

## SECOND DAY OF THE TRIAL

### Commonwealth is Making Out an Exceptionally Strong Case.

### WHAT WILL DEFENSE BE

### Even a Conjecture is Not Possible.

Testimony to the Effect That Mrs. Westcott Herself Declared the Killing to Be Murder--Thirteen Year Old Frank Gehrens Says He Saw Van Horn Coming Out of the Cellar After the Wounded Woman, and Two Other Witnesses Testify That Mrs. Westcott Accused Van Horn of the Crime--Commonwealth is Now Endeavoring to Show Threats and Premeditation.

By what line of defense other than that of a man of insanity, the attorneys for Van Horn can hope to save his neck from the gallows is impossible to even conjecture, after the testimony adduced during yesterday, the second day of trial.

The contention that the wound was the result of a playful attempt to frighten Mrs. Westcott as has been intimated would be the line of defense is shattered by testimony of Mrs. Westcott's own assertion that it was murder. "I'm murdered," George Van Horn did it," one of the witnesses swears Mrs. Westcott declared. That Van Horn did not commit the deed--not to say crime--will hardly admit of a faint, let alone reasonable, doubt. That it was a willful and deliberate murder or the act of a jealous madman are the only two theories left. What the defense will be was not even intimated by an act of Van Horn's counsel through all of yesterday's proceedings, excepting--if indeed it is deserving of mention--a question propounded to one of the doctors as to whether the wound could not have been inflicted by Mrs. Westcott herself.

Van Horn himself is far from being the cool and careless culprit that it was during the drawing of a jury. District Attorney Jones' opening, with its allusions to the brutal crime, made the somnolent conscience awaken and as the day progressed and the terrible tale unfolded and his responsibility that it brought home to him in such a dread manner his interest grew gradually to painful anxiety, and when court adjourned, instead of being the most careless person in the room as on the previous day, he was, as any right-minded man in the same position ought to be, the most solicitous.

The crowds were much larger than on the first day and in the afternoon it was so crowded that Judge Archbald directed all who could not find seats to retire and ordered the trustees not to admit anybody until there was a vacant seat. This was done because the constant surging and shuffling of the crowd kept up a continuous noise.

### MOTHER SAT BESIDE HIM.

Mrs. Van Horn, the aged mother of the accused murderer, was among the spectators of the afternoon. She sat beside her son at the defendant's table, but only occasionally were there any words passed between them. "How do you feel?" Van Horn said to her after she had been seated by his side for some time. "I feel good enough," she replied. "What are you doing here?" rejoined the son in a half-chiding, half-curious tone of voice. "Your lawyers told me to come," said the mother.

"Huh," said Van Horn.

Mrs. Van Horn only remained about an hour.

At 3:30 o'clock when Judge Archbald nodded to the district attorney to begin, the court room was as still as death.

All eyes were turned upon the figure of the district attorney as he arose from his seat, and after arranging some papers on the table and uncovering a big-bladed razor, advanced to the jury box and proceeded with his opening. For the first time since the opening of the trial Van Horn manifested more than a passing interest in the proceedings. He shifted his position so that he could have a square view of Mr. Jones and during the entire speech he listened with evident deep attention to every word that was uttered and followed the district attorney's every

movement with his eyes, excepting when he sat again as particularly harsh arraignment or reference to some telling circumstance of the crime would cause the accused to cast his eyes inquiringly into the jury box to see what effect it had on the jurors.

### MR. JONES' STRONG WORDS.

After dwelling upon the gravity of the crime and explaining the different degrees of murder, Mr. Jones went on to describe the crime as the commonwealth viewed it. He declared it to be the most atrocious and cowardly murder that had ever occurred in Lackawanna county. Van Horn, he said, laid in wait for the victim of his malice and killed her in a most bloody and brutal manner. He then told that the commonwealth would produce witnesses to show that Van Horn had threatened to kill Mrs. Westcott and that he even exhibited his razor in a house on the West Side corner of West Main and Erie streets, and declared he would use it on Mrs. Westcott. Van Horn's confession to his captors, when he was being brought here from Iowa, would also be offered in evidence, the district attorney said, and great stress would be laid on the flight and hiding of the accused, which the law always presumes a strong evidence of guilt. He concluded by saying that a verdict of murder in the first degree would be demanded by the commonwealth.

The testimony of the physicians who had dealings with the case was first adduced to show the murderous character of the wound and to establish the death.

The coroner, S. P. Longstreet, as usual, was the first witness. He examined Mrs. Westcott's body in the hospital morgue the morning following the crime and shortly after her death. He found a wound across the throat fully six inches in length and of sufficient depth to half sever the windpipe. Hemorrhage and shock, in his opinion, were the causes of death. On cross-examination he testified that it was the anterior jugular vein and not the main jugular that had been severed. The depth of the wound was in the front of the neck, where the cut extended just above the natural position of the Adam's apple.

Dr. John Burnett testified to having been called to Mrs. Westcott's house and to having seen her there late, owing to his having been out at the time the messenger came for him. The wound had been dressed by the physicians who had preceded him, but from the blood on the carpets, bed and the woman's clothing he saw that she had been badly wounded and advised her removal to the Lackawanna hospital.

### CHARACTER OF WOUND.

At the hospital, where the wound was redressed, he made a minute examination of the cut. He described it to be a gash about six inches long, with a depth of an inch and an inch and a half at front of the throat. In his judgment it was inflicted with a very sharp instrument, drawn across the throat by a strong arm.

Dr. W. E. Blanchard, who was the house surgeon of the Lackawanna hospital at the time of the crime, also gave evidence of the character of the wound and of the examination. He admitted that it could have been inflicted by Mrs. Westcott herself. A slight buzz through the court room followed this question and answer, which were the first indications of what might possibly be the contention of the defense.

Deputy Coroner E. M. Pennypacker gave testimony similar to that of Dr. Longstreet, regarding the post mortem. Then began the forging of the chain with which it is expected to fasten upon George K. Van Horn the killing described above.

The first witness was Frank Gehrens, a 13-year-old boy who lived near the scene of the killing, and who, with a number of other boys, was playing about the Westcott house on the night in question. He was very much excited and nervous at first, but gradually became more composed, and told his story in a straightforward manner which must have carried conviction with it in the minds of the jury.

He said that he was at the Linden street side of the house playing on the roadway when he saw Mrs. Westcott come out of the cellar in the rear of the house with blood flowing from her throat, and Van Horn closely behind acting as if he wanted to get past her. Mrs. Westcott turned aside and went into the house and Van Horn jumping over the fence ran down Linden street. Mrs. Westcott came out by the front way half a minute later and addressing herself to the boy said: "George Van Horn did it. Frank, go get a doctor." The witness says he then went for Dr. Burnett, but not finding him in started to get Dr. Everhart. Dr. Everhart was also out, so the boy went to Lackawanna avenue and told a policeman about the affair, asking him to get a doctor. The boy also described his visit to the cellar the next

### TESTIMONY NOT SHAKEN.

The witness was cross-examined by Mr. Thayer, but his testimony could not be shaken. He was on the stand at the noon recess and again for a short time after dinner.

He was followed by Mrs. Kate Fetterhoff, one of the two boarders who were in the Westcott house on the night of the crime. She testified that Mrs. Westcott came upstairs with her throat cut and blood streaming from the wound. "My throat is cut, I'm murdered," George Van Horn did it." "Who did it?" the witness asked her. "George Van Horn," reiterated Mrs. Westcott.

The defense tried to have the testimony of the Gehrens boy and Mrs. Fetterhoff bearing on the accusations of Mrs. Westcott stricken out on the ground that the time of their utterance was too remote from the commission of the deed to be materially connected with it. Mrs. Westcott, they held, could have planned in the interim to place the crime on George Van Horn. To injure Van Horn, if, as the commonwealth contended, they were enemies; and protect some one else--herself, for instance, if it was a case of suicide. Court could not see the matter in this light.

Special Officer George Wickenhoffer, of 259 Franklin avenue, testified that he was sitting on his porch on the evening of the crime and saw Mrs. Westcott and Mrs. Fetterhoff come out on the porch of the Westcott house, across the way. They appeared to be in great excitement and this prompted the witness to watch them. Mr. Brimble and Heiter, two neighbors, were next noticed talking excitedly to the two women, and as it was evident there was something wrong, witness hastened across the street to ascertain what the trouble was.

Mrs. Westcott saw him coming and when he approached she said: "For God's sake, Mr. Wickenhoffer, go get a doctor. I've been hurt." Blood was streaming between her fingers, which were clutched about her throat, and the front of her dress was liberally covered with blood.

"Who did it?" asked Mr. Brimble. "He did," Mrs. Westcott replied. "Who is he?" queried Mr. Brimble. "George Van Horn," said Mrs. Westcott. "Who?" again asked Mr. Brimble. "George Van Horn," repeated Mrs. Westcott.

### BLOOD CHOKED HER.

Then Mrs. Westcott started evidently to tell the story of how it happened, but she only got as far as, "I went down for potatoes into the cellar," when her throat seemed to fill up with blood and she only gurgled something unintelligible.

Some went for physicians, and others, witness among them, started to look for Van Horn. After scouring the neighborhood for about an hour, the witness returned, changed his slippers for shoes and made a more extended search, going with Detective Moir to Hyde Park, where Van Horn had several "hang-outs."

Witness made an examination of the cellar that night and found blood on the floor and all the cellar steps. The imprint of a razor blade was found in the hard clay of the cellar floor, having apparently been made by some one stepping on the razor and forcing it into the ground.

An examination of the yard showed a foot-print in the ashes which filled a barrel sitting alongside the fence and evidences that the foot which stepped in the ashes had been planted afterwards, within the next few months. The work upon this branch of railroad was begun several years ago, but was discontinued owing to the destruction by fire of the No. 1 Mid-Valley breaker.

