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CONDEMNNS GILLETTE

Herkimer Jury Says He Killed His Sweetheart.

VERDICT CARRIES DEATH SENTENCE

Tragedy of Big Moose Lake in Which Young Factory Girl, Grace Brown, Lost Her Life—Murder in First Degree.

HERKIMER, N. Y., Dec. 5.—The jury in the trial of Chester E. Gillette for the murder of his sweetheart, Grace Brown, at Big Moose lake last night returned a verdict of guilty in the first degree.

Sentence will be pronounced tomorrow morning, to which time court adjourned after the jury had reported. Former Senator Mills, Gillette's counsel, before adjournment announced that when court reconvened he would move to have the verdict set aside.

The jury, which had deliberated for five hours, sent word at 11 o'clock that a verdict had been reached. A moment later they filed into the courtroom, and at 11:15 o'clock an officer who had been sent for Gillette returned with the prisoner.

Pale and a trifle nervous apparently, Gillette faced the jury, and when Marshall Hatch, the foreman, declared that a verdict of guilty in the first degree had been found the youthful prisoner gave not a sign of emotion. A few moments later, when his counsel had announced his purpose of making a formal motion that the verdict be set aside and the judge was dismissing the jurors, Gillette bent over a nearby table and, picking up a pencil, wrote something upon a sheet of paper. He then folded the paper carefully and placed it in his pocket. Immediately afterward he was taken from the courtroom back to his cell in the jail.

It was learned that the jury had some difficulty in reaching an agreement, and six ballots were taken before the twelve men agreed. Up to that time the jury had stood eleven for conviction and one for acquittal.

The case was given to the jury at 5:50 o'clock last night, after Judge Devendorf had occupied an hour and fifteen minutes in his charge. He dealt with the points of law involved and instructed the jurors to consider the evidence from a legal standpoint and not to be influenced by sentiment.

The session until the judge's charge had been taken up by District Attorney Ward, who described the friendship of Gillette and Grace Brown and their companionship up to the time of the girl's death in Big Moose lake. For the first time during the trial the youthful prisoner broke down as he was mercilessly scored by the prosecution.

For some time he glared defiantly at the district attorney, but when the latter read extracts from the letters sent Gillette by his sweetheart the prisoner burst into tears and at times throughout the remainder of the session sobbed convulsively.

When the jury went to its room and Gillette was led back to his cell he asked the deputy, "Are the doors all locked, sheriff?" He apparently feared violence, but there was no evidence of any such intention on the part of the big crowd that swarmed the courtroom.

The chief features of Judge Devendorf's charge were as follows: "Gentlemen of the Jury—The duty each of you have assumed is an important one, not a higher or more sacred duty than that of a juror is known to our civilization. A citizen should not shrink from jury duty, but should be as faithful to respond to the performance of that duty as he should be to take hold of a rifle in defense of his country.

"To all concerned this is a case of great importance. To the defendant it is of vast importance because his life or liberty hangs on the issue. To the people it is of infinitely more importance because the good order of the community and the safety and life of its citizens depend upon the faithful administration of justice.

"It is important to the people that crime should be punished where crime is proved to have been committed and that the law of the state, the bulwark of our safety, should not be unheeded.

"For the manner in which you discharge that duty you are answerable to your consciences as well as to that oath in all its sanctity. You have no right to be influenced or controlled by anything but the evidence as it has been presented to you and the law governing it as given to you by the court.

"Something has been said with reference to the motive. Proof of motive of crime is not indispensable or essential to conviction. While a motive may be shown as a circumstance to aid in fixing a crime, yet the people are not required to prove a motive. The motive in this case is said by the people to be because of the relations that existed between this man and this girl. Now, whether the situation in which he was placed furnished a motive sufficient for him to commit this crime rests with the jury to say.

"The defendant in all cases may testify as a witness in his own behalf, but the jury may use their discretion in regard to his testimony, as he is an interested party. It is the duty of the jury to consider the evidence of the previous good character of the accused, together with all the other evidence in the case, in determining his guilt or innocence. It should not disturb or bother you at any time through life whether, on the one hand, it sends the defendant to answer the death penalty or

whether it gives him the liberty and freedom which he seeks.

