

# The Centre Democrat.

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BELLEFONTE, PA., THURSDAY, DECEMBER 5, 1901.

VOL. 23, NO. 48.

## NOVEMBER COURT NOTES

Report of Proceedings From Last Week

## CASES TRIED AND VERDICTS

List of Cases Continued or Settled—Sentences Imposed on Criminals—Cases Disposed the Second Week—Reported by S. D. Gettig

In the case of McCalmont & Co. vs. J. Rishel, which suit was originally brought to recover a book account and for a binder, which the plaintiffs allege they sold to the defendant. The defendant tendered the balance due on book account and the case was narrowed down as to whether or not the defendant had bought the binder as alleged. The plaintiff alleges that their representatives sold a McCormick binder to the defendant on the morning of the 9th of July last and in the afternoon delivered it with their own team, set it up and operated the same during the afternoon, with their own team. The defendant alleges that he did not buy the binder, but that he had given permission to plaintiff's representative to bring their machine and try it with the Deering which was in operation in the field at the time and he would buy the one that did the best work and that he had telephoned the same to plaintiff's store, that both machines were operated in the same field that afternoon and that it was a trial as to which would do the best work. That the machine was again tried the next morning in the damp grain, similar to the Deering the morning before, and that about 11 o'clock they unhitched satisfied that the Deering was the best machine and that plaintiffs were so informed; but plaintiffs allege that the McCormick did its work all right, and that the machine was sold and that it was not there as a test between the two machines, which the defendant denies and alleges he never bought it, but afterwards bought the Deering machine which had done the best work and hauled the plaintiff's machine home, and they refused to receive it, and this suit was instituted. Verdict on Thursday afternoon in favor of the plaintiffs for one hundred and twelve dollars and sixty-nine cents.

The following sentences were imposed on Thursday afternoon:

Calvin Stiles who plead guilty to aggravated assault and battery upon Jerry Roan, on Tuesday, was sentenced to pay the costs, one dollar fine and to the penitentiary for four years and four months.

Harry Bortoff was on Monday convicted for an assault and battery on his wife; to pay costs, \$25 fine and to the county jail for 4 months.

Court adjourned on Thursday evening until Saturday morning at 10 o'clock to hear an application for appointment of guardian.

Other criminal cases on this week's list were disposed of as follows:

Com. vs. Harry Emshizer, charge betrayal; prosecutrix Susan Walker. Nol. Pros.

Com. vs. John Iddings, charge defacing, destroying and dispiriting public records; prosecutor J. M. Keichline. Settled.

Com. vs. Harry Porter and Sarah Hoy, charge fornication; prosecutor Robert Jackson. Nol. Pros.

Com. vs. Clyde W. Jackson, charge betrayal; prosecutrix Sarah A. Shuey, Continued.

Com. vs. Wm. Lucas, charge betrayal; prosecutrix Hattie Barto. Continued.

Com. vs. Batsy Care, charge threats to rob, steal and shoot; prosecutor Edmund Blanchard, chief Burgess. Nol. Pros.

Com. vs. Charles Rickert, charge cheating and defrauding board bill; prosecutrix Mary A. Blake. Nol. Pros.

Com. vs. same, charge larceny by bailer, prosecutrix, Helen Lewin. Nol. Pros.

Com. vs. John Tomshaller, charge misdemeanor; prosecutor John Zatek. Nol. Pros.

Com. vs. Harry Brown, colored, charge assault and battery; prosecutor Edmund Blanchard. Nol. Pros.

Com. vs. Geo. Shuey, charge betrayal, prosecutrix, Bertha Johnson. Settled.

Com. vs. John Erb, charge assault and battery, prosecutor Jacob S. Herman. Bill ignored and prosecutor to pay the costs.

Com. vs. Orie Showers, charge carrying a concealed and deadly weapon, prosecutor Frank Irvin. Settled.

Com. vs. Isaac Reese, charge violating pure food laws; prosecutor James Faust. Settled on payment of costs.

Com. vs. Jacob Swires, charge violating pure food laws; prosecutor James Faust. Settled.

Com. vs. H. S. Stuart, charge violating pure food laws; prosecutor James Faust. Settled on payment of costs.

Com. vs. Wilbur Housel, charge betrayal, prosecutrix Lydia Reed. Settled.

Com. vs. Jake Herman, charge assault and battery, prosecutor John Erb. Bill ignored and prosecutor to pay the costs.

Com. vs. Levi Sparr and James Sliker, charge malicious mischief, prosecutor Michael Confer. Continued.

Com. vs. Harry A. Tressler, charge betrayal, prosecutrix Dora M. Stephy. Nol. Pros.

Com. vs. Sam'l I. McCloskey, charge betrayal, prosecutrix Gertrude E. Cox. Settled.

## SECOND WEEK

Court convened on Monday morning at 9 o'clock, with President Judge Love on the bench, and after hearing a number of motions and petitions and the calling of the list of jurors and noting of absentees the list of cases was called over and the following cases disposed of:

A. D. Potts vs. A. McCoy and J. Frank McCoy, trading as McCoy & Son, summoned in assumpsit, plea non assumpsit. Being six cases in which judgment notes had been entered up and, afterwards opened by the court on petition of the defendants. Continued under terms of settlement.

Mary J. Odenkirk, executrix et al., vs. John Odenkirk, dec'd vs. Jas. P. Odenkirk, defendant, Isaac Shawyer, Calvin Vonada, R. P. Odenkirk, Wm. B. Mingle, administrator of et al., of George Odenkirk, dec'd, and Nancy Benner, or other persons as garnishees, judgment opened, plea non assumpsit. Plaintiffs suffer a voluntary non suit.

Lehigh Valley Coal Co., vs. Jacob F. Polmar, administrator of et al. of Patrick Ward Sr., dec'd., Patrick Ward Jr., John Gonsallus and Patrick Kelley, summoned in assumpsit, plea non assumpsit. Continued, the case being special to Judge Love.

Lilly Fleck vs. Valentine A. Fleck, summoned in divorce. Continued.

W. C. Farnor, D. J. Tressler and Wm. Boal, trustees for the Centre Hall congregation of the Evangelical association vs. Joseph Alter, J. S. Dauberman, J. H. Krumbine and J. F. Smith, trustees of the United Evangelical church of Centre Hall, summoned in ejectment, plea not guilty. Continued.

Schmidt & Schwanzenspiegel vs. George E. Lamb, summoned in assumpsit; plea non assumpsit. Defendant confessed judgment in open court in favor of the plaintiff for \$255.64.

Laura S. Kephart vs. Harry M. Kephart, summoned in divorce. This action is brought to procure a divorce from the defendant, the plaintiff and defendant having been married on March 3rd, 1884, at Unionville, in this county, and lived together as husband and wife until some time on or about Nov. 1, 1896. The ground laid for the annulment of the marriage was desertion and cruel and barbarous treatment by her husband, which the defendant denied by an answer filed to the subpoena in divorce. There was no defence made in court. Verdict in favor of the plaintiff.

Lehigh Valley Coal Co., vs. Samuel Marsh, Jacob Quiggie, George Merrill, N. Shaw, Robert Newberry and Adam Squires, summoned for trespass; plea not guilty. This case is brought to recover damages for cutting prop timber on land in the warrantee names of Charles Risk and Walter Stewart in Rush Twp., and owned by plaintiffs. Verdict in favor of the plaintiff for \$194.72.

On Monday afternoon the court made an order dividing Potter Twp. into three election precincts to be known as the North, South and West precincts instead of the two precincts as heretofore, fixing the polling place of the new precinct (the West) at Meiss' store at Colyer, the others remaining same as heretofore.

The election officers of the North precinct are not disturbed by this decree, and the following election officers were appointed to hold the election in the precincts at next February election: The South precinct, F. A. Carson, judge, and J. W. Foreman and J. R. Bible inspectors; West precinct, C. W. Swartz judge, and J. B. Spangler and J. W. Stump, inspectors and David F. Portney was appointed registration assessor in the new precinct until his successor shall be elected.

The following lines establish the boundaries of the new voting precinct in Potter Twp., as returned by the Commissioners and approved by Court:

"In accordance with our finding we have run the following precinct lines: Beginning at a point on the southern line of said Potter Twp., thence by a line to leave Sam'l Slack in the South precinct, and Perry Krise, Levy Stump, Foster Frazer, Geo. Spangler and others, in the new precinct, north 30 degrees west four miles and twenty rods, to the public road leading from Centre Hill to Linden Hall, at a point about ten rods east of the farm buildings of Dr. George Lee; thence following said public road west as far as the cross roads, and then to the south of it, south 82 degrees west three miles and four rods to the Harris Twp. line, to a point about eighty rods south of said public road leading to Linden Hall."

The West precinct takes a small strip from the North and practical divides the

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## JAIL BREAKER CAUGHT

A Clever Scheme to Escape the Penitentiary

## SHERIFF BRUNGART WARNED

Was in Danger of Being Struck Down—Prisoner Sawed an Iron Steeple With Table Knife—Put a "Dummy" in Bed

Some weeks ago Charles Stiles was arrested for committing an assault in Philipsburg upon farmer Jerry Roan, of Benner Twp. At last week's court he was convicted and sentenced to four years and four months in the penitentiary. As is customary, the sheriff locked Stiles in one of the steel cells on the second floor for safe keeping, until escorted to the Allegheny penitentiary.

On Saturday evening Sheriff Brungart made his customary round of inspection in the prison to see that all inmates were locked in their cells. As he passed by Stiles' cell he looked in and imagined that the prisoner was in bed with the covers drawn over him. As he passed by the door of Harry Brown's cell, the colored man cautioned him that Stiles was not in bed, but there was a "dummy" there to deceive him and that Stiles was lying in wait down stairs to knock the sheriff down, take the keys and effect an escape. He took advantage of the advice offered and cautiously went down the stairway and at once unlocked the prison door, keeping an eye on the surroundings, and got out without any attempt of an assault. The sheriff hastened to the office and got his revolver, re-entered the prison and called upon Stiles to step out. Stiles at once emerged from one of the empty cells on the first floor and made some apology that he did not intend to harm Mr. Brungart. He was immediately searched and in his pockets were found a fork, an ordinary table knife with the edge nicely nicked so as to form a crude saw. In one of his coat pockets he had a lunch nicely wrapped in paper, that being saved from his meals during the day. The sheriff then put the heavy steel hobbles on him and marched the man back to his cell.

Upon examination of the cell it was found that he had executed a clever scheme to escape. With the notched knife blade, by reaching through the loophole of the solid iron door, he managed to cleanly saw open the steeple of the door and thus get out in the corridor. With a rubber band he kept this steeple in place, so that when the sheriff came along everything looked secure, everything in place and the prisoner apparently in bed. That part of the scheme worked like a charm, but he made a mistake by confiding his plan to "Brownie," who feared the sheriff might be killed and wisely informed him of the plot.

In the empty cell on the first floor, where Stiles had been hiding, an iron bar about a half-inch square and two feet long was found which he had wrenched from his bed. It was his purpose to leap on the sheriff and strike him down, probably brain him in his desperate attempt to escape, but Mr. Brungart had been forewarned by "Brownie."

Stiles afterward wrote a letter to the sheriff stating that the plot was planned by "Brownie," who was also to be released. On Monday Deputy Harry Jackson and District Attorney Spangler escorted the gentleman to the Western penitentiary. This was a close call for the sheriff and a shrewd, desperate plan of the prisoner that was only thwarted by timely warning.

On his way to the penitentiary he declared he had no intention to strike the sheriff but expected to dig out through the wall with the iron bar.

