

FINAL EXTRA!

The



Citizen.

FINAL EXTRA!

88th YEAR.

HONESDALE, WAYNE CO., PA., WEDNESDAY, JANUARY 25, 1911.

7

State Library July 11

"WE FIND LEONA LORD GUILTY OF MANSLAUGHTER."

"Well, I Have This Much To Say, I Didn't Touch Silas Lord Nor Kill Him," Said Mrs. Lord Prior To Sentence.

"We find the defendant, Leona Lord, guilty of manslaughter."

It was a solemn-looking set of men that filed into the jury box when court convened Tuesday morning at 9 o'clock. The long vigil of the night previous, when eight ballots were cast, and a verdict finally reached at 2:30 a. m., had perceptibly told on them.

The sealed finding of the jury was presented by the foreman, Rev. Jas. Pope, Mt. Pleasant. A. G. Gregg, Damascus, acted as secretary. The defendant received the verdict with an impassive face. There was no demonstration.



MRS. LEONA LORD, Convicted of Manslaughter, and Given Indeterminate Sentence Of From 3 to 12 Years In Eastern Penitentiary.

When Mrs. Lord came into court for sentence Tuesday at 2 p. m., Judge Searle before passing sentence asked her whether she had anything to say.

"Well, I have this much to say, I didn't touch Silas Lord nor kill him."

"This is a woman," said Attorney Lee, in asking for a mild sentence. "A sentence of a year or a year and a half for this offense would be sufficient."

"The Jury," said Judge Searle, "might have found you guilty of a more serious crime than manslaughter, and we consider perhaps that you were fortunate."

Now, January 24, 1911, this is the sentence of the court that you pay the costs of prosecution and a fine of \$500 and undergo an indeterminate sentence of not less than three years nor more than twelve years at separate and solitary confinement in the Eastern Penitentiary."

There was no demonstration whatever and Mrs. Lord passed out of the court with the same equanimity and self control which she has exhibited throughout the entire trial.

Friday Morning.

That the interest in the famous trial of Leona Lord for the alleged killing at Equinunk, July 12, 1910, of her brother-in-law, "Sike" Lord, continues unabated was shown by the large number of people that crowded the court room all day Friday, a large percentage of whom were women.

Expert medical testimony at the morning session was especially favorable to the defense. On cross-examination, Dr. Frank Woolsey, Hancock, N. Y., was compelled to admit that he saw no evidence of concussion when he examined the wound on Silas Lord's head.

Dr. W. T. McConville, a practitioner of sixteen years' experience, a graduate of Cornell and of the College of Physicians and Surgeons, New York, and who spent several years in a hospital, was a strong witness for the defense. Notwithstanding the merciless grilling to which he was subjