THE EVENING HERALD.

VOL. IX.—NO. 28. SHENANDOAH, PA., FRIDAY, JANUARY 19, 1894. ONE CENT.

Study A Moment!

You are a business man, and used to straight forward business talk—facts—facts—facts. Your wife has been looking for a

Piano, Sewing Machine, Organ, Chamber Suit, Parlor Suit,

Or something else in our line. Why not buy it now. We are selling cheaper than ever.

J. P. WILLIAMS & SON

Something Never Heard of Before.

Ribbon Price all Cut to Pieces

The ribbon sale is going on now; if you wish to secure some of the best Satin Ribbons come now. All Silk Satin and Gros Grain Ribbon.

1 inch wide for 5 cents	1½ inch wide for 7 cents
1½ " " " 9 "	2 " " " 11 "
2½ " " " 14 "	2½ " " " 16 "

See our window display and be convinced if you doubt these low figures. The P. N. Corset is long waist and fits like a kid glove.

Max Schmidt,

116-118 North Main Street, - Shenandoah, Pa.

Girvin's

Examine the Quality and Finish

—OF OUR—

20c BROOMS.

Every one you buy means practically a nickle in your favor. Do not fail to visit us during our Great Special Sale, beginning January 20th and lasting until January 29th. During these eight working days prices will do the talking. Look for our circulars.

Chas. Girvin,

Successor to GIRVIN, DUNCAN & WAIDLEY. **8 South Main Street.**

Closing Out Sale!

Furs, Coats and Capes Reduced

This Sale Also includes Silks, Dress Goods, Table Linens, Napkins, Towels, Flannels, Blankets, Underwear, Chenille Curtains and Covers, and many other articles, which will be disposed of at any price. Our line of Domestic Goods will be marked at the lowest prices. CORSETS reduced from 50c to 38c; from 75c to 50c and $1 to 75c. Handkerchiefs reduced from 40c, 50c, 75c and $1 to 25c. Avail yourself of this great opportunity and call early to secure bargains.

M. A. Dillon,

104-6 West Centre Street, *MAHANOY CITY, PENNA.*

To-day!

We open a new stock of

FLOOR OIL CLOTH!

Two yards wide, at 50c a yard.

All New Patterns and the Best Quality

We have yet offered at the price.

Also a line of New Rag Carpets

Excellent quality and low prices.

A Lot of Moquette Rugs!

Beautiful Patterns at Greatly Reduced Prices, From 85 cents up.

A Special Drive in 50 Dozen Men's Cotton Half Hose.

4 pair for 25c. Excellent quality, about half price.

Try our New Bloater Mackerel—fine, white and fat.

AT KEITER'S.

CLOSING THE CASE!

John Briggs Will Soon Know His Fate.

POSSIBLY THIS EVENING

Mr. Wadlinger Addresses the Court for Over Three Hours on Law Points—Mr. Brumm Proceeds With His Summing up for the Defense.

Special to the HERALD.

POTTSVILLE, Jan. 18.—It was generally expected that the jury in the Briggs case would retire last night, but the expectations were based without thought of the powers and inclinations of speech on the part of Messrs. Brumm and Wadlinger. When those two gentlemen got the floor yesterday they held it for hours when Judge Weidman called time for adjournment last evening. Mr. Brumm seemed almost as far from the conclusion of his address as at the beginning.

In response to the direction of Judge Weidman to the counsel, after all the evidence was declared in, to prepare to close the case, George Dyson, Esq., one of the counsel for the defense, presented sixteen written requests to charge and cited a number of authorities tending to show that the Traction Company was justified in sending an armed body of men to protect and relay the track. Authorities were also quoted tending to show that evidence as to character should be considered by the jury and that if any nuisance existed in the borough by reason of the company's tracks the people should have sought relief from the court and not take the law into their own hands.

When Mr. Dyson took his seat at 10:30 yesterday morning, after submitting the requests, Mr. Wadlinger began an address to the court on points of law and stood before the bench until 12:30, p. m. Recess was then taken and at 3 p. m. Mr. Wadlinger again resumed his argument on law points and continued it until 3:30 p. m.

Mr. Wadlinger did not agree on any of the statements or propositions Mr. Brumm had made when he opened the defense before the jury. Mr. Wadlinger said the law as explained by the Commonwealth never was the law. He desired that even lawyers disagree on the construction of the definition of murder. To say at this day with the printing presses and the numerous schools that the definition of murder is not understood is to say that God Almighty did not understand what he meant when he said on Mount Sinai, "Thou shall not kill." Just as you find in holy writ God's law upon murder, so you find in Blackstone the common law on murder; and you find in the text books and reports of this state the statutory law of murder. It is so plain that he who runs may read. The 58th Pa. State Reports, Commonwealth vs. Drum, is the primer on murder, on page 15 we find the beginning of the defining of various degrees of murder. When *malice* is spoken of in this connection it does not mean particular ill will, but where there is wickedness of disposition, hardness of heart, cruelty, recklessness of consequences, and a mind regardless of duty, although a particular person may not be intended to be injured. This is the legal sense. The law fixes no length of time as necessary to fix the intention to kill, but leaves the question to the jury, to be determined by them from all the facts and circumstances in the case.

No time is too short for a wicked man to frame in his mind the intent to murder and the means by which to accomplish it. The jury must be well convinced upon the evidence that there was time to deliberate and premeditate. The jury must find actual intent. If there be time to frame in the mind the intention to kill and select the weapons or means of death, though the time be short, it is deliberate and premeditated murder. When Briggs took this stand yesterday and testified that for 10 full minutes he occupied the northeastern end of that car, hearing the mutterings and the jeerings of the crowd, with that gun between his legs, and his arms holding it, and his face resting upon his arms, he had more than enough time under the law to deliberate and premeditate as to the subsequent action; and the fact of his getting up and going upon the platform when he heard the cry "Where is the Girardville militia?" "Why don't the Girardville militia come out?" and if you believe his testimony those were the only words he heard while in there to attract his attention, he went out fully determined upon the action made, and used the gun, and Parfit, having received the bullet, the very use of the weapon in itself establishes the intent and shows that Briggs, when he made use of that gun, meant to kill. Murder in the second degree is inferable under the law. In fact the law does infer it from the very fact that a deadly weapon was used in the hands of the prisoner. In other words, all homicide is presumed to be murder under the common law. That murder, under our statutes, would be murder in the second degree. Before the Commonwealth can ask a jury to render a verdict of murder in the first degree they must produce evidence to the satisfaction of the jury to raise it above the standard of murder in the second degree. In all cases of murder where any intention to kill be inferred from the circumstances the verdict must be murder in the second degree. No words, taunts or jeering, either by men or boys, at Gilberton that night, could be sufficient justification to shoot, or kill, or take the life of another. If Briggs intended to kill the man, whether he knew the man, or didn't know him, and although he had no particular malice, if he fired the gun with the deliberate intent to take life, he was guilty of murder in the first degree.

The right to bear arms under the Constitution of the United States does not mean that every Tom, Dick or Harry can take a gun and at a dead hour of the night go into a community, either for the purpose of doing injury, or committing disorder. When a body of men go into a community, bearing arms, they are, *prima facie*, rioters. The law gives the right to bear arms in a military way, and not to use them in bravado, or in an affray.

We have proved that this track was upon ground that had never been conceded to the electric railway company and the case is not in point with the Easton case where the company had no charter rights to the place where the tracks were torn up; but in any event this point has nothing to do with the case. The question is who killed James Parfit and was that killing murder?

Amour and his men in the borough of Gilberton that night, with guns, were rioters. Briggs going to Gilberton on the night of August 21st, whether with a state gun, or a stolen gun, his own gun, or a gun given him by the Traction Company, the very fact that he went there with a gun, intending to take or hold possession of disputed lands by a show of arms, was itself unlawful and drew to it the probable consequences and very act followed.

When Mr. Wadlinger concluded Mr. Brumm said that for nearly three hours and half the counsel for the Commonwealth had labored to teach his Honor some law. Like the mountain he labored and brought forth the mouse. I have been taught lessons in human economy, I have too much respect for my health, and I know too well that your Honor knows what the law is and therefore I do not propose to say anything about it here.

Mr. Brumm wanted the Commonwealth to make an opening before the jury to let the defense know what was claimed, but District Attorney Ryan answered: "We will have but one speech to make. The District Attorney, believing the Commonwealth's interests will be properly protected and that none of the rights of the defendant will be infringed upon has consented to allow Mr. Whitehouse to close the argument for the Commonwealth.

Quite a discussion followed and finally Mr. Brumm made a formal offer as follows: It being the duty of the Commonwealth, as well as its privilege, to open and close the case, we now ask the court to direct that the Commonwealth open its case to this jury, so as to enable the defence to reply after knowing the position taken by the Commonwealth on the testimony and facts upon which they rely for a conviction under this indictment."

The court declined to grant the request and gave Mr. Brumm an exception.

MR. BRUMM

then proceeded to address the jury. He said there is a silver lining to every cloud. Briggs and all near and dear to him have been under a cloud for a long time, but the cloud is passing away and has been passing almost from the time the first witness took the stand and the silver lining is appearing.

Courts of justice are established that justice may be done, and that justice will always be done according to law in this great Republican government. We know of nothing like the Spanish inquisition. In this government men don't govern. We have no despotism. No man, or set of men, no matter how high or how low he or they may be, can govern here as men, or can use the law for their private purposes. On the night that the butcher Stone, with his lantern in his hand, in the borough of Gilberton, was tearing up the track of the Schuylkill Traction Company, all through that terrible night, and the succeeding months as shown by witnesses on the stand, the people of the Borough of Gilberton were looking for revenge. The testimony shows it in the fact that they recited their little piece in this case as though they had it written down and learned by heart. They showed it by their contradictions in material matters and they developed the fact that they had learned a lesson to recite before this jury. They showed it in that those that were examined before the Coroner told entirely different stories to what they did here. The Borough of Gilberton showed it by its officials, as shown by getting an armed band, not with arms open and above board in the bright daylight, but with concealed deadly weapons, on the scene that night for the purpose of committing violence and breaking the laws of this land. They showed it by paying the ordinary day laborer $3 for doing from 4 to 5 hours work and calling that two shifts. They showed it by paying at least one man $2 for merely drawing his pay, paying him $3 for from 4 to 5 hours laborer's work. They showed it by bringing this prosecution against this poor man. They showed it by employing three of the ablest counsel at this bar whose services cannot be had for a bagatelle. They showed it by hunting in the highways and byways for witnesses. They showed it when they hired private men to guard the violators of the law and shoot down citizens, and did not let the constable of the borough, or the High Constable, know anything about it. They showed it when the fact came out Larry Keating, who was there on that night, participating in that riot, and grabbed the guns from Gillespie, was the man who shot Dick Amour and failed to put him on the witness stand and bring him before this jury. Revenge is what they want, and it is shown by the fact that not a man of Gilberton who was there, in all this bloody affray, has been arrested, not even for carrying concealed deadly weapons. This jury is not here to gratify that revenge. You are not here to please the people of Gilberton, but you are here to do your duty as twelve intelligent men who have the most solemn duty that any government, or men, can give to other men. You are here to decide whether this man Briggs, this father and son, is a murderer, or whether he is an innocent man. That is all. Nothing else."

Mr. Brumm then referred again to Mr. Wadlinger's lengthy discussion of law, especially when he said that the law on homicide was so plain, clear and distinct that "he who runs may read." "And yet," said Mr. Brumm, though it is so plain "that the most ordinary layman can understand it, he worked three hours and a half to get our honorable judge to understand it. It is a matter you cannot understand by a trial of this kind and I am not going to allow them throw bosh in my eyes and get me off the point in this case, or bring half the library here and fill that table with it, and get away from the right point into the cracks and meshes of played out authorities. In the natural course of events the law keeps pace with progress and his Honor will give you the decisions of to-day.

The will governs the eye and the most honest men will tell different stories on very important points. I don't charge these people from Gilberton with perjury, or say any of them have sworn to a lie. I only say they were governed by their will—they want revenge, which is one of the strongest passions in the human heart. Most of these people thought they were telling the truth, but they were mistaken. Not one witness from Gilberton knew that there was a shot fired that night, excepting those that came out of the dinkey. There is evidence here just as clear as that you are sitting in that jury box that shots were fired into the out side of the dinkey. The evidence is in the marks on the dinkey, in the wounds of Amour, in the wounds of Briggs, in the marks in Trevethan's house. They saw no stones thrown and yet the reflection of the clear light of day in these photographs show the marks of both stones and bullets. You are not to be guided by the number of witnesses who have been before you, but by the proof, and that you must take from the evidence before you. It is a true saying that it is better that 99 guilty ones shall escape than that one innocent one should suffer, and it still holds good in the old Keystone state.

(Continued on fourth Page.)

THE SONS OF AMERICA

The Commanderies Have a Good Time.

AN EXCELLENT BANQUET

The Members of Shenandoah Commandery No. 14, Sons of America, Entertain Their Friends and Visiting Members in Royal Style—State Officers Present.

The installation ceremonies of Shenandoah Commandery, No. 14, Sons of America, and the subsequent banquet in Robbins' opera house, last evening, was a brilliant success. The members of this organization never do things by halves, and last evening's affair added much to that success. The installation was held in Refowich's hall, after which the local and visiting Commanderies marched to Robbins' opera house amid a blaze of fireworks and headed by the Grant band. The display was very creditable.

