baileyville. This was about two months after the girl had been buried, but the body was well preserved and the organs practically normal. Some of the organs were recovered for chemical analysis and enough was found to warrant the closest investigation. At the autopsy it was readily discovered that the girl had for about four months been in a delicate condition.

A resume of the evidence would, we think, be unwarranted and will confine it to a few facts as adduced by the Commonwealth. It was proven that the defendant had told some of his companions prior to the death of the girl of her condition, that he was the author of her trouble, and that he expected to get her out of it; and that he had gotten medicine, and further that he was in possession of certain instruments, which he kept in his store, which he had shown certain parties and explained their use, to overcome the trouble.

The chemist, Dr. G. G. Pond, of State College, testified that he found seven tenths of a grain of nitro-glycerine in the stomach; all the doctors agreeing that this would be a fatal dose if absorbed by the stomach, the usual dose administered being but one-one hundredth of a grain and the doctors did not think that this would have caused puerba convulsions, such as had by the decedent. From the testimony of the doctors, it appears that uremic poison is one cause of puerba convulsions or puerba eclemia, but Dr. Lowry, who had made a hasty diagnosis of the case, said that uremic poisoning was not the apparent cause. Considerable expert testimony was adduced by the Commonwealth and the defence on the use of certain poisons and drugs, and especially nitro-glycerine. Dr. Pond discovered no nitro-glycerine in the embalming fluid used by the undertaker.

At the close of the Commonwealth's case a nolle prosequi was entered as to the seventh and eighth counts in the indictment, being the two in reference to the child; which left five counts, the fourth having been stricken out as surplusage at the beginning of the trial.

Dr. Houser the first witness called by the defendant testified that from his examination of the patient and what he saw at the autopsy that the decedent died from puerba eclemia, and that he had discovered nothing at the autopsy to indicate that there had been anything criminal done. Other witnesses were called to substantiate this testimony, that is other doctors, and the undertaker who had prepared the body for burial stated that he believed that at least some of the marks discovered were caused by his embalming instrument.

The defendant also produced some of the citizens of that community who testified to his good character, but the testimony outside of the expert testimony was not denied, the defendant himself not going on the stand in his own behalf.

The case is a largely circumstantial one. The jury retired at about twenty minutes of 12 o'clock on Friday forenoon after counsel for the Commonwealth and the defendant had most ably argued the case pro and con and brought it to the attention of the jury, and the Court had charged as to what their duties were and giving to them the applications of the law.

The jury brought in a verdict of guilty on the fifth count, which is as follows, Using unknown instruments to procure an abortion, death of woman ensuing. Defendants counsel at once made a motion for a new trial, reasons to be filed within ten days, which questions will be argued at June Argument Court; and the defendant was required to give a bond for his appearance at that time in the sum of four thousand dollars, which was given and approved by the Court.

The sheriff acknowledged his deeds in open Court on Thursday forenoon.

Other criminal cases entered to April sessions and not heretofore referred too, were disposed of as follows to wit:

Com. vs. Reuben Ritzman, charged

VARIETY OF COUNTY NEWS

Items of Interest Gathered From All Sections

SHORT AND TO THE POINT

What Transpired Worthy of Brief Mention, the Past Week—News From Over the County—For Hasty Readers—A New Department.

John Hollabaugh, of Phillipsburg, was granted an increase of pension, to \$17.

Mr. and Mrs. Harry Condo, of York, Pa., are visiting friends in Pennsylvania.

Arrangements are being made to start a lodge of the Modern Woodmen of America at Millheim.

Orie Weaver, of Wolf's store, recently killed an eagle which measured five feet from tip to tip of wings.

One of the best draft mules on Kulp's lumber job in Sugar valley was killed by a falling tree on Wednesday 24.

Dr. Frank, of Millheim, is adding another story to his office and making other improvements to his residence.

R. A. Kinsloe, of Phillipsburg, expects to dispose of the "Bituminous Record" to John G. Platt, who takes possession of the paper on May 1st.

Frank Lee, of near Bellefonte, is the owner of a fine Guernsey cow that gave birth to a calf which weighed one hundred and twenty pounds.

George Barden, a well known Beech Creek engineer, was married at Snow Shoe on Saturday, April 20th, to Miss Anna Walker. They will make their home at Mahaffey.

The Murray Lumber Co., of Phillipsburg, have just about completed the twenty new houses for the Harbison Walker Co. at Mount Union, and they have contracted with the company to build twenty more.

Mr. and Mrs. Frank Motz, of Birmingham, Ala., are guests at the home of Mrs. Miranda Motz, at Woodward. Mr. Motz is an electrical engineer and will, in a few weeks, accept a position at one of the large steel plants at Phoenixville, this state.