"I caution you to put aside any feelings of favor or sympathy and in the closing hour of your labor to do your duty as you see it. The fact that the indictment was found against the defendant raises no presumption against him—in other words, the trial of this case starts along in this court with the presumption of innocence in favor of the defendant.

"Now, none of us was present on the 11th of July where it is said this crime occurred. The evidence that Grace Brown lost her life at Big Moose lake admits of no doubt, but there is no testimony on the part of the people as to an eyewitness as to what occurred at the fatal moment other than the defendant to detail the last scene in the alleged tragedy.

"But all evidence is, however, in a strict sense more or less circumstantial, whether consisting of facts which permit the inference of the guilt or whether given by an eyewitness. The testimony of an eyewitness is of course based upon circumstances.

"If any of the material facts of a case were at variance with the probability of guilt it would be the duty of the jury to give the defendant the benefit of the doubt raised."

At Mr. Mills' request the court told the jury to disregard what Mr. Ward said about Gillette having ravaged Grace Brown, about his being a man of the type that reaches out for young girls and ruins them, the district attorney's quotation from Shakespeare about "the dagger" and the district attorney's claim that Gillette's lawyers concocted the story he told on the stand.

When District Attorney Ward resumed his summing up he pictured Gillette as a base deceiver and heartless murderer, ridiculing the theories advanced by Mr. Mills for the defense.

The prosecutor ridiculed the theories advanced by Mr. Mills that if Gillette had been planning to commit murder he wouldn't have traveled on a railroad train and he wouldn't have purchased a mileage book. "Of course, no one who commits murder ever rides on a railroad or ever buys a mileage book," he sneered. Then he ridiculed the idea that Gillette was a mere boy.

"Why, this poor, fragile boy, who carried a rowboat for three-quarters of a mile on his shoulder; he, a poor, fragile boy, who couldn't pull a 100 pound girl out of the water. A poor, inexperienced boy—he, who had traveled all over the west and who had lived in Chicago among its rottenness and wickedness; he, who had traveled on the tops of the freight cars—he is the poor, inexperienced boy."

"He got next to the minister, he got next to the college professor so that he could say, 'Gentlemen, I am your equal and your peer.' That was the robe by which he fooled the public. It wasn't the jury he was trying to fool; it was the world. Did that minister friend of his in all that time make one attempt to rescue that girl from this villain's grasp?"

"Gentlemen, this man denied that he kept company with this girl. When his uncle asked him if he was going with the girl he said he had called on her once by accident. If it had become known how he was ruining that girl under her sister's roof, his cousin and his workmates would have wrung his worthless neck."

District Attorney Ward said that Mr. Mills was wholly unjustified in excusing Gillette's immoral conduct, saying every self-respecting person would have shunned him and closed their doors to him had they known.

"He wanted to stay in Cortland, in society," said Mr. Ward. "He never intended, never for a moment, to take Grace Brown anywhere except to her death. He concocted a plan to rid himself of her, one far less evil than his first to rob her of virtue. That girl received her deathblow, I am sure, with a grateful heart, out there in the woods."

Mr. Ward asked why Grace Brown should not wish for death—expecting to become a mother with no husband, going about the factory alone, and he saying, "Go home." He did not go to her as a lover and take her to a minister, but said, "I'll take a vacation later, and then I'll take care of you." And he did.

"The hand of God guides the tongue of the murderer to his own undoing, and Providence acted here. Gillette talked Grace at the hotel when he saw her talking to another girl. 'Did you tell her I was here?'"

"Grace Brown tried to reach Gillette's stony heart—a heart as cruel as that of the wolf that met Little Red Riding Hood. Heart? Sympathy? He knows nothing of them."

Of the letter where Grace Brown said, "I said 'No' so many times, but the world will never know it," Mr. Ward said, "The world does know it, little girl, even if you had to sacrifice your life beneath the fangs of this monster to let the world find it out."

"There was never a lewd thought in this girl's mind. She was as innocent the day she died as when she was born."

"The counsel said she was like the paragon—one who walked the streets—that poor little wild flower, that innocent child! A paragon! What need of hell put that word in his mouth?"

The trouble taken by Gillette to conceal his identity when he was away with Grace Brown was prominently displayed by the district attorney.

"If she were a lewd girl, would she have begged permission of him to tell her uncle and aunt?"

While District Attorney Ward was going on with his scathing denunciation of Gillette the youthful prisoner broke into tears.

Mr. Ward said the correspondence of Gillette and Miss Brown revealed four things—that he induced her to leave Cortland so her condition would not become known there, next that he promised he would come for her and take her away to a distant point to marry; that she must keep secret the fact that Chester Gillette was going away with her and also that she expected to go away and keep house. "Did Gillette say to her in Cortland she would not have to go away again except as his wedded wife? Her letters say so," Mr. Ward said. "You must come Saturday, dear. If you do not come I will do something desperate. He did not want her to do anything desperate—to tell her father."

Mr. Ward carried Gillette through his story about an accident to the boat on the lake and said the accused was carefully coached on his tale.

"The serious proposition in this case was to make Grace Brown jump over the board," Mr. Ward said. "And finally he said that he would tell that he proposed to tell her father."

"That was all right. Told five or six times, he had it down right. 'It was all a tissue of falsehoods.'"

DECLARE TRUST ILLEGAL.

Wall Paper Company a Most Ingeniously Contrived Con Game.

CINCINNATI, O., Dec. 5.—The United States circuit court of appeals declared the Continental Wall Paper Company the most complete and ingeniously organized trust that has come to the knowledge of the court.

The Continental Wall Paper company brought suit before Judge Thompson of the district court to recover \$57,000 from Louis Voigt & Sons of Cincinnati for goods sold to them. Voigt & Sons resisted on the ground that the Continental company was a trust and that it had virtually compelled them to buy all their goods of the so-called trust and to allow the alleged trust to fix prices at which goods must be sold.

Judge Thompson found for Voigt & Sons on the ground that the plaintiff was a trust.

The court of appeals, to which an appeal was taken, held that the proofs showed one of the most complete and exacting instances of a trust as defined in the statutes that has come to the knowledge of the court. It held the trust to be an illegal organization and as such it was not entitled to the aid of the court in support of its claim against Voigt & Sons, and the judgment of the district court was affirmed and the appeal was dismissed.

Pittsburg Engineer Arrested.

PITTSBURG, Dec. 5.—The arrest of J. H. Millbolland, a civil engineer, on a charge of conspiracy to defraud, is the substance of warrants for Joseph Flaherty and H. T. Bostaph on the same charge and the grand jury indictment against President C. S. Cameron charging him with contempt and obstruction of justice are the developments in the alleged \$70,000 bribery scandal between the officials of the Pittsburg and Tube City railway and the members of the select and common councils.

Four Children Burned to Death.

WESTFIELD, N. J., Dec. 5.—Four children, two boys and two girls, ranging in age from two months to five years, were burned to death at their home near here last night. Mrs. W. F. Wezel and Mrs. Oscar Felter, who lived together with their two children each, went out to work, leaving their little ones at home alone. During their absence their house caught fire. Firemen extinguished the flames and found the bodies of the children burned beyond recognition.

Dr. George S. Hull Dead at Bristol.

BRISTOL, Conn., Dec. 5.—Dr. George S. Hull, medical examiner, one of the oldest physicians in this town and prominent in the state in medical, Masonic and Knight of Pythias circles, died here last night of Bright's disease and heart. He was a graduate of the Homeopathic Medical college of New York. Dr. Hull was seventy-four years old, twice married and is survived by a widow and one son.

Operator Mattox at Capital.

WASHINGTON, Dec. 5.—Operator G. D. Mattox, who is held responsible for the wreck ten miles below Lynchburg on last Thursday in which President Spencer of the Southern railway and others lost their lives, has arrived in Washington to be present at the investigation which will be conducted today at the general offices of the railroad by Superintendent Coapman.

Corwall Girl a Suicide.

NEW YORK, Dec. 5.—Miss Ruth Miner, who jumped from a Hudson river ferryboat here yesterday and was drowned, lived at Corwall, Conn., with her mother. She had been on a visit to Washington and was on her way home. It is stated that she was in poor health, but no reason for her act is known. She leaves, besides a mother, three sisters.

Why America Got the Count.

CANON CITY, Colo., Dec. 5.—Count Hans von Hochberg, twenty-seven years old, member of one of the noble families of Germany, has filed his declaration of his intention to become a citizen of the United States. He emigrated to this country after marrying a clerk in a Berlin glove store against the wishes of his family. He is now engaged in mining.

Taft Elected President.

WASHINGTON, Dec. 5.—The American National Red Cross, in annual session, elected the following officers for the ensuing year: President, William H. Taft, secretary of war; treasurer, Charles Hallam Keep, assistant secretary of the treasury; counselor, James B. McInerney, assistant attorney general; secretary, Charles I. Magee.

WORK FOR CONGRESS

President Tells of Unprecedented Prosperity.

VOICES MANY IMPORTANT MEASURES

Fifty-ninth Annual Message Submitted to Congress—Japanese Question in the Senate by Rayner of Maryland.

WASHINGTON, Dec. 5.—President Roosevelt, submitting his annual message to congress, opens it by affirming that as a nation we still continue to enjoy a literally unprecedented prosperity, and it is probable that only reckless speculation and disregard of legitimate business methods on the part of the business world can materially mar this prosperity.

No congress in our time, he says, has done more good work of importance than the present congress. There were several matters left unfinished at the last session which he most earnestly hopes will be completed before adjournment.

The features of the message are as follows: A law prohibiting corporations from contributing to campaign funds.

Revision of the statutes to give the government the right of appeal in both civil and criminal actions against trusts.

Capital punishment for rape.

Rigid enforcement of the eight hour law where practicable.

Shorter hours for railway employees.

Investigation of the conditions of the labor of children and women.

A more stringent employers' liability act.

Provision for federal investigation of controversies between capital and labor.

Withdrawal of public coal lands from sale or entry.

Amendment to meat inspection law providing for placing dates on cans.

Some method whereby at an early date the federal government may exercise a more complete control over corporations.

A graduated inheritance tax and, if possible, a graduated income tax, to be accomplished "when next our system of taxation is revised."

National laws on divorce and polygamy.

Subsidies for the development of American shipping.

Revision of the currency laws.

Lower tariff or absolute free trade for the Philippines.

Citizenship for the Porto Ricans.

MISSOURI LAD WINS.

Crescent City Jockey Club Offers Poor Card at New Orleans.

NEW ORLEANS, Dec. 5.—The Crescent City Jockey club offered a card that hadn't the least sign of class in any of the events which called out some of the poorest animals in training.

Most of the small crowd that made the journey to the track picked out Foreigner and Adwell and got 11 to 5 for their money, but at the end only the followers of Foreigner stood in line to cash their bets. The other favorite finished down in the rack.

The winner had an easy time winning from La Cache, a 20 to 1 shot, which in turn made a show of Dr. Heard for the place.

In the second race Marvel P. seemed to have it on the bunch that was pitted against her and won easily from Ancestor, with Esterre getting the show money. Summaries:

First Race—Foreigner, first; La Cache, second; Dr. Heard, third.

Second Race—Marvel P., first; Ancestor, second; Esterre, third.

Third Race—Toboggan, first; Rust, second; Airship, third.

Fourth Race—Missouri Lad, first; Shawana, second; Flavius, third.

Fifth Race—Pompadour, first; Anna Ruskin, second; Refined, third.

Sixth Race—Quinn Brady, first; Bit Her Hand, second; Merry Belle, third.

Mary F. Got Handicap.

SAN FRANCISCO, Dec. 5.—The Fleur-de-lis handicap furnished an interesting race at Oakland. Mary F. got off poorly, but overtook Fireball and made a game race for the wire, winning with but little to spare.

Legless Man Walks OR With Wagon.

DANBURY, Conn., Dec. 5.—The police have arrested here on suspicion a legless man who walks on the stumps of his legs and claims New York as his residence. He had a horse and now top wagon, both of which he claims to have purchased, the former in Tarrytown, N. Y. The police say the wagon answers the description of one which disappeared from a car of the New York, New Haven and Hartford railroad last week at Noroton and for which railroad detectives and the police about the state have been looking.

Nolan Shares in \$6,718.