The feast was prepared under the skillful hand of Mrs. Connick, and enjoyed by all who had the pleasure of being present. The band discoursed several selections in the hall while the guests were supplying the inner man. An excellent literary program had been prepared, with R. H. Morgan as toastmaster, but owing to the visitors having to leave at an early hour only a small portion of it was carried out. State Commander O. B. Wetherhold, of Reading, spoke upon the "Commandery General;" Recorder General F. E. Stees, of Philadelphia, showed the relation of the Commandery to the P. O. S. of A., and Senior Vice Commander J. H. Hughes, of Philadelphia, responded to the motto of the order, "God, Our Country and Our Order." Treasurer-General, Dr. A. G. Shissler, of Shamokin, was also present. Commanderies No. 93, of Port Carbon; No. 21, of Mahanoy City; No. 3, of Ashland, and 99, of Catawissa, were represented in goodly numbers, wearing the full uniform of the order. The newspaper fraternity was represented by Wm. J. Morgan, of the Pottsville *Republican*; H. H. Hess, of the *News Budget*, and C. T. Straughn, of the EVENING HERALD.

The officers installed last evening and who will preside during the next term, are as follows: Com., William Zimmerman; Sr. V. Com., Henry Aregood; Jr. V. Com., George Krick; Recorder, S. L. Brown; Treasurer, J. H. Babb; Rector, R. H. Morgan; Inspector, C. H. Sampsel; Guard, George Selbert; Picket, William A. Miller.

Shenandoah Commandery, No. 14, was instituted in Ferguson's hall, September 29, 1874, by the late James K. Helms, then Past National President. The charter members were M. L. Shoemaker, John C. Glover, John G. Thomas, Frank Tempe, J. M. Glick, Wm. R. Forsythe, R. J. Yost, D. O. Thomas, J. H. Babb, John W. Mertz, Nathan Fertig, O. J. Zerbey, John J. Reed, T. Gerhart, Charles Fehr, Andrew Conorey, F. F. Hoffman, John E. Miller, A. A. Greenawald, J. K. P. Scheifly, and H. C. Boyer. The officers selected at the organization were as follows: Com., T. F. Hoffman; Lieut. John E. Miller; Scribe, A. A. Greenawald; Purser, J. H. Babb; Rector J. M Glick; Inspector, Charles Fehr; Guard, H. C. Boyer.

The Commandery was very prosperous until the big conflagration of November 19th, 1883, burned all the paraphernalia, the charter being the only thing saved. Shortly after the fire the location was changed to Girardville, and after meeting there for several months they again took up their quarters in the Refowich building, where they still hold their meetings on the first and third Thursdays of each month. J. H. Babb, John E. Miller, John G. Thomas, H. C. Boyer, J. K. P. Scheifly, J. M. Glick and C. H. Barnhart are the only ones among the charter members who are at present connected with the organization.

The Commandery is a non-beneficial, fraternal organization. They pay no weekly benefits but at the death of a member his heirs receive the sum of $75.00. The Commandery is the military rank of the P. O. S. of A., and it is necessary to be connected with the latter organization to be admitted into the Commandery. It has a present membership of ninety, and among that number may be found the most active members of the P. O. S. of A. as well as some of our most prominent citizens.

The members are to be congratulated upon the success of the banquet.

Ten Collieries Suspended.

Orders were issued this morning by the official of the Reading Coal and Iron Company suspending operations at ten of their collieries for an undefinite time. Among the number are included two located here, West Shenandoah and Shenandoah City collieries, employing about 800 men and boys. Orders were also issued suspending operations at all the collieries controlled by the above company for the balance of the week. With the exception of the two collieries mentioned above, all will resume again Monday morning.

Died.

ROBERTS.—At Mt. Carmel, January 18, 1894, Samuel Roberts, aged 51 years. Funeral will leave Mt. Carmel, Saturday 20th, on 2:20 Lehigh Valley train for Shenandoah, to proceed to the Odd Fellows' cemetery. Friends and relatives invited. 1-19-1t

The Licenses.

All licenses granted on Wednesday, January 10, 1894, must be taken up on or before Wednesday, January 24, 1894.

Wedding Invitations.

Over 500 of the finest and correct style wedding invitations and cards to select from at the HERALD office. Either printed or engraved. We can discount city prices.

Lawyer Foster's Branch Office.

Sol. Foster, Esq., Attorney and Counsellor-at-Law, of Pottsville, has taken rooms at McElhenny's cafe building and will open a branch law office. Mr. Foster expects to be in Shenandoah every Wednesday and Saturday evenings, when he can be consulted at the place mentioned. 11-23-2w

Have you tried McElhenny's fried oysters? 9-12-tf

ATTEMPTED SUICIDE.

A Reading Drummer's Unsuccessful Love Affair.

Robert Harner claims Reading as his home, and as an occupation travels through this region as a salesman for a well known wholesale house of that city. He has made many acquaintances in the various towns of the county by his affable manner, and has also built up quite a trade for his house. It appears, however, that he has a weakness for the fair sex, and which came near ending his career as a "traveling tourist." During his visits to this town he became infatuated with the winning ways of a married lady who has figured very prominently of late in the county courts in divorce cases, and who at present does not live with her husband, but resides with a sister in Ashland. As a result of these family quarrels the husband has served a short time in the county jail. The wife is a blonde, and has a very prepossessing appearance.

It appears that Harner visited Ashland the other, and while there called upon the object of his admiration with serious intentions. His proposal of marriage was rejected, and as a result it is said that he attempted suicide by taking a large dose of laudanum. It is not known whether or not the attempt was merely a bluff in order to induce his lady love to change her mind, but it is a fact that Harner is still in the land of the living, for he was seen circulating among his business acquaintances here yesterday looking none the worse for his attempted suicide. He may thank an Ashland physician, however, for his extended lease of life.

Harner, on the other hand, claims that he did not take the dose of laudanum with deadly intention.

PERSONAL.

James Smith was a listener at the Briggs trial yesterday.

Mr. and Mrs. John Bono spent the day as the guests of St. Clair friends.

Archie Campbell, of Philadelphia, drummed up trade in town yesterday.

George Seager, Michael Schoider and H. A. Acker were Mahanoy City visitors to-day.

Ellis Lewis, one of our popular bartenders, is the guest of his parents at Mahanoy City.

Mrs. Joseph Rense, of Lost Creek, received a paralytic stroke on Saturday, and her friends have very little hopes of her recovery.

S. Van Buren, of Ashland, representing Jacob Ulmer & Sons, pork packers, Pottsville, was in town this morning looking after his firm's interests.

Jno. A. Reilly, Leo Bamberger, Edward O'Donnell, Harry Preston and Charles H. Lewis were passengers on the 9:10 Lehigh Valley train for Pottsville this morning.

For the 19th term our old newspaper friend, Cyrus T. Fox, has been elected Secretary of the Berks County Agricultural and Horticultural Society. That Society appreciates a good man and we congratulate it for showing its good sense and Mr. Fox because of his appreciation.

POLITICAL POINTS.

The next Chief Burgess will be the presiding officer of the Borough Council and will have the vote power.

We believe the newspaper fraternity have just as much right to be represented in Council as any other class and for that reason, more than anything else, we would like to see our friend Doyle get the Democratic nomination next week.

John L. Haeler is being commended for the good taste he has shown in conducting his canvass for Chief Burgess. An honorable canvass is always commendable.

"Jim" Kalbach isn't saying much, but is doing a great deal of work.

It is apples to sheepegs that the next Chief Burgess will be a citizen.

The First ward Democrats are not all happy by any means. There are too many aspirants for the few offices in sight.

Candidate Betteridge is all smiles. He has the enemy on the run. So say his friends.

Gable is confident of winning the Tax Receivership. He has good, trained workers, who are not letting the grass grow under their feet.

To-night's primaries will settle as to who is who. Let the defeated take it good naturedly and promise to help elect the successful nominees. That is business as well as politics.

To the defeated there is another day coming.

"Charley" Hegenbuch has not been sleeping. His friends claim he will show unexpected strength in the different wards to-night.

The Councilmanic contest in the Third ward between William Neiswenter, C. T. Straughn, Benj. Richards and James Morgan is a spirited one.

Injured by a Fall of Coal.

James Baskeyfield, employed at the Wm. Penn colliery, was severely injured by a fall of coal this morning. The injured man's home is at Ringtown. He was attended by Dr. J. Pierce Roberts.

"All work and no play is the expression of the careless sufferer with that terrible cough. Pan-Tina puts a stop to it. It's a remedy for Coughs, Colds and Consumption. 25 cents. Pan-Tina is sold at F. P. D. Kistler's drug store.

Buy *Keystone* floor. Be sure that the name LESSIG & BARR, Ashland, Pa., is printed on every sack. 2-3-2taw

Get your repairing done at Heiderman's. 12-27-tf

Don't Tramp!

All over town hunting *FRESH EGGS,* BUT—Come straight to us. We have enough to supply you all. Strictly fresh. Remember we positively handle no limed nor ice-house eggs.

Graf's

122 North Jardin Street