## Took His Own Life.

Monday morning as the janitor of the Philipsburg Club, in the Hale building, entered the reading room he found the lifeless body of Thomas L. Emerson, a well known citizen, of that town, with a revolver lying on his breast. He was lying on his back, with a chair cushion under his head, he had presumably been dead for four or five hours, the result of a bullet wound that had penetrated his heart, with every indication that he had brought his life to an end by his own hand. His motive in committing the rash act is unknown. He was last seen leaving the Potter house about 1 o'clock that morning. The deceased was about fifty years. He had been in the employ of Hoover, Hughes & Co. up until the firm went out of business, and since then has been chiefly engaged in settling up some interests of the firm.

## Williamsport Milkmen Fined.

Judge Mitchell has accepted pleas of guilty in the cases of six of the thirteen milkmen of Williamsport, indicted for selling adulterated milk, and imposed a fine of \$50 on each.

## CONDITION AND VARIOUS THEORIES

When Congress assembled on Tuesday it was confronted with a condition and with several theories. The condition is an annual surplus of \$130,000,000. The theories relate to its prevention or disposal.

A considerable number of men in office favor the shortest and easiest way of dealing with the surplus—that is spending it. Spending other people's money is always an agreeable occupation to the average politician. There are ways enough, of course. Ship subsidies, an isthmian canal, more pensions, bigger river and harbor appropriations and new public buildings to re-elect Congressmen can easily absorb the surplus.

But there are important elections in nearly all the States next year, and the wise and prudent leaders of the party in power do not look with favor upon a new carnival of extravagance.

These men, with the President at their head, are likely to recommend a further reduction of the war taxes. But what are the war taxes?

When the war for the Union began, forty years ago, the average tariff was about 28 per cent. Under the stress for revenue, and to counterbalance internal taxes on manufactures, the average duty was raised to 50 or 52 per cent. At the end of the war internal taxes, mainly upon wealth and yielding \$300,000,000 a year, were one after the other repealed. But now, though our "infant industries" are forty years older, the tariff taxes are still up to the highest point of war taxation.

When the war with Spain made more revenue necessary internal taxes were again voted. Last year, when the surplus became troublesome, a part of these taxes was repealed. And now it is proposed by the Republican leaders still further to reduce the taxes on whiskey, beer and tobacco—vices or indulgences which all civilized governments make the basis of the revenue—and to leave untouched the worse than war taxes on the necessities of the people, their food, fuel, clothing and shelter; taxes, too, which promote monopolies and permit their beneficiaries to sell cheaper in foreign markets than to home consumers.

This would be better than to continue taxation for a surplus or for extravagance. But is it just? Is it statesmanlike? Is it safe in a country, where, after all, the people rule?—World.

## CURE FOR HOG CHOLERA.

F. Antes Canfield, a physician, of Necedah, Wis., a regular reader of the Centre Democrat, and a former resident of Nittany valley, sends us a receipt that is worth trying by farmers who have any trouble with hog cholera. The question of combatting this disease has received more attention in the Western States, where large quantities of pork are raised than in this section. Mr. Canfield kindly sends the following receipt, having noticed that many farmers in Nittany and Sugarvalley were losing their porkers:

## GOOD FOR HOG CHOLERA.

Get some good charcoal (maple wood coal preferred), break it up in pieces size of bulled walnuts or hens eggs; have a good sized trough in the pen and put in half bushel or more of the coal. If they don't eat freely it sprinkle over the coal a little wheat bran and let the hogs eat all they care to of the coal. Keep plenty of it in the trough. Along with this, get "Flour of Sulphur" or powdered sulphur, and give about a tablespoonful 2 or 3 times a day to each hog, by mixing with a little wheat bran dry or dampened with a little warm water. Have another trough in opposite side of the pen from where the coal is and in this trough put a peck of common salt so that the hogs can eat all they care of the salt. 15 years ago we had an epidemic of hog cholera here, and after exhausting all remedies without favorable results, an old farmer came in here from Illinois, and recommended what I have just written and while the treatment seems very simple in a short time the epidemic was stamped out and hog cholera has been a thing of the past in this section ever since.