Mrs. Witmyer, of Coburn, while crossing the Penns Creek bridge at that place one night recently, accidentally stepped off the bridge, and was precipitated a distance of about twelve feet. Her shoulder was dislocated by striking some object in the descent.

At the Centre county Sabbath school convention which met at Millsburg last week, the following officers were elected: President, Rev. J. M. Reerrick, Centre Hall; corresponding secretary, Rev. A. A. Black, Boalsburg; recording secretary, S. W. Smith, Centre Hall.

A new boiler will take the place of the one that exploded some time ago at the Douty mill, near Rebersburg. All the men that were hurt in the accident will be able to work except Mr. Wohlford, who is still confined to his bed, but is in a remarkably good shape.

Pensions granted by the Pension department at Washington on Thursday include George W. Grav, Millsburg, \$12 a month; the minors of George Cohen, of Stormstown, \$12 a month; William Trester, Lamar, \$8 a month, and Edward Pardonner, Osceola Mills, \$8 a month.

The knitting factory, at Millheim, output reached 100 dozen pairs recently in one day. The average daily product is now between 90 and 100 dozen, which is fully thirty per cent. more than under the old management which finally proved a failure. The stockholders are delighted.

John Clark, Millheim's blind boy, made a personal canvass of Millheim, Bellefonte, State College and Millheim, and received sufficient contributions to warrant him to leave for Philadelphia, where he will have headquarters at the Eagle Hotel, and will enter the Wills Eye Hospital for treatment. There is much doubt as to his prospects.

Mr. and Mrs. John Grove, of Gregg township, a short time ago, celebrated the 50 anniversary of their marriage. The members of the family present were: M. M. Grove, Centre Hill; Hiram, of Morganza, and Amanda, the wife of H. A. Stover, of Spring Mills; an absent son in Missouri could not be present. Others who were present with their wives, were Messrs. John Wolf, Potters Mills; John Jauberger, James W. Runkle and L. Rhone, Centre Hall; John Stover, Spruce-town; John Dunkle, Jared Confer, Spring Mills; D. C. Grove, Zion.

IN ADJOINING COUNTIES.

The new Lutheran church at Boonville will be dedicated next Sunday, May 5.

The saw mill plant of Meikel & Coleman, east of Carroll, destroyed by fire, will be rebuilt at once.

Mrs. James B. McNitt, of near Milroy,

whose health has been failing for several years, died last week.

Christian Lehr, of Clintondale, aged 76 years, died from heart trouble last Tuesday morning 23.

Lock Haven is making an effort to have the third brigade, N. G. P., hold its encampment at that place.

Mrs. Lewis Garrett, an aged and infirm lady residing near Logan Mills, was probably fatally injured last week by falling down the cellar steps.

The first car on the Lewistown and Reedsville Electric Railroad passed over the bridge in Mann's Narrows, last week, opening the road to Reedsville.

Among the twenty-eight Pennsylvanians who have been selected for the regular army by President McKinley is Frank T. McNarney, formerly of Lock Haven.

All the timber up the West Branch has been rafted into the boom at Williamsport and the mills of that city are busy cutting up the 110,000,000 feet estimated to be in the lot.

Ex-Congressman M. H. Kulp & Co.'s saw mill near Port Treverton, Snyder county, was totally destroyed by fire last Friday 19th, together with 500,000 feet of lumber. Loss, \$5,000; no insurance.

While working at a lathe machine, near Tylersville, Philip Wolfe, of that place, was struck on the head by a slab last Friday 19th. His head was badly bruised and it is feared he will lose the sight of one eye.

Among the timber sales reported at the Lock Haven market this spring, was one raft of pine logs for which \$4.10 per thousand feet was paid. Some of the sticks were 90 feet in length. The owner received \$1,991 for his raft.

Jacob D. Gearhart, of Osceola Mills, committed suicide Tuesday by drinking a quantity of carbolic acid. Family troubles are said to have been the cause of his rash act. He was nearly 70 years of age, and besides his wife leaves four sons and one daughter.

Robert Lannen, an employe of the Lock Haven paper mill, met with a bad accident one day recently. He was standing on a ladder when it fell, throwing him to the floor. His right arm was broken at the wrist, his left hand badly bruised and his face bruised.

An adjourned meeting of Huntingdon Presbytery will be held in Tyrone on the 8th day of May for the purpose of dissolving the pastoral relation of Rev. H. H. Henry and the Birmingham and Warriorsburg Presbyterian churches, and dismissing him to the Newark, N. J. Presbytery.

