

The Fulton County News.

VOLUME 9

McCONNELLSBURG, PA., OCTOBER 10, 1907.

NUMBER 4

ON TRIAL FOR HIS LIFE.

Emanuel Sipes, the Slayer of Dr. Samuel S. Hoop last May, Now Before the Court.

SUMMARY OF OTHER PROCEEDINGS.

The first item of business taken up on the assembling of court Monday afternoon was the report of the constables of the respective districts in the County. The complaint most commonly heard in their reports was, that the condition of the public roads in many places was bad. When the large amount of money that is spent each year presumably for the betterment of the public highways is considered, this complaint ought not to be heard. The Court instructed the District Attorney to see to it that the respective Supervisors get busy.

The roll of Grand Jurors was called and twenty-four persons answered to their names. Upon request of Howard Charlton, he was excused from service. F. M. Taylor, Esq., of McConnellsburg, was appointed foreman. After the usual charge to the grand jury, they retired to the privacy of their own room to consider such matters as should be laid before them.

The names of the petit jurors were then called and all but three of them were found to be present. While the grand jury was at work getting something ready for the petit jury, the court turned attention to the usual matters of smaller importance, such as the approving of accounts &c.

First and final account of T. R. Slesher, administrator of the estate of Miss Jane Booth, deceased, was presented and confirmed.

First and final account of J. Tilden Hill, administrator of the estate of John Hill, late of Bethel township deceased. Confirmed.

First and final account of John P. Sipes, executor of the will of D. B. Mock, deceased. Confirmed.

First and final account of John P. Sipes, administrator of the estate of A. J. Craig, late of Ayr township, deceased. Confirmed.

First and final account of W. C. Brubaker and W. H. Nelson, administrators of the estate of David M. Brubaker, late of Dublin township, deceased. Confirmed.

First and final account of Dr. J. G. Hanks and W. C. Hanks, executors of the will of Nathan B. Hanks, late of Brush Creek township, deceased. Confirmed.

First and final account of Chas. McGehee, administrator of the estate of Mrs. Laura McGehee, late of Dublin township, deceased. Confirmed.

First and final account of R. R. Hann, administrator of the estate of Elizabeth Everts, late of Licking Creek township, deceased, confirmed, and M. R. Shaffner, esq., appointed auditor to make distribution.

W. H. Nelson, esq., was appointed guardian for Ruth E. McGehee. Com. vs. Chas. Barkgett. Charge f. and b. Nolle prosequere granted upon payment of costs.

Com. vs. Luther Hoopengardner. Charge f. and b. Nolle prosequere upon payment of costs.

Com. vs. Findlay Lynch. Charge f. and b. Nolle prosequere.

Com. vs. Daniel Deshong. — on oath of Zella Smith. Continued.

Com. vs. Cleveland Mellott. Charge f. and b. Nolle prosequere.

Com. vs. Porter J. Waters. Charge embezzlement Nolle prosequere.

Com. vs. James Hess. Charge breaking jail. Plead guilty.

Com. vs. J. C. Salkeld. Charge assault and battery. Recognizance forfeited to be respited upon appearance of defendant at March sessions.

Com. vs. Leonard Broadstone. Charge, rape. Cont'd to March sessions.

Com. vs. Chas. Eberets. Charge larceny. Continued to March.

Com. vs. Jacob Pittman. Charge f. and b. Continued to March.

Com. vs. J. A. Whitfield. Charge.

false pretense. — Cont'd to March. Report of auditor to make distribution in the estate of Luemna Garlick, deceased. Confirmed.

Report of auditor to make distribution in estate of John Brubaker, deceased. Confirmed.

Report of auditor to make distribution in estate of Francis Hershey, deceased. Confirmed.

Inquest on body of Benjamin F. Fisher. Account ordered to be presented to the County Commissioners for their approval and payment.

TUESDAY.

Court was called at 9 o'clock Tuesday morning, and it was only a few minutes thereafter until the Court room was crowded to the limit of its seating capacity in anticipation of the murder trial.

Return of sale of real estate made by B. W. Peck, Committee of Paul Peck, was confirmed, and deed was acknowledged in open court.

Grand jury reported a true bill in case of Commonwealth vs. Emanuel Sipes, charged with murder and manslaughter, and at 9:20 o'clock the defendant was arraigned and plead "not guilty."

District Attorney Lynch is assisted in the prosecution by Judge Longenecker, of Bedford, and the prisoner is being defended by Hon. John P. Sipes, Hon. S. W. Kirk, of this county, and by O. C. Bowers, Esq., of Chambersburg.

