

The Fulton County News.

VOLUME 8

McCONNELLSBURG, PA., OCTOBER 25, 1906.

NUMBER 5

Only Execution in County.

Discussion of The Murder of James McBurney and The Subsequent

HANGING OF JAMES RICE.

August 25, 1841, Circumstantial Evidence Placed Him on the Gallows to Pay The Penalty of His Awful Crime.

On August 25, 1841, James Rice murdered James McBurney on Ray's Hill. Rice was twenty-three years old when he committed the murder. He ran away from home when he was twenty-two and went to Ohio. On July 22, 1841, he secured employment at Coshocton, O., with Benjamin Ricket, a stock-dealer. McBurney at that time was working for Ricket. He was two or three years younger than Rice. A few days after Rice's appearance on the scene Ricket started with a drove of cattle for Lancaster, Rice and McBurney accompanying him. They reached Lancaster on August 25, and after the cattle were sold the young men were paid off and discharged. They then started for home. They were last seen together on the pike several miles east of Bedford. Rice now separates Bedford and Fulton counties. This was about an hour before sundown on August 25. Rice carried a club in his hand and a pair of saddlebags over one shoulder, while the upper part of his face was concealed by a handkerchief. That night McBurney was killed on Ray's Hill, about sixteen miles east of Bedford. The club carried by Rice was found lying by the body. It was covered with blood, and there was hair on it that corresponded in color with McBurney's hair. Rice traveled all night. No one saw him until daylight the next morning. At Mrs. Deibaugh's tavern, now "The Willows," Samuel West, who was traveling on horseback, overtook him and the two traveled together westward. West stopped in Bedford to transact some business. He rode up the front street while Rice took the back street and passed through the town without a pause. He was finally arrested near Connellsville and was brought to Bedford for trial.

The trial was begun Wednesday morning, January 26, 1842, and the verdict was rendered Saturday night, January 29. The Commonwealth was represented by District Attorney William C. Logan and C. H. J. Pigman, a young Somerset lawyer, while the attorneys for the prisoner were John A. Blodgett, one of the ablest members of the Bedford bar, and John R. Edie of Somerset, Judge Thompson presiding. On both sides the legal battle was fought with great earnestness. Blodgett was then in his prime and his plea for the friendless prisoner was one of the ablest ever delivered before a jury in this county. None of the prisoner's family took any interest in his behalf or attended the trial. The evidence was purely circumstantial. The blood-stained club was of course a very strong link in the chain. Several of McBurney's possessions were found on Rice's person, even to articles of clothing, while Rice had more money than Ricket paid him in wages. A bill on a State bank of Indiana was identified by Ricket as one of the bills that he had paid to McBurney.

On the part of the defense it was claimed that Rice and McBurney were warm friends and that they never had a quarrel. Their possessions were mingled on this journey. When they reached Ray's Hill McBurney was so tired from walking that he insisted upon waiting for a stage. Rice said he would continue the journey on foot and would join his companion when the stage overtook him. He had used the club for carrying his "budget," but found it unsuitable for the purpose and threw it away when he parted with McBurney. He claimed to have come into possession of the surplus cash by win-

ning it at cards from some men they fell in with at Harrisburg. As to Ricket's identification of the Indiana bill, the defense held that it was simply a mistake. The Commonwealth showed that stage after stage had passed Rice but that he had made no inquiry for McBurney. The charge of the court was favorable to the prisoner. After deliberating for two hours the jury rendered a verdict of guilty.

On the following Monday morning a motion for a new trial was made. After the arguments closed Judge Thompson intimated in a very feeling, pathetic and touching manner that the motion could not be granted. All appeared to manifest the most intense interest in every word that fell from the lips of His Honor. Tears gushed from the eyes of nearly all present, and every muscle in the frame of the unfortunate Rice was in deep agitation. He, too, at last wept bitterly. The Judge asked him if he had anything to say why sentence of death should not be passed upon him, to which he replied that he never killed a man in his life and that the witnesses had sworn lies. Judge Thompson then sentenced the prisoner to be hanged. The Governor named June 17th as the date for the execution, but a strong sentiment in favor of the prisoner having been aroused, he afterward granted a reprieve. Petitions for a pardon received hundreds of signatures in Bedford, Greene, Fayette and Washington counties, while the members of the Legislature from Greene, Fayette and Washington interceded personally with Governor Porter. The Governor, however, declined to interfere and decreed that the execution should take place September 24.

At about a quarter before eleven on the day of his execution Rice was dressed in the habiliments of death. During the time the Sheriff and his deputy were dressing him the most excruciating groans escaped his lips, and he sobbed and cried bitterly from the time his grave clothes were put on him until ten minutes after twelve, when he was taken upon the scaffold. Rev. Allen of Cumberland and Rev. Lee of Bedford were invited by the Sheriff to attend this wretched man in his last moments, and after Rev. Allen offered up a last prayer to the Throne of Mercy, in which Rice took part, the ministers descended the scaffold and the Sheriff then assisted the prisoner to his feet, placed the rope around his neck and drew the cap over his face, after which he took Rice's hand, and, in a solemn, impressive and distinct manner, asked him whether he was "guilty or not guilty," to which he replied in trembling and faltering manner, "I am innocent—indeed I am, Sheriff." The Sheriff, after receiving this reply, immediately descended the scaffold and the Sheriff then placed the rope around his neck and drew the cap over his face, after which he took Rice's hand, and, in a solemn, impressive and distinct manner, asked him whether he was "guilty or not guilty," to which he replied in trembling and faltering manner, "I am innocent—indeed I am, Sheriff." The Sheriff, after receiving this reply, immediately descended the scaffold and the Sheriff then placed the rope around his neck and drew the cap over his face, after which he took Rice's hand, and, in a solemn, impressive and distinct manner, asked him whether he was "guilty or not guilty," to which he replied in trembling and faltering manner, "I am innocent—indeed I am, Sheriff."

During the time of his execution and for several hours previous the walls of the jail yard and the roofs of the jail and surrounding houses were crowded with people who had come from all sections of the county to witness the execution. The utmost decorum, however, was preserved during the whole time. A sympathetic feeling seemed to pervade the bosoms of all for the prisoner—but there was no remedy—he had to forfeit his life to satisfy the awful penalty of violating both the laws of

GOLDEN WEDDING.

Celebrated at the Home of Mr. and Mrs. Henry Anderson, Near Knobsville, Pennsylvania.

Happiness, merrymaking, and the reciting of reminiscences, were characteristic features enjoyed by the host of relatives and friends who gathered, in response to invitations, at the home of Henry Anderson and wife, of Knobsville, Pa., on Tuesday, October 16, 1906. It was the Golden Wedding celebration of these highly esteemed neighbors, who were the recipients of many gifts and tokens of kind remembrance just before the call to the elaborately spread dinner, all the guests assembled in the parlor and sitting room, surrounding Mr. and Mrs. Anderson, upon whom, as they stood together, Rev. John C. Grimes prayed the Divine Blessing to rest and continue until the end of their earthly career. Good wishes, and hopeful expressions for prolonged life greeted Mr. and Mrs. Anderson on every side.

Mr. Anderson's great-grandfather came to America from Ireland, and settled near the city of Baltimore, Maryland. Mr. Anderson's grandfather was among the early settlers of Broad Top, Huntingdon and Bedford counties will find among their early settlers the names of Anderson, Horton, Cook, White, Evans, Hoover, and Barnet. Mr. Anderson's grandmother, on his father's side, was a Willet, whom he often heard telling of the many hardships of the early settlers. She said the men had to take their guns with them when they went to work, and the women had to take clubs with them when they went to pull flax, in order to kill the snakes which were so plentiful at that time. Their nearest store was McConnellsburg, to which they came about once a year. Mr. Anderson's father married a daughter of Josiah Horton, and settled near Broad Top city. Here Mr. Henry Anderson was born. "I was here he spent his boyhood and young manhood's days. After this his father, Edward Anderson, who was a Local Preacher in the Church of God, for many years, removed to Fulton county, where he died in 1862. Edward Anderson's family numbered 13, all of whom have passed away, except the wife of Rev. J. W. Deshong, of Lancaster, Pa., and Henry Anderson, of Knobsville, Pa. The latter was united in marriage to Jane Sites, Oct. 16, 1856, which union was blessed with 11 children, eight of whom are living: Mrs. Albert Davis, Chambersburg, Pa.; Mrs. Daniel Kraus, Waynesboro, Pa.; Walter B. Anderson, McConnellsburg, Pa.; Mrs. Peter Scheideman, Knobsville, Pa.; Mrs. Charles Tice, Knobsville, Pa.; Charles Edward Anderson, Mount Alto, Pa.; Albert Theophilus Anderson, Braddock, Pa., and William Henry Anderson, Cassville, Pa. Henry Anderson has 27 grandchildren, and five great grandchildren.

Those present on this happy occasion were the following: Samuel Divens and wife, and Samuel H. Kelso, of Knobsville; Walter, Morris, Clara, Philip, Annie, and Rankin Davis, of Chambersburg; Daniel Kraus and wife, of Waynesboro; Walter B. Anderson, wife, and daughter Blanche, of McConnellsburg; Mr. and Mrs. Scheideman, William, Pearl, Helen, and Dewey Scheideman, of Knobsville; William Henry Anderson and daughters Catherine and Loretta, of Cassville; Charles Tice, wife and two children John Henry and Kathleen, of Knobsville; Amos Griffith and wife, of Eagle Pounding; Mrs. Orth, Ft. Littleton; Mrs. Sowers, Abraham Wagner and wife, of Knobsville; Clarence Seville, and Rev. and Mrs. John C. Grimes, of McConnellsburg.

God and his country. Immediately after his execution the crowd dispersed and the town assumed its usual quiet.

QUIET HOME WEDDING.

Miss Sallie McKibbin became the bride of Prothonotary George A. Harris yesterday at Noon.

At the home of the bride's parents, Mr. and Mrs. George McKibbin, at Buck Valley, at high noon on Wednesday, George A. Harris, of McConnellsburg, was united in marriage to Miss Sarah I. McKibbin, the ceremony being performed by Rev. Wm. A. West, D. D., of the Presbyterian church, McConnellsburg, Pa.

The wedding was a quiet affair, only a few of the immediate friends of the contracting parties being present.

The groom is the popular and efficient prothonotary, clerk of the courts, &c., of this county, and the bride a beautiful and accomplished young lady.

The bridal party went to Hancock yesterday afternoon, and took a train for the eastern cities, where after a short sojourn, they will return to McConnellsburg, where the groom has a comfortable home awaiting the coming of his bride.

The young people have the best wishes of their numerous friends for their happiness and success in the journey through life.

Clara Hoke and John Miller.

Mrs. Samuel Hoover announces the marriage of her daughter Clara Belle Hoke to John H. Miller, the ceremony of which took place at Morrison, Ill., last Saturday. The bride is a daughter of the late Samuel Hoover, a former prominent merchant of McConnellsburg. She was married, a few years ago to Howard, a son of G. Newton Hoke, of this place. The failing health and ultimate death of Mr. Hoke soon left the young bride a widow. The groom, John H. Miller, is a son of William Miller a prominent farmer of Taylor township. John used to attend the summer normal schools in this place, taught school like most Fulton county boys, a little while, then went to Chicago, read law and, to-day, is one of the Windy City's big lawyers. Both the bride and groom having been model students of the editor during his teaching days, the editor now bestows upon them his "fatherly blessing."

The Boy That was Puzzled.

The boy that was puzzled sed, "Mama, what is thy name?" "Why, Toney, Don't you no your name?" "No mam; last winter when I was sick, Mr. Humbert sed I must go to school; then I thought he was my papa; now, Mr. Barton wont let me go till I get vaxinated, and I thought he was my papa. The man that I call papa—that gets my Close and feeds me, and when I am sick pays the doctor to come and see me, has nothing to say to me any more—has he, Mama?"

"No, my Boy—not Much; but it was all write fore Mr. Humbert to try and get the Children to go to School, but Barton has spoiled all that, now you see the little Childern Runnig around playing, and the teachers setting in the School Houses with half as many schoolers as they would have, and the papas paying tax to support them and Mr. Barton to, no, I dont think Mr. Barton is a papa, ore he would not uphold such a silly Peace of work. 'tis true that Par ence have not much say to thire Childern. I say no man ought to pay any tax—and put the teachers out. what do they a mount, when you Cant send your Childern to School, unless you run the risk of getting them vaxinated? Oh! they say its no risk! no, not fore the wous that Made the fool law! I would rather run the risk of small Pox than being vaxinated. More people suffer and die from vaxination, than from small Pox. not won Person out of a hunderd in this County has ever seen a Case of small Pox. A READER OF THE NEWS.

HIGH WATERS.

Horse Drowned in Attempting to Ford Tonoloway Creek at Franklin Mills.