A project is under way by some capitalists to secure control of both the Newport and Sherman's Valley railroad and the Perry county railroad and consolidate the two. Then to convert an electric railway and run trolleys for passenger service, but retain steam power for freight trains.

The Lock Haven Silk mill is running 257 looms. The floor space in the company's big building will accommodate eight more looms and these will be put in position within the next few weeks. The pay-roll carries 320 names and the output of the mill is at present 2,100 yards of silk and taffeta silk per day.

In the reorganization of the Carnegie Steel company, Daniel Clemson, formerly of Scotia and brother of Frank H. Clemson, of that place, retains his position as a member of the board of directors. It is said that Mr. Clemson may be made president of lake transportation for the United States Steel corporation.

The new works of the Pennsylvania Fire Brick Co. at Beech Creek, are now running in full blast, the first brick having been made Wednesday 24th. Everything is moving along smoothly and as well as had been expected, all the machinery working in first-class order. The first day 2,700 brick were made, and next day 4,520.

Duncan & Co., prop timber jobbers, of Lewisburg, who are operating extensively in Sugar Valley narrows, have a crew of men at work erecting a large new lumber camp and boarding house at Cooper's point. They are also making extensions to their narrow gauge railroad, which will reach out into the valley early this summer. They ship from six to ten car loads of props over this road to Watsonstown daily, says the Sugar Valley Journal.

T. H. Coleman, of Clearfield, was bitten by his own dog last week and the same animal bit several children and numerous dogs. The body of the dog was sent to Baltimore for examination and it was found that the dog had been mad. The order came from Prof. N. G. Kirler, of Pasteur Institution, and that all those who were bitten should come to Baltimore for treatment. When the dog was cut open there was a surprising assortment of foreign bodies in the stomach—chicken feathers, bits of wood, nails, leaves and a great quantity of water.

INTERESTING CONTEST

Review of the Election Contest in Snow Shoe Twp.

IMPORTANT POINT DECIDED

That should be Understood and Remembered by all Election Officers—It Results in the Reversal of the Election Board.

At the February election D. R. Thomas and P. W. Bullock were rival candidates in Snow Shoe township for supervisor. The former being the democratic nominee, and the latter the republican. The election officers returned that each of the two candidates had received one hundred and forty nine votes. Mr. Thomas, however, claimed that three tickets with his name on as supervisor had been thrown out by the election officers, and that if these had been counted he would have been elected by three majority.

Shortly after election a large number of legally qualified voters of the township through their attorney, C. M. Bower, presented their petition to the Court of quarter sessions asking for process to compel the counting of the three votes rejected by the election officers, for D. R. Thomas, which was so proceeded in that an order was made upon the election officers, to bring the ballot boxes into court and make a recount of the votes in the presence of the Court to hear the evidence involved in the case.

It appeared in the hearing that in making up of the ballot for the township that the name of J. Toner Lucas, the democratic candidate for auditor, was omitted, and this place left blank. The three votes cast, but rejected by the board upon which Mr. Thomas' name appeared as a candidate for supervisor, had Mr. Lucas' name written in the independent column in its proper place as a candidate for auditor. These votes were rejected by the board as irregular and illegal. The Court declared these ballots as properly marked as required by the Act of 1893, and directed them to be counted for Mr. Thomas. Upon a recount of the votes it appeared that fifty seven ballots were cast and had the name of J. Toner Lucas written in the Democratic column in the blank space as a candidate for auditor. A majority of these fifty-seven ballots contained the name of Mr. Thomas for supervisor, and if they were declared illegal ballots and rejected Mr. Bullock would have a majority of the legal votes cast for supervisor.

The counsel for Mr. Bullock, Clem Dale, Esq., contended that these fifty-seven votes should be rejected and not counted at all, because the writing of the name of J. Toner Lucas in the blank space in the democratic column as a candidate for auditor invalidated those ballots under the provision of the Act 1893. The counsel for Mr. Thomas admitted that these votes could not be counted for Mr. Lucas for auditor, but that they were valid as to the balance of the ticket, because the tickets were so marked that they clearly expressed the intention of the voters, and must therefore be counted for Mr. Thomas for supervisor. The Court after argument by the counsel held that the writing of the name of J. Toner Lucas in the blank space in the democratic column as a candidate for auditor invalidated the ticket as to the office of auditor, but that as to the rest of the candidates the ballots were legal, and must be counted for all the officers except for that of auditor and declared Mr. Thomas elected by a majority of five votes.

This decision is based upon the principle that these ballots as marked, clearly expressed the intention of the voters, and were regular and legal ballots under the provision of the 27 Section of the Act of June 10, 1893.

Owing to the importance of this decision and for the information of many of our readers, who at times are called upon to serve on election boards we republish the opinion of Hon. John G. Love on this point which is well to preserve.