The jury is composed of the following named gentlemen: J. Foster Early, A. E. College, P. P. Mann, Richard Johnson, David Lauver, Edward Keyser, Geo. F. Fraker, Jos. H. Baker, L. M. McEldowney, Pete Scheideman, D. A. Washbaugh and Edward Gulden.

The Court then ordered the panneling of a jury to try the accused, which proved to be a tedious business. Up to the time of adjournment at noon, but four jurors had been seated, and it took in the afternoon until 4 o'clock to agree upon the other eight men who should be entrusted with the responsibility of taking the case.

The case was then formally opened by District Attorney Lynch, who made the usual statement of the case to the jury, which in substance was that Emanuel Sipes of Licking Creek township, for some time prior to the 25th of May, 1907, had reason to suspect marital infidelity on the part of his wife, and that on the 25th of May, he started out with a gun to confirm his suspicion. Finding that his wife had gone into the barn of Geo. W. Mellott, a neighbor, he concealed himself in an adjoining rye field to await developments. Shortly thereafter, Mr. Sipes saw Dr. S. S. Hoop enter the barn, when Sipes went to the barn, entered through the stable, went up to the barn floor, and finding his wife and Dr. Hoop in one of the hay mows, Sipes at once shot and killed the Doctor.

The first witness called by the Commonwealth was Geo. W. Mellott, at whose home the shooting occurred.

The witness lives near the Ridge Road leading from Mann's on the turnpike to Sipes Mill, and about two miles south of the turnpike. His barn is situated a few rods from the Ridge road running east from the road. The house stands east of the barn, and the woodpile east of the house. The house contains three rooms on the lower floor, one of which is used as a kitchen. There is an outside kitchen. The witness, in substance said: I was in bed when Dr. Hoop came to my house on the morning of May 25th. I heard him talking down stairs. When I first saw Dr. Hoop, he was on the side of the lane opposite from the house, turning a grindstone. When I went down stairs, I saw Dr. Hoop from the kitchen window. Jane Strait keeps house for me. She was there. I suppose Dr. Hoop had been at my house about half an hour before I got up and came down.

Emanuel Sipes' wife came to my house that morning. Emanuel

Sipes' house is about 500 yards east of my home, and she would come up through the fields. I was in the kitchen about ten minutes before she came. She was in the house some little time, and then went out into the out-kitchen. Hoop had not been in the house more than ten minutes before she came. In five or ten minutes after Mrs. Sipes had gone out to the out-kitchen, Hoop went out. His horse was hitched in the lane at the gate. I saw him start toward home. In about five minutes after the Doctor left I started and walked up to the end of the barn, and immediately returned to the house or woodpile. There was but a few minutes when I heard a shot. I went up that way then. I saw a man cross the fence, going east, and come toward the house. He came within fifty yards of me. He spoke first. James Strait was there. He had been attracted by the shot. He said that he had shot the son-of-a— and you know all about it. Emanuel Sipes said this. His (Sipes') "woman" came then and said: "Emanuel, you killed him." She was following her husband, and was not far from him. Emanuel passed on, and that was all that happened there. I did not go to the barn. I started right at once to my son in law's.

The first strangers that came to the barn were Wm. Daniels and Geo. Enslay. I saw them standing on the barn floor. There is a mow on each side of the barn floor. Dr. Hoop was lying in the south mow. There was a horse blanket. Think the mow is 15x18 ft. The mow is divided from the barn floor by being boarded up about 4 feet. There was, perhaps 3 feet of hay, and where the hay was, the hay was six or eight inches deep. The blanket was mine. Hoop's body lay west of the blanket—his feet near—his head toward the barn floor. His horse was hitched on the barn floor. The barn floor is closed by two large doors.

Court adjourned at 5 o'clock.

WEDNESDAY MORNING.

Geo. W. Mellott, recalled.—I saw the Doctor's hat and medicine case on cutting box in barn floor. A door enters back kitchen from the kitchen in the house. There are two outside doors to out-kitchen. It might have been a half an hour from the time I heard the shot fired until I went into the barn.