Franklin Mills, October 22.—George Martin and Jesse Mann, both of whom reside near this place, went to Hancock last Friday in Martin's buggy. After attending to business at the River town, the gentlemen started to return home. The day being dark and gloomy, when they crossed the bridge at Stigers' mill, they took the road which leads by John Lewis's and the fording at Franklin Mills. When they reached the ford, night was upon them, and they found Tonoloway creek on a rampage. As a precaution they got out of the buggy, and while groping about in the dark, made the discovery that horse and buggy were missing. Making the best of a bad job, they waited for the return of day, went to the fording only to find that the tracks showed that the horse and buggy had entered the rag tag creek, but there was no evidence that the team had emerged from the other side. A search was then made down the stream, and about a half mile from the fording, opposite the home of W. B. Downs, they found horse and buggy—the horse drowned.

Martin, a few years ago, made a 3000 mile trip across the Atlantic ocean and return, with less disastrous results than the attempted fording of the creek at Franklin Mills.

Report of Akersville Primary School.

First month, beginning September 17, and ending October 12th. Number of pupils in attendance, male, 18; female, 17; total 35. Average attendance during the month, male 13; female, 8; total, 21; percent of attendance, male, 91; female 90; total, 90. Whole number of days attended during month, male, 237; female, 178; total, 415. Honor roll, Verdie Duval and Leona Thomas.—Albert W. Spade, teacher.

The Need of Day Nurseries.

In an article on day nurseries in The New Idea Woman's Magazine for November, it is asserted that—"The cities of the poor are not yet nearly overtaken by the day nursery movement, although two years ago it was stated that 11,000 children were taken care of daily in the nurseries (approximately 300) throughout the country. There is a 'day nursery map' of New York, for instance, showing long aching gaps unmarked by the red crosses which show where a baby may be left with a tender hearted lady, while its plebian mother turns out a day's washing or scrubbing to earn her bread. From districts like these the mothers must often traverse long distances on foot or by car, before they go to their day's work, to leave the baby in charge. Then, too, hardship as it may be, many nurseries are forced to close during the summer for lack of funds and workers. These are problems which only time and the awakening of the spirit of citizenship throughout the country can solve." As a charity, day nurseries appear to occupy a valuable place, being both educational and philanthropic, and the article in question declares: "Of all the points of contact established between the submerged classes and those of society who are comfortably aloft, none seems to be sounder in principle or to go more to the root of things than the day nursery. While insisting that homes, as the basis of society, must be kept together, it recognizes that mothers without support must not be pauperized by charity, and must therefore give up to work the time that more fortunate mothers may spend in caring for their children; and in the dilemma between preserving the home and pauperizing the mother, the nursery steps in to care for the children during working hours. A small fee is charged to maintain the self-respect of the mother."

Why Can't We Have a Fair?

A citizen of Thompson township writes as follows: "Why cannot Fulton county have a County Fair, instead of half the people going to Hagerstown to see one? Our people who go there, do a lot of shopping that week. Why not keep that money in our own county? We are sure that the enterprising merchants to McConnellsburg would offer the right kind of inducements, and by selling so much more, they could afford to sell very close. Our people would be saved the expense of railroad fare, not to say anything of having to take a team to Mercersburg or Hancock and pay for having it kept while one is attending the Fair. To have a day at the Hagerstown Fair, means about three days away from home; or, at least, two nights and one day. If the latter, one comes home so tired, that he wishes he had never seen a fair. If we had a fair at McConnellsburg, we could drive there, spend the day, and go home whenever we wished to, without being compelled to travel on a crowded train and then wait until the railroad company was good and ready to take you home.

"A fair would be of much advantage to almost every one in the county. Farmers would be encouraged to take to the fair their best productions in grain, horses, cattle, chickens, ducks, and geese; while the ladies would take pride in exhibiting their choicest rolls of butter, jellies, jams, rolls, bread, cakes, fancy work, flowers, needlework, and a thousand other things that Fulton county people could produce as well as any people on earth.

"It would not be expected that it could be brought up to the standard of a Hagerstown Fair the first year; but if an effort were made, it would be found that each year would find the enterprise more and more popular, and in a very few years, the Fulton county fair would be the great event of the year.

"It may be objected by some that the moral influence on the community is not good. That would depend upon the moral caliber of the management. People will go to such places; and would it not be better to have one at home under the management of our own people, than to allow our young folks to go away to places abounding often in allurements to evil?"

BURNT CABINS.

Florence Cromer, of Fort Littleton, spent Tuesday with her sister Mrs. Jno. Baldwin, in this place.

A. V. Kelly, who was visiting in the vicinity of Harrisburg, has returned to his home in this place.

Bessie Reese left Saturday for Clearfield county, where she expects to teach this winter.

A. J. Comer, of Hi Ram, spent Monday in this place.

Ida Cowan, who was visiting relatives in Harrisburg, has returned home.

Lemuel and Samuel Cline, of this place, spent Friday in Mount Union.

John Crouse and Blanche Finley, of Decorum, spent Wednesday at the County Seat.

The hunters seem pretty numerous in this section. We presume more so than the game.

Oren Cisney is now carrying the mail from here to Harrisonville.

Omer Horton, who has been employed in Mount Union, has returned to his home in this place.

Baxter and Kramer, of Fannettsburg, are painting in our town.

Charlie McGhee spent a couple of days at Chambersburg recently.

The Presbyterian people are having their church repaired.

Mrs. G. W. McCluskey and her daughter, who were visiting the former's parents at this place, have returned to their home in Carter county.

ABOUT PEOPLE YOU KNOW

Snapshots at Their Comings and Goings Here for a Vacation, or Away for a Restful Outing.

NAMES OF VISITORS AND VISITED

R. R. Hann and wife, of Salavina, spent Saturday in this place on business.

Uncle John G. Metzler, of Harrisonville, was among the visitors in town last Saturday.

Horace N. Sipes, Esq., of McConnellsburg, spent Sunday with friends near Hagerstown.

Anthony Mellott and Edward Swope, of Pleasant Ridge, were County Seat visitors Saturday.

Henry Tittle and family, of near Mercersburg, were visiting relatives in this place Saturday.

Amos Mellott, one of Belfast township's progressive teachers, was a McConnellsburg visitor Saturday.

Harvey M. Strait was in town last week arranging for the advertising of his sale. See the register.

Mrs. L. E. Harris and son John S. Harris, moved to the Smith property on South Second street last Wednesday.

Mrs. Emeline Daniels, of Pleasant Ridge, spent a few days during the past week among friends in town.

Ex-County Commissioner H. King Mellott was in town a few hours last Thursday attending to business.

Lewis McQuade, of Altoona, is spending his annual vacation with relatives and friends in this place.

Charne Hixson, of Brush Creek Valley, was the guest of his uncle, D. T. Fields, in town, a day or two this week.

Harry Laidig, wife and son Lester, and William T. Laidig and Pearl Laidig, left Monday morning for a visit at Jeanette, Pa.

Nelie G. Palmer and Frances Daniels were guests in the home of District Attorney Geo. B. Daniels last Saturday and Sunday.

Mrs. Virgie Beidleman and Mrs. Cornelius Doyle, of Harrisburg, were here last Friday attending Mrs. Goldsmith's funeral.

Henry Shue and family have moved from Mt. Union to East End McConnellsburg. We hope they may find their new home pleasant.

Captain and Mrs. Dixon, of Salavina, were in town last Saturday. They expect to make a visit to their friends in Pittsburg after the election.

Mrs. Otto Rexroth, of Omaha, Nebraska, was called to this place Friday on account of the death of her mother, Mrs. Hannah Goldsmith.

Mrs. Agnes Ray and daughter Miss Emma, are spending the week visiting at the home of Mrs. Ray's daughter, Mrs. Henry Tittle, near Mercersburg.

Walker Mellott, of Belfast township, was in town a few hours last Thursday arranging for the advertising of his sale, which will be on the first day of November.

David Wise and wife, of St. Thomas, returned home Monday after having spent several days in the home of J. K. Tittle and wife. Mrs. Wise and Mrs. Tittle are sisters.

Howard Shimer and son Clair, and the latter's cousin, Roy Barkley—ad of McKees Rock, Pa., are visiting Howard's mother, and other friends and relatives in town this week.

Divine services in the Reformed church next Sunday morning, at 10:30 a. m.; at Hebron at 2:30 p. m. Rev. H. D. Kurtz, of Telford, Pa., will hold these services. All are invited.

George Laidig and wife returned to their home in Hagerstown, Tuesday, after a ten days' visit with their children at Jeanette, Pa. Their son William returned with them.