Joseph Atkin, manager of the Wyoming Luce mills on Union street, yesterday advanced the wages in several of the departments 15 per cent. The advance was unexpected by the 150 employees and was a happy surprise to them. The mills are working full time, making 144 hours a week.--Wilkes-Barre Record.

### WHY?

Why do you forget so frequently? Why do you speak words that you so often regret? Why do you take up with new acquaintances, forgetting old friends? Why do you not understand judgment instead of too often acting upon impulse? Why do you persistently neglect your health when it is your duty to take special care of it? Why are you so careless when a sudden chill, headache, tired feeling and general disgust with life come over you? Why do you not remember that the best physicians, scientists and the leading people of the land all recommend pure whiskey as the proper thing to take at such times?

Why do you not recall the fact that there is only one pure medicinal whiskey known to the world, that it is exceedingly popular, that it has been in use for twenty years, and that it is Duffy's Pure Malt?

Why do you not denounce any drug-gist, grocer or dealer who tries to offer you some other or inferior whiskey, saying it is just as good? Why do you not always insist upon having just what you require, just what you desire, and just what you know to be the purest, the best and most efficient?

would not admit that he possibly was the one meant when Van Horn said: "I will get even with you for this."

The utterance was made as Van Horn was leaving the inner office, where he had made the settlement of the case and where Mrs. Westcott and the alderman were still seated. Mrs. Westcott and Van Horn did not go out of the office together, the alderman averred. She said she was afraid of Van Horn. This last remark was ordered stricken out.

Mr. Wedeman wanted to have all the testimony relating to the threat stricken out on the grounds that there was no connection between the threat and the crime charged against Van Horn, and further that it was too remote to be considered as an element of pre-meditation.

Judge Archbald thought it was admissible to show a malevolent spirit on the part of Van Horn towards Mrs. Westcott and on this ground overruled the objection.

### TESTIMONY OF PRYOR.

At the adjourning hour, James N. Pryor was on the stand and the lawyers were fighting over the admission of his testimony. He is a cabinet-maker at 23 Spruce street. Mr. Jones' offer relates, and a couple of weeks before the crime Van Horn dropped in there and during the course of a conversation about Mrs. Westcott having heard him arrested, Van Horn in a very excited mood said: "I'll cut her guts out," and made other allusions to her which would indicate that a spirit of revenge was rankling in his breast.

Mr. Wedeman quoted authorities to show that this evidence was not admissible; that a threat to commit a certain specified deed could not be taken as having bearing on the commission of some other deed. Judge Archbald was not satisfied that the rule in question would apply in this particular instance and overruled the objection for the present. He will pass upon the matter finally in the morning.

### INDUSTRIAL JOTTINGS.

The Lehigh Valley railroad has completed the connection to enter the Mid-Valley coal basin near Mt. Carmel. The branch connects with the main line at North Ashland, and runs across the mountains to Ayles, Mid-Valley No. 2 territory, where large and valuable coal beds will be developed by the Mid-Valley Coal company within the next few months. The work upon this branch of railroad was begun several years ago, but was discontinued owing to the destruction by fire of the No. 1 Mid-Valley breaker.

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### COURT HOUSE CLOCK BREAKS DOWN

The Striker and Linden Street Dial Will Not Work for a Few Days.

At twenty minutes past four, yesterday afternoon, the court house clock went on strike. One of the cables supporting weights snapped in twain and all the machinery was thrown out of gear.

Watchmaker E. A. Gross, who has charge of the county timepiece, managed to partly patch up the break, but for a few days the striker will not be in working order and the Linden street dial will not be connected. The other three dials, however, will continue their usefulness.

This is the third time in fourteen years that the clock has taken a rest.

### THE DELAWARE AND HUDSON COAL COMPANY WILL BEGIN TRAFFIC

The Delaware and Hudson Coal company will begin traffic in a new No. 2 breaker at Olyphant, which was destroyed by fire several weeks ago.

### THE NEW BREAKER OF THE WYOMING COAL AND LUMBER COMPANY AT WYOMING IS COMPLETED

Coal was prepared in the plant on Saturday for the first time, and the machinery worked satisfactorily. The railroad branch to the breaker was also finished and coal will be shipped tomorrow. A number of miners have been at work since the old breaker was destroyed by fire some months ago, and there is a large quantity of stocked coal on hand ready to be prepared for market.

The Delmar and Hudson Coal company will begin traffic in a new No. 2 breaker at Olyphant, which was destroyed by fire several weeks ago.

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Normal vision is a blessing unappreciated until it has been lost, and restored; its full value is then realized. Therefore, you should not lose a day before having your eyes examined. This service is gladly rendered free of charge.

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This offer is made mainly to introduce our Grand Imperial Sec Champagne and our fine double-distilled grape brandy, at one-half its actual cost and it will please as if our friends and patrons will take advantage of the offer and help us introduce our goods. All orders should be in before December 15th.

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