Yours Respectfully,

F. ANTES CANFIELD,

Nov. 25, 1901.

P. S. Fifty years ago I used to fish for trout in the stream that courses down through Sugarvalley, and knew many of the honest, industrious farmers in that locality most of whom are gone to join the majority on the other shore, but if what I have said will be the means of relieving their posterity of the ravages of hog cholera that is rising in that quiet little valley or has been for some time, shall be pleased indeed.

## Fire Near Howard.

Alfred Bechtel's barn, near Howard, was destroyed by fire last Friday night. The origin of the flames is a mystery. The flames broke out about midnight. In addition to the barn, all the other outbuildings except the ice house were burned. All the season's crops, farm implements, a colt and a calf were also burned. The barn was one of the largest in the Bald Eagle valley. Mr. Bechtel's dwelling was burned several years ago. Mr. Bechtel's loss is estimated at \$3,000; partly insured.

## OUR HISTORICAL REVIEW

Sketch of a Noted Pioneer of Union County.

## HISTORY OF HIGHVALLEY

Methods of Marketing Grain and Lumber from this County—The Construction of Arks on Penns Creek. Some Interesting Episodes

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John Kelly was a native of Lancaster county. He was born in February, 1747. After the purchase from the Indians, by the proprietaries of Pennsylvania, in 1768, he left Lancaster county and settled in Buffalo valley. Here he endured the hardships common to all settlers in new countries. He was well calculated for a new settlement;—tall, about six feet two, vigorous and muscular, with a body inured to labor, and insensible of fatigue, and a mind fearless of danger.

He was a major in the revolutionary war, and was engaged in the brilliant actions at Trenton and Princeton.

In the course of one of his retreats, the commander-in-chief, through Col. Potter, sent an order to Major Kelly to have a certain bridge cut down to prevent the advance of the British, who were then in sight. The major sent for an axe, but represented that the enterprise would be very hazardous. Still the British advance must be stopped, and the order was not withdrawn. He said he could not order another to do what some would say he was afraid to do himself; he would cut down the bridge. Before all the logs on which the bridge lay were cut off, he was completely within the range of the British fire, and several balls struck the log on which he stood. The last log broke down sooner than he expected, and he fell with it into the swollen stream. Our soldiers moved on, not believing it possible for him to make his escape. He, however, by great exertions, reached the shore, through the high water and the floating timber, and followed the troops. Encumbered as he must have been with his wet and frozen clothes, he made a prisoner, on his road, of a British scout, an armed soldier, and took him into camp. History mentions that our army was preserved by the destruction of that bridge; but the manner in which it was done, or the name of the person who did it, is not mentioned. It was but one of a series of heroic acts, which happened every day; and our soldiers were then more familiar with the sword than the pen.

After his discharge, Major Kelly returned to his farm and his family, and during the three succeeding years the Indians were troublesome to this then frontier settlement. He became colonel of the regiment, and it was his duty to keep watch against the incursions of hostile Indians, through our mountain passes. At one time our people were too weak to resist, and our whole beautiful country was abandoned. Col. Kelly was among the first to return. For at least two harvests, reapers took their rifles to the fields, and some of the company watched while others wrought. Col. Kelly had the principal command of scouting parties in this valley, and very often he was out in person. Many and many nights has he laid among the limbs of a fallen tree, to keep himself out of the mud, without a fire; because a fire would indicate his position to the enemy. He had become well skilled in their mode of warfare. One circumstance deserves particular notice. The Indians seemed to have resolved on his death, without choosing to attack him openly. One night he had reason to apprehend they were near. He rose the next morning, and, by looking through the crevices of his log house, he ascertained that two at least, if not more, were lying with their arms, so as to shoot him when he should open his door. He fixed his own rifle, and took his position so that, by a strike, he could open the door, and watch the Indians. The moment he pulled the door open, two balls came into the house, and the Indians rose to advance. He fired and wounded one, and both retreated. After waiting to satisfy himself that no others remained, he followed them by blood; but they escaped.