OPINION OF THE COURT.

In the matter of the petition of sundry citizens of Snow Shoe township, to contest the election of supervisor.

The petition of contestants set forth that at the election held on the 19th day of February 1901, that 149 votes had been returned as cast for D. R. Thomas, for supervisor, and 149 votes cast at said election for P. W. Bullock for the office of supervisor. It further alleged that in the western election precinct, that three ballots had been voted for D. R. Thomas that had been rejected by the election board. An answer was filed by P. W. Bullock, and set forth that certain ballots that were irregular and illegal had been cast for D. R. Thomas in the eastern precinct of said township, and counted for him that should have been rejected. With consent of all parties upon petition we ordered the ballot boxes to be produced in Court, and had them opened and counted in the presence of the Court. The count showed that in both precincts that P. W.

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FACT, FUN AND FANCY.

Bright Sparkling Paragraphs—Selected and Original.

HAVE GOT TO KEEP IT UP.
One step won't take you very far;
You've got to keep on walking.
One word won't tell folks who you are;
You've got to keep on talking.
One inch won't make you very tall.
You've got to keep on growing.
One little act won't do it all;
You've got to keep them going.
—Joliet (Ill.) Republican.

Of coffee that his mother made
He keeps as quiet as a mouse.
To talk about it he's afraid;
She used to keep a boarding house!

This world that we're a-livin' in
Is mighty hard to beat;
You get a thorn with every rose,
But ain't the roses sweet!
It is easy enough to be pleasant
When life goes by like a song;
But the man worth while is the man with a smile
When everything goes "dead wrong."

A tailless cur is really cur-tailed.
Stands to reason—the polite debater.
Gay men have no past, gay women no future.

Gumdrops do not grow on rubber plants.
Sometimes it takes a pull to get into the push.

It takes more than three feet to make a back yard.
The fewer steps a man takes the longer his shoes last.

No singer's voice is finer after it has been strained.
It takes more than a dentist to kill some men's nerve.

Even the most truthful elevator men have to tell stories.

The livery man doesn't object to his property being tied up.

Some people don't recognize their obligations when they meet them.
Whenever there is a 'spring opening' the women manage to drop in.

N's, Maude, dear; a ball player isn't liable to arrest when he steals a base.

When it comes to accepting a job the day laborer can always take his pick.
For downright usefulness and upright ways, commend us to a first-class elevator.

The fellow who flips a coin for the drinks isn't cowardly because he turns tail.

In Adjoining Counties.

Jacob Baron, a highly respected retired farmer, of Rosecrans, died Sunday night from the infirmities of age. His age was 85 years, 6 months.

E. H. Faulkender, a prominent member of the Blair county bar, has mysteriously disappeared. He left Hollidaysburg on Sunday night, and close acquaintances say that he will not return. He is the custodian of a trust estate of \$16,000. The Sheriff has seized his property on executions.

A little daughter of Wesley Barkey, of Burnside, Clearfield county, met a frightful death from a powder explosion recently. The little girl was but 7 years of age, got hold of some mining powder and after carrying it some distance lighted it with a match. The powder ignited her clothing and she died in one-half hour after the accident.

After firing three shots at his wife Sunday night, with the intention, it is alleged, of killing her, Alexander Jackson, colored, of Lewistown, fled to the mountains, pursued by angry citizens. Next morning he was captured by the sheriff and deputies and held for a hearing. The three bullets from Jackson's pistol struck his wife, but neither inflicted a serious wound. The crime was prompted by his wife's infidelity.

The loss by the burning of David Robb's barn, near Beech Creek Wednesday night, 27, was much greater than at first stated. In addition to the five horses that perished in the flames, there were 300 bushels of oats burned, 20 bushels of wheat, 25 bushels of buckwheat and about 8 tons of hay. Two farm wagons, buggy, spring wagon, threshing machine and some other farm implements were burned. There was an insurance of \$1,400 on the barn in the Grange company.

Isaac Hile, of Lewisburg, an old man aged about seventy years, met with a frightful accident at the Buffalo Mill Saturday afternoon. In the basement of the mill there is a grindstone which is connected with a pulley on the line shaft. Mr. Hile went there to sharpen an axe and in turning on the belt got his hand caught and it was drawn around the shaft. The member was torn from his arm between the elbow and wrist. It is hardly likely that he will survive the shock.

To Outlaw Buck-Shot.

A bill has been presented in the Pennsylvania Legislature to prevent the use of buck-shot for killing deer. It provides that after the passage of the act it shall be unlawful to kill deer with any weapon "containing or loaded with more than one bullet, shot or missile for each load intended to be fired."

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