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FELONIOUS ASSAULT.

On Second Ballot Jury United in Finding Barnharts Guilty of Felonious Assault. New Trial Asked For.

When the NEWS went to press last week the trial of the Barnhart Brothers was still on, and did not close until 2:30 Friday afternoon, at which time the Jury retired and returned a verdict at 6 o'clock that evening—"guilty of felonious assault."

The grand jury on Tuesday morning had found a true bill in each of the following five counts in the indictment: 1. Murder. 2. Voluntary Manslaughter. 3. Felonious Assault. 4. Felonious Attempt. 5. Aggravated Assault. It was on the third count that the Petit Jury agreed. The Court would have given the boys their sentence at once, had it not been that the counsel for the defence asked for a new trial, and April 20th was the date set for a hearing of reasons for a new trial, and deciding whether or not the reasons are sufficient to justify a new trial.

In a general way, the evidence produced by the Commonwealth was, that on the 14th of last October, Arthur Barnhart, his sister, and Miss Viola Shives, were picking apples on one of the big fruit farms west of Hancock; that they quit work and started home about 5:30 p. m., traveling by way of the Hancock-Buck-Valley public road to a lane leading from the said road to their home. After having gone into the lane about fifty yards, they heard the voice of some one farther up the main road utter a call. Arthur and the two women then turned, went back to the Hancock-Buck-Valley road, thence westward about 700 feet to a point where they found Walter and Harry Barnhart sitting by the road. According to the testimony of the two women, not many words passed until Walter Barnhart struck Arthur; Harry struck Arthur with rocks; and that in the melee Arthur was cut with a knife and left lying beside the road where he remained until the arrival of Drs. Stigers and Gray, of Hancock, who dressed his wounds. Arthur was then carried to his home.

Dr. Gray testified that when he reached Arthur, he found him in the road with a flesh wound on the left breast about half an inch in length; another, about the same size in the abdomen; and third, in one of his legs—the last wound being larger, and that the three cuts had been made with a knife; that he put one stitch in each of the upper wounds. These wounds, the Doctor said, were all flesh wounds—that the knife had not struck any of the vital organs, and that at the end of a month the upper wounds had healed, and the lower wound, which showed infection, was doing nicely. But about ten days before Arthur's death, Arthur contracted lobar pneumonia, and death followed on the 2nd of December.

The Commonwealth produced a witness who testified that he was riding along the road; that he saw the defendants sitting by the roadside where the fight afterward occurred; that the defendants had inquired of him if he had seen anything of Arthur Barnhart, and he told them he had just passed Arthur down the road.

On the part of the defendants, a witness was called who testified that some time before this difficulty he was in the orchard where Arthur was at work, and noticing something in Arthur's pocket, he asked him what it was. Arthur made reply by putting his hand into his pocket and drawing it out with a set of steel knuckles on, saying, "That is what it is, and I propose to use them on Walter Barnhart."

Two young men who had been working in the orchard the day of the trouble, were on their way to their home. They swore they came to where the defendants were sitting by the road, stopped

to talk, and while they were there, Arthur came up the road, and turned into the lane. When in the lane some distance, he and the two ladies turned. Mrs. Shives and Viola tried to prevent Arthur's going back, but that he got away from them and went back to the road and up the road to where the defendants were sitting; that Walter and Harry told Arthur they did not want to have any trouble with him; that Arthur got around near Walter and hit him a blow that knocked him down; that he immediately turned and struck Harry knocking him down; then went back to Walter who was attempting to get up, and that he and Walter clinched and scuffled for some time, while Harry was lying on the ground as a result of Arthur's first blow.

The defendants Walter and Harry Barnhart, went on the stand and stated that they had gone that day with a load of apples to make cider, but not finding the man who owned the press at home they unhitched their mules and went into Hancock got the mules shod and started to ride home, that they got tired riding and had walked part of the way. After passing the lane leading to Arthur's home some 800 feet, they sat down to rest. While there the man on horseback came by and the two young men came. They heard Arthur and the girls come up the road and turn into the lane. Walter hollered "Go to h—". Arthur turned and came out the lane and up the road to them. They told him they did not want any trouble with him. Arthur approached with his hand in his pocket, and when near Harry struck him knocking him to the ground. Arthur then struck Harry, prostrating him. Walter testified that when he got up, Arthur left Harry who was down, and rushed at him. Walter then observed the knuckles, and after clinching, got out his knife to save his life and keep Arthur from killing him. Walter cut the best he could to save himself. When Walter got loose he at once started toward home, and stopped on the way to show his wounds to one man. Harry testified that he did not know anything after being struck by Arthur until after Arthur was down and his brother had started off.

Dr. James McKibbin, stated he went to see Arthur at the request of the defendants, that he went with Dr. Gray, on Nov. 29th, and he examined all the wounds, found them all healed except the one in the leg, and that in a healthy condition; that Arthur was suffering from lobar pneumonia, and he gave it as his opinion that the pneumonia was in no way due to the wounds.

Dr. John W. Mqsser testified that the cut on Walter's head had not been made with a fist but with some solid instrument.

There was much conflicting testimony.

The case was ably tried by the District Attorney Hon. S. W. Kirk, and Hon. John P. Sipes for the Commonwealth, and Ex-Judge Lonenecker of Bedford, and John R. Jackson, Esq., of McConnellsburg, for the defendants.

A Charming Hostess.

The Ladies' Aid Society of the Presbyterian church was entertained at the home of Mrs. C. R. Spangler, last Thursday afternoon, when a beautiful luncheon of a most appetizing nature was served. The same evening the teachers of the Sabbath school were made partakers of the hospitality of this charming hostess, who, since removing with her husband from McConnellsburg, has become prominently connected with church and Sabbath school work and is socially very popular.—The Hancock News.

Mrs. R. E. Peterman and son, Bobby Adams, are spending a fortnight in the home of Mrs. Peterman's parents in Gettysburg.

Watching Over Pennsylvania



STATE CAPITOL, HARRISBURG

From dusk until dawn, three hundred and sixty-five nights in the year, three lighted windows glow on Capitol Hill. Many a belated pedestrian has asked "who works all night on the Hill?" as the residents of Harrisburg are wont to refer to the Capitol.

It has become generally known to Harrisburgers during the past few years that these winking beacons are the windows of the State Department of Health where every hour of the twenty-four, year in and year out, some one is on guard to set in motion the machinery necessary to protect the people in the event of great emergencies or some individual in need of assistance.

Gradually the knowledge has spread throughout the State that Commissioner of Health Samuel G. Dixon has a guard always on duty. All through the night, long-distance telephone calls and telegrams arrive from over the State asking for aid and assistance. The night man transmits these messages to the Commissioner or his subordinates without delay.

The Department of Health has six hundred and sixty-seven stations throughout the State for the free distribution of diphtheria antitoxin to the poor. Whenever an epidemic breaks out and the local supply is exhausted, fresh supplies of antitoxin are shipped on the first train out of Harrisburg after the order is received.

RECORD OF DEATHS.

Short Sketches of the Lives of Persons Who Have Recently Passed Away.

MRS. A. M. CORBIN.

Mrs. Mary Julius Corbin, wife of Ex-County Commissioner A. Milton Corbin, died at her home in Taylor township, Wednesday morning, March 22, 1916. The deceased, whose maiden name was Storm, was born and raised at Cresson, Pa. and was married to Mr. Corbin on December 17, 1882, who is left to mourn her demise.

Mrs. Corbin was a fine woman in every respect and was very highly esteemed by all her acquaintances. She had been a long and patient sufferer from cancer, which was the cause of her death. She attended services at Center M. E. church regularly, at which place funeral services were held last Sunday morning at 10 o'clock. Interment in the adjoining cemetery.

MRS. LYDIA ROTZ.

Mrs. Lydia Rotz, widow of Nathaniel Rotz, late of Todd township, deceased, died at her home in Upton, Franklin county, Friday afternoon, March 24, 1916, aged about 49 years. The funeral was held Monday, the services being held in the German Baptist church at Upton, and her remains were taken to Cashtown, Adams county, for interment. The deceased is survived by four children.

Additional Court Proceedings.

The grand jury recommended the erection of a county bridge at Gladfelter's fording in Taylor township. Also, a county bridge at the Daniels' fording in Bethel township.

The petition of Thomas R. Benson was presented asking for the appointment of viewers on a private road in Taylor township. The Court appointed M. R. Shaffner, D. H. Patterson and F. P. Plessinger.

In the estate of A. G. B. Powers, inventory filed and ordered to be recorded unless exceptions be filed within twenty days.

In the estate of John J. McDonald, late of Licking Creek township, deceased, return of sale of real estate was confirmed.

In the case of the Commonwealth vs. Silas Mellott, the defendant appeared in court, plead guilty, and sentence was suspended.

In the case of the Commonwealth vs. Clyde Byers, recognition forfeited.

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OUR DISTANT FRIENDS.

Interesting Extracts from Letters Recently Received from Former Fulton County People.

HARRY ALLER, Leona, Kans., March 20.—Enclosed find one dollar for which please renew my subscription to your paper, but do not send it in care of A. C. Gentzler, as I am now in a home of my own. We are having summer weather now and are busy with our farm work. We finished sowing oats to-day.

R. SHARPE PATTERSON, Concord, Calif., March 18th.—For the enclosed check, please push my tab up to 1917. We certainly do enjoy the NEWS. It is just like a letter from home every week. We left dear old McConnellsburg about twelve years ago. I find in perusing the paper that there have been a great many changes in that time—some of our old friends have passed to the other world. We have a family of three husky boys and it makes me feel "aged" when I see how fast they are growing up. Mrs. Patterson joins in sending kindest regards.

MRS. LINNA A. TROGLER, 2905 W. Seventh Ave., Denver, Colo.—This is my address for the convenience of any of my Pennsylvania friends who may feel like writing to me. We left Mercersburg at 3:30 on the afternoon of March 15th, reached Harrisburg at 7:00; Pittsburgh at 2:00 the next morning; Columbus, O., at 10:30, and reached Chicago at 6:30. From Chicago to Denver we made the trip on the Santa Fe. We saw large corn fields in Indiana and Illinois with lots of fodder standing out. In passing through Kansas we saw farmers busy ploughing and planting potatoes. The children, as well as myself, became sick and very tired in making the long journey, but we reached Denver at 1:20 Saturday afternoon, after a journey of nearly three days. Denver is a beautiful city, but I am homesick for Mercersburg. My health is poor. Perhaps when I get to feeling better I may like Denver better.

W. L. Stevens, of Laidig, called at the NEWS office while in town last Friday. His son George who visited his home folks some time ago, is now back at his work on a big farm in Illinois.

Ex-County Commissioner Samuel D. Mellott, of Belfast township, spent last Friday in McConnellsburg and made a hasty call at the NEWS office.

Warning Came Too Late.

Last Saturday, near New Oxford, Adams county, Edwin Mummert a school teacher 23 years of age, was killed. With his father and brother, Edwin was felling trees. They had chopped down a big oak and were lopping off the limbs, when the tree became unbalanced and suddenly rolled over. The father nearby shouted a warning but too late as a heavy limb caught Edwin and crushed him. Additional help had to be summoned before the young man could be released, and after pleading in vain for relief he became unconscious and died before the weight could be removed.

In Licking Creek township a few days ago occurred a thrilling escape from death under somewhat similar circumstances. Rev. Ahimaz Mellott, who has been in very poor health for some time lives in the home of Milton Decker. A few days ago Mr. Mellott became very ill and one of Mr. Decker's daughters ran to the woods to tell her brothers who were felling timber. Just as she was within a few yards of the boys, a tree which they were chopping down started to fall in the direction of the girl, and in her excitement she did not see the danger in time to escape. The tree which was a large one branched into two large forks. When the tree came to rest on the ground, the girl stood unharmed in the fork, the great limb on either side of her being not more than three inches from her body.

Pruning Trees.

Prune annually but never heavily.

Do not cut out large limbs.

Frost bitten wounds are slow to heal.

Never leave stubs in cutting off limbs.

Wounds heal most rapidly in spring.

Keep trees free from suckers.

Torn wounds are generally fatal.

Summer pruning induces fruitfulness.

Heavy pruning is always followed by a heavy growth of suckers.

Winter pruning, when the tree is wholly dormant, increases the vigor of the tree.

In transplanting cut back, top and root. Burn all the wood to prevent spread of insects and disease.