For many years Col. Kelly held the office of a magistrate of the county. In the administration of justice, he exhibited the same anxiety to do right, and disregard of self, which had characterized him in the military service of the country. He would at any time forgive his own fees, and, if the parties were poor, pay the constable's cost, to procure a compromise.

There is a monument in the Presbyterian cemetery in Lewisburg, to the memory of Colonel Kelly. This was erected April 8th, 1835, amid a solemn

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## FACT, FUN AND FANCY.

Bright Sparkling Paragraphs—Selected and Original.

Love is a wound that keen doth smart,  
And double is the dread.  
For ere a man may lose his heart,  
He first must lose his head.

The naked hills lie wanton to the breeze:  
Nude are the fields, the groves unfrocked,  
And bare are the limbs of the shivering trees;  
What wonder that the corn is shocked!

"In tolling for money  
His whole life was spent,  
And when it was won  
To the next life he went,  
Then his relatives quarreled  
For every cent,  
Till there wasn't enough  
For his own monument.

## THIRTY REASONS WHY.

Some drink because they're hungry,  
And some because they're dry;  
Some drink to keep them in good health,  
And some that they may die.

Some drink because they are too hot,  
And some because they are too cold;  
Some drink to strengthen them when young,  
And when they are old.

Some drink to keep them wide awake,  
And some that they may sleep;  
Some drink because they merry are  
And some because they weep.

Some drink when they do money gain,  
And some because of loss;  
Some drink when they are pleasant,  
And some when they are cross.

Some drink when they are hard at work,  
And some when they do play;  
Some think it right to drink at night;  
While others drink by day.

Some drink for sake of company,  
While others drink on the sly;  
And many drink but never think  
About the reason why.

Some drink when they a bargain make,  
Some when money they pay;  
Both when they buy and when they sell,  
They drink—good health to-day.

Some say they drink for pleasure,  
And some they drink for pain;  
Some say 'tis good, some very bad  
But never once refrain.

Yet all must own the Proverb true,  
When iron's hot to strike it;  
I've just found the reason why:  
All drink because they like it.

Having ears, yet bear not.

A news cent er—the penny paper.  
Turning up again—coat collars.  
Too many friends spoil a bank account.

Helmet is old-fashioned knights caps.

The blind asylum may have a good site.

Wheels in the head give one that tired feeling.

In a divorce both parties take their own part.

A wig that looks perfectly natural is a tip top thing.

Trapeze performers must be graduates of a high school.

The fat man has a decided tendency to waist his substance.

When his horse is a favorite, does the hostler curry favors?

In the witness box, the organ of speech is one that has to be pumped.

As the burglar in the jewelry store said: "Take plenty of time."

When we speak of the infant industries we do not refer to baby farms.

When a man wins a hat on a bet his head is usually too big to wear it.

Americans choose their own country, but at times they seem to pick Turkey.

The teacher of Spencerian penmanship aims to do a flourishing business.

Paradoxical as it may seem, the girl with a graceful carriage prefers to walk.

Probably more human nature crops out at a dog fight than at a prayer meeting.

Fever and ague medicine 'doesn't' need to be marked "Shake before taking."

It takes a lot of "dirty work" some times for politicians to make a clean sweep.

When the undertaker encounters at young man with a cigarette cough he picks out a coffin.

You're in it!" said the soup to the spoon. "Don't talk," was the reply, "you'll soon be dish'd."

The people who have conscientious scruples against games of chance are usually the ones who have had bad luck.

An optimist is a man who believes that all women are angels, and a pessimist is a man who believes they are the kind of angels that have asbestos wings.

The man who trots around the room all night with a crying infant in his arms and happens to remember that of such is the kingdom of heaven is apt to backslide.

## "Don't Tell My Wife."

Foremost in the list of funsters incorporated in the organization to present here shortly "Don't Tell My Wife," the musical farce that comes to us with a great laughing record from the East, is Arthur Deming. Deming is perhaps the funniest black-face man of this country's stage to-day. Opera house, Tuesday Dec. 10th.