Jennie Strait, sworn.—I was housekeeper for Geo. W. Mellott for about three years past. I was there May 25th. That day I saw Dr. Hoop and Mr. and Mrs. Emanuel Sipes. I first saw Dr. Hoop when he came. He came into the house. The Doctor gave me some medicine. Mrs. Emanuel Sipes came into the house 10 or 15 minutes after the Doctor had come. After she came, I went out into the out-kitchen. I saw Mrs. Sipes go out. She went through the kitchen. Emanuel Sipes' house is a half a mile from there. Dr. Hoop left the house about five minutes after Mrs. Sipes. About a quarter of half an hour, I heard the report of a gun. I went out. Saw Emanuel Sipes close the barn. He went across fence into field. He was not walking. I said to him: "What is the matter?" He said: "I shot the son-of-a—." Mrs. Sipes soon came along and she said, "He shot the poor man!" She said Emanuel had had to her —he said "he was going away." Emanuel went from the barn across a fence into the orchard—toward his home. When I talked to him, he was at the edge of the woods. His wife went with him through the woods toward home. On cross examination, the witness said that Mrs. Sipes had been over at Mellott's three times that week. Mrs. Sipes said she wanted to see Dr. Hoop.

Geo. B. Enslay, sworn. I went up to Geo. W. Mellott's that morning to grind my axe. Dr. Hoop helped me. I saw Mrs. Sipes come up the path to Mr. Mellott's house. She did not

speak to me. They were in the house when I went home. In about half an hour, I heard a shot. Soon after, Geo. W. Mellott came and called me and I went over to get Wm. Daniels, and then we went up to the barn, and found Dr. Hoop lying in the hay mow—dead. I was a member of the inquest. The wound on the neck was 1 inch below the left ear—1 1/2 inches each way. Whiskers were burned by powder, as well as powder marks on face, and clothes. Part of his collar was blown off and was lying at his feet and scattered about the mow.

H. S. Daniels sworn. I am the Justice who held the inquest. Arrived at the Mellott barn about 2 o'clock, p. m., May 25th. When I went into the barn body of Dr. Hoop was lying on its face. Had gunshot wound in the neck. Examined his pocket book containing \$12 in paper money, \$3.50 in silver, and this knife; also found his watch.

RECORD OF DEATHS.

More Than a Usually Large Number of People Called Away Recently.

REAPER NO RESPECTER OF PERSONS.

MELLOTT.

Just twenty days after the death of his brother, J. J. Mellott, of Ayr township, who had reached the age of almost four score years, Daniel Mellott, one of Belfast township's most highly respected citizens, died at his home on Tuesday evening of last week, aged 76 years, 1 month, and 19 days.

The deceased was a son of Elias and Parthena Mellott, who three quarters of a century ago owned and lived upon the "Brick House" property in Belfast township, and raised a large family of boys. Daniel had been in failing health since last March, and during the latter part of his life was a great sufferer. He was a member of the German Baptist Church for thirty-five years, and much of that time served as deacon in his church.

He was married twice—the first time to Miss Mary, daughter of the late Rev. Moses Starr. She died twenty-one years ago the first of last April, and he afterward married Mrs. Hester Wink, who survives him with the following children, namely, Riley F., of Alma, Illinois; Joseph B. and Lucina, wife of John Mellott, both of Belfast township, this county. There are, also, nine grand-children and seven great-grandchildren.

Funeral services were conducted by Rev. J. C. Garland, and his remains were laid to rest in the cemetery at the German Baptist Church on Pleasant Ridge.

NEESBIT.

Her many friends and relatives in this place were shocked last Saturday morning to learn of the death of Miss Sarah Ann Nesbit at the home of her sister Ida, Mrs. William Shaffer at Blaine, Pa.

Miss Nesbit's home was at New Bloomfield, Pa., and she, a few days prior to her death had gone to Blaine to visit her sister. While at the home of her sister she became somewhat indisposed, but there was nothing alarming in her condition, until the end came suddenly, the result of heart failure.

Miss Nesbit was a daughter of the late W. A. Nesbit, of Ayr township, and a sister of Samuel A., William H., Charles and Albert of this county. She was a lady of culture, and enjoyed the esteem of a large circle of friends, who sincerely mourn her sudden demise. She was a faithful member of the Presbyterian church.

Her remains were brought to McConnellsburg Monday evening, and the funeral took place from the home of her brother Samuel A. Nesbit at 2 o'clock

Tuesday afternoon, and interment was made in the family lot in Union Cemetery. She was aged about 46 years.

Rev. Dr. West conducted the services.

TRAIL.

Mrs. David Trail died at her home at Clearville, Bedford county on Wednesday afternoon, October 2, 1907, of gastric fever, aged about 60 years.