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SHOES HIGHER IN PRICE.

Hide Shortage, Population Increase, Army Shoes and Autos Create Higher Footwear Prices.

A side effect of the far-away war that interests every man, woman and child is the announcement of the fact that shoes must this season advance in price.

The generally reported scarcity of leather and increased cost of tanning since the war, combined with an enormously increased demand for leather, all account for the advanced cost of footwear.

Millions of pairs of shoes for the European armies have been and still are being made by the American shoe manufacturers. On the average, these army shoes consume one and one-half as much leather as the average man's shoe.

Knapsacks, saddles, harnesses and other material for the armies at war and a general increase in equipment for the American army and state militia account for a still further demand on the none too large supply of leather.

Munitions plants have called for thousands of feet of leather belting and the general picking up of business has started thousands of factory wheels and greatly augmented the call for belting.

Autos have also made great and increasing inroads into the available leather supply for upholstery.

Leather is a by-product. The supply cannot be increased at will as crops and metals are, but is dependent on the hide supply; and cattle are not killed, primarily for their hides.

The latest census reports show that the cattle population has decreased 20 per cent in the last ten years and the population has increased the same percentage.

Shoes therefore are to be more expensive. It is said that the increase for the present will be about 20 per cent., but will likely be more by next fall.

Best Buckwheat State.

Pennsylvania leads in the buckwheat yield this year, not an unusual agricultural result. Fulton county habitually holds first place as to quality and quantity, where it has stood for half a century. The State Agricultural Department reports that more than seventy per cent of all buckwheat raised in this country is grown in Pennsylvania. New York is second.

OYSTERS.

Little Talks on Health and Hygiene by Samuel G. Dixon, M. D., LL. D., Commissioner of Health.

Oysters furnished food for prehistoric man as demonstrated in the great Indian mounds of oyster and clam shells in which are found ancient implements of war and industries. Oysters have continued to be an article of food much sought after by man and beast. The oyster however, has become so high in price that on the basis of food values it cannot be listed as of economic importance.

Through its geographical range at home and abroad this bivalve has become fraught with danger from the sewage polluted waters which now reach many of the oyster beds from our large municipalities. The thickly populated communities are mostly along the streams owing to the fact that man has always settled near waterways and in the early days of our history the industries depended entirely upon water power for their mills. As these centers of population increased the disposal of waste became a great problem resulting in building of conduits to lead it into the pure waters Nature had given us. These flowing streams carried the wastes away from the doors of one community only to poison the waters for those living down stream and at the same time polluting the waters covering our oyster and clam beds as well as driving away from our streams valuable fish.

The raw oyster to-day is to be looked upon with suspicion. So great care should be observed in purchasing them. The seller should be known to be reliable and he should know from what beds he gets his supply.

It is hard to explain why the oyster furnishes a fashionable dish when it has become the custom to supply the culls, which a few years ago would have been thrown back into their beds as being unfit for the market. The food value of four or five of these culls is almost nil and the taste so insipid that they are flavored with strong condiments that entirely destroy what little natural flavor the culls had; therefore, it can hardly be said that these culls thrown out from the cookable oysters from various beds, are palatable. They are, however, dangerous as they can and do sometimes carry the germs of typhoid fever.

Why, therefore, eat raw culls containing little or no nourishment with little or no taste and yet not infrequently carrying the germs of disease?

But—

"I will follow thee, but"—promised one who came, listened and was interested when the Master was here on earth. He meant to be a disciple, but there was something else he wanted to do first, and we do not hear that he ever came at all.

If we were not so busy! It is that which makes the prayer meeting such a tiny gathering, and Sunday-school teachers so hard to secure, and leaders in church work so few. We do mean to follow the Lord, but—This is even the reason frequently given for not becoming a Christian at all, and voices explain with a note of regret: "Yes, I believe in such things. I've always meant to join the Church some time, and lead a different sort of life, but I've always had so many things on my mind that I had to attend to, forever in a rush, you know, that some way—"

But to-day, as when he walked in Galilee, Christ accepts no conditional followers. His call must come first or remain unanswered. Those who seek to give him what is left of their time, their hearts their allegiance, after everything else has been served, are offering the gift he will not receive.