CINCINNATI, O., Dec. 5.—United States Circuit Judge Lorton handed down a decision in the case of the Empire Circuit company versus the Gans-Nelson Goldfield Picture company, G. L. Rickard, Nolan, Judge Lorton found that the allegations of the Empire Circuit company are true and that there is in its hands \$6,718, accumulated as receipts from exhibitions of the Gans-Nelson fight pictures. He holds that Nolan is entitled to one-third of the amount and the company to the remainder.

Floods in Canal Zone.

COLON, Dec. 5.—Ten inches of water has fallen in Colon during twenty four hours. The Chagres river has reached the highest point ever known and is still rising fast. Communication and traffic by way of the Panama railroad are interrupted. The inhabitants of the villages north of Bas Obispo necessarily will suffer greatly from the flood, as it will be impossible to get relief to them until the Chagres subsides.

Fred of Sweetheart's Murder Charge.

KANSAS CITY, Mo., Dec. 5.—Austia Francis, a switchman, found guilty of murder in the first degree at Kansas City in November, 1905, was freed by the supreme court of Missouri, which reversed the verdict of the trial court. Francis was convicted of murdering Winona Newton, his fifteen-year-old sweetheart. The decision holds that there was only a suspicion of his guilt and that no motive was shown.

Pat Crowe on Trial.

COUNCIL BLUFFS, Ia., Dec. 5.—Pat Crowe, whose recent trial and acquittal of the charge of robbing A. L. Cudahy, the millionaire packer, of \$25,000 through the kidnapping of the latter's son gave him wide notoriety, was placed on trial today on a charge of robbing a street car crew in Council Bluffs.

Cont Dealer Charged With Larceny.

ALBANY, N. Y., Dec. 5.—The trial of Joseph C. McClelland, a local coal dealer, indicted for grand larceny in connection with the alleged thefts of coal from the state capitol boiler house, has opened here. The indictment alleges that McClelland charged the state for coal which was not delivered.

Fourth Victim of Tunnel Explosion.

NEW YORK, Dec. 5.—A fourth man is dead of injuries received in the powder explosion in the Pennsylvania railroad tunnel. The condition of still another laborer is critical. The foreman in charge of the work where the accident occurred is held in \$1,000 bonds on a charge of homicide.

Wireless Whispers 1,200 Miles Away.

SAN DIEGO, Cal., Dec. 5.—Messages were exchanged by the government wireless station at Point Loma with the government station at Puget sound, 1,200 miles away. This is the longest distance any wireless station on this coast has ever been able to transmit messages.

Fort Plain Lumber Plant Abandoned.

FORT PLAIN, N. Y., Dec. 5.—Damage amounting to several thousand dollars was done to the plant of the Montgomery Lumber company by fire here. The business was recently established by New York city men.

NATTY NEW NOVELTIES

Holidays are not far off and before the week closes this store will be crowded with holiday gifts. Many are here today for your inspection.

The New Handbags

Our line of these useful articles is complete. All kinds and all colors of leather on gilt or gun metal frames, envelope or wrist styles, all prices up to \$3.50.

Many Holiday Handkerchiefs

Are here, fresh and sweet from the manufacturers, many styles are already here and more on the way from 5c to 50c each.

Silk Waistings

In plaids and plains, everywhere popular but very hard to get. Plaids are especially strong in the cities now and they will be popular for spring. Good showing here today and more on the way.

Coatings

Resinproofs, covers and fancy are here for your inspection and all at Globe Warehouse prices.

Gloves

Kid gloves in two button, twelve button and sixteen button lengths. We sell the best \$1.00 kid glove to be found anywhere. Our constantly increasing glove trade speaks for itself.

Golfs and Mittens

For ladies and children, all colors and prices.

Dress Goods

Our prices begin at 25c for all wool. We have the new reds and other staple shades raising by easy stages up to \$1.75 the yard.

Children's School Hose

Extra heavy hose for hard service, usual prices 18, 20 and 22c. Special all sizes 15c.

Underwear Sale

Men's 50c fleec lined, 33c.
Ladies' 50c fleec lined, 39c.
Ladies' 50c union suits, 39c.
Ladies' \$1.00 union suits, 69c.
Ladies' \$1.00 wool garments, 79c.

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