Mrs. Trail's maiden name was Maria Gordon, daughter of the late William and Teme Gordon, of Belfast township, and she grew to young womanhood in the home of the late John B. Kline of Belfast township.

About the close of the Civil War, she was married to David Peck, and from this union were born four children, two of whom survive, namely, Thompson W. and Eli M.—both residing at Needmore this county. After the death of Mr. Peck in 1887, she was married to Samuel Frazey, of Bedford county, and after his death, she was married for the third time, to David Trail, of Clearville, who survives her.

Mrs. Trail was a member of the Christian church, where she was a regular attendant upon all the services. She was highly esteemed in the respective communities in which she lived, and was a most devoted wife and mother.

Funeral was held last Friday her remains were brought to the cemetery at the Sideling Hill Baptist church for interment, the services being conducted by the Rev. J. R. Logue.

MORGRET.

Mrs. Susan B. Morgret widow of the late Bartley Morgret died at the home of her grandson, Ira Smith in Whips Cove, Wednesday, September 19, 1907, aged 81 years, 5 months, and 4 days.

Mrs. Morgret had been sick about two months, and her death was not unexpected. She was a consistent member of the Christian church for many years, and died in the full hope of a blessed immortality.

Funeral took place on the 21st, and interment was made in the cemetery at Cedar Grove church, Rev. Logue conducting the services.

FRAKER.

On Tuesday, October 4th, the grim messenger, Death, invaded the home of Dyson F. Fraker, near Fort Littleton, and summoned hence his wife, Sarah Catherine, after an illness of one week.

Mrs. Fraker had, for some months, been ailing with stomach trouble, but no one thought her condition critical, and her death caused a shock to her many friends and acquaintances.

Mrs. Fraker was the third child of the late Samuel and Kezia Cromer, and was born at Mercersburg, Pa., April 6, 1846, and was united in marriage to Dyson F. Fraker, October 10, 1867, by Rev. J. R. King, of the M. E. church. She united with the Methodist Episcopal church in 1866, and up to the time of her death, remained a consistent member. Mrs. Fraker was a faithful Christian, a dear companion and a loving mother—always ready to help in time of trouble and distress, and in her home, was one of the most hospitable of women, always having a smile and a kind word for every one who entered her home, even when her body was racked with pain in her last days of sickness. The family have the sincere sympathy of their many friends, and they may well feel that their loss will be her eternal gain.

Besides the husband there survive, the following children: Geo. C., Fort Littleton; Dr. Samuel R., Mt. Allen, Pa.; Anna Viola, Robertsdale, Pa.; Albert D., Billings, Mont.; Daniel W., Egeland, N. D.; and David H., Fort Littleton, Pa. There is, also, one sister, Annie Mrs. J. H. Covaly, and two brothers, Samuel R. and Daniel W.—both of this

BUCHANAN MONUMENT.

Work Began on the Handsome Marker Monday Morning.

Arrangements have, at last been completed for the erection of a monument over at Buchanan's birthplace near Cove Gap, and work was begun on the big marker Monday morning.

The contract for its erection was let to the J. N. Forbes, Granite Co., of Chambersburg. J. N. Forbes, E. J. McCune and H. R. Forbes were in Mercersburg last Friday and were met there by Lawason, Riggs and Mill G. Nolting, of the firm of Wyatt & Nolting, architects, of Baltimore. The party came in their \$10,000 touring car. On account of part of the road being too rough for an automobile, teams were procured and the party proceeded to Stony Batter, where a consultation was had regarding the most advantageous spot for the location of the monument. This being determined upon, stakes were at once driven and all preliminaries arranged, after which the party returned to the Gap, where a sumptuous dinner was awaiting them. A force of twenty men were put to work on the job Monday morning, and it will be rushed to an early completion.

The monument will be pyramidal in form, thirty-one feet square at the ground line and twenty-six feet high. On the front will be a granite inscription tablet, sill, seat and cap, etc. All will be of the best hammered American gray granite. The cap stone will weigh seven tons and other portion composing the front will weigh from three to five tons each. The rest of the monument will be constructed of best native rubble masonry with mortar joint cut back of face, and all faces of stone exposed will show original weathered surface.

Local Institute.

At Emmaville, last Friday evening, the teachers of Brush Creek township held their first local institute for the season. Albert Spade is the teacher at that school and had taken much pains to have an interesting meeting. M. W. Hixson presided, and George Lodge was secretary.

The subjects discussed were practical, and the teachers handled them in an intelligent manner. Interesting recitations were given by Rhoda Spade, Edith Miller, Walter Spade, Mary Hanks, and two little girls whose names are not given. Those who took active part in the discussions were Olive Lodge, S. F. Walters, A. C. Garland, Miss Hixson, Miss Wink, C. A. Spade, and James Garland.

Select Reading by Lulu Mills.

A local institute committee was elected, composed of A. C. Garland, S. E. Walters, James Garland, A. W. Spade, Miss Hixson and Miss Wink.

The next institute will be held at Locust Grove, October 25th.

county. The funeral services were conducted in the Fort Littleton M. E. church last Sunday afternoon, by her pastor, Rev. C. W. Bryner, assisted by Rev. W. M. Cline, of Burnt Cabins, after which her remains were laid to rest in the cemetery at Fort Littleton.

Another good and loving mother. From among us has gone to rest, but we will ever remember thee, and think of thee as happy with your Saviour and the best.

SON GEORGE.

Mother, dear mother, death seems cruel, It is your absence I feel so deep; But your presence is welcome in heaven, For your love and noble deeds is life. But one thought is dear to me: You were a loving mother and a noble wife.

SON FANNIE.

Oh! dear Mother, we miss thy face; We miss thy presence everywhere; But God knew best when he said come, And rest with the angels forever there.

SON DAVID.

Our hearts are sad and lonely, Mother; Since God hath called thee home to rest, But we can feel your darling head, Is followed on your Saviour's breast. But we shall strive to meet you mother, And all be gathered home at last.

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

Miss Annie Shimer, of Chambersburg, has been visiting among relatives in this place during the past week.

Miss Mary Elder, after spending two weeks the guest of Mrs. Minna Thompson left Friday for her home in Tyrone, Pa.

Mrs. Effie St. Clair, of Harrisburg, visited her parents, Mr. and Mrs. Benjamin Shimer on North Second street last week.

After having spent five weeks with her sister, Mrs. Curtis Kelson, Miss Maude Mock has returned to her home in Todd township.

Mr. and Mrs. W. S. St. Clair, of Metal, were over last Tuesday and Wednesday attending the birthday party of Grandmother Motter, out at George Thomas's.

Mr. and Mrs. F. C. Bare returned to their home at Fort Littleton last Friday, after an absence of ten days, during which time they visited Atlantic City, and the big eastern cities where Frank was buying goods for his fall and winter trade.

Married.

At the M. E. parsonage, Wednesday, October 2nd, Chas. E. Taylor, general merchant and postmaster at Trough Creek, Huntingdon county, Pa., and Miss Annie R. Snyder, one of McConnellsburg's charming young ladies, were united in the holy bonds of matrimony by the bride's pastor, Rev. C. W. Bryner. May they have a happy and prosperous voyage over life's matrimonial sea, is the wish of their many friends.

Soldiers' Reunion.

The surviving members of the 133rd Regiment P. V. I., will hold a Reunion at Everett, Pa., on Tuesday, October 15, 1907, to which all old soldiers are invited. There will be a business meeting of the 133rd Regiment Organization at 1:30 p. m. and addresses will be delivered at 2:30 p. m. by Hon. J. D. Hicks, of Altoona, Pa., and G. A. R. Department Commander, W. T. Powell. A big camp fire will be held in the evening, to which everybody is invited. Comrades, come! Let us have a good time together. We hope to make this an enjoyable meeting.

HUSTONTOWN.

The Post Office which has been in N. M. Kirk's store for a number of years, was moved last week to C. J. Barton's store. Miss Anna Mann, of Salvia, and friend of Altoona, spent a day last week with Miss Effie Cutchall.

Dr. McClain who has been ill with typhoid fever, is now able to be out again.

Miss Lola Wilson has returned to her home at Knobsville; she was accompanied by Miss Nettie Ranck.

Miss Lillian Gracey, of Gracey, spent Monday with Miss Lessie Richey.

M. L. Kirk, M. G. Lamberson, H. R. Lamberson and Walter Taylor spent part of last week, painting county bridges in the southern part of the County.

Mack Linn and sister Sadie of Maddensville spent several days with friends, here the past week.

Rev. Gatchall, the new minister of the U. B. church, preached Sunday morning to a large congregation.

Misses Amy and Rosa Hess who have been employed in Altoona, are spending some time at home with their parents.

Mr. and Mrs. Winters of Kearsney spent Sunday with the latter's father, D. B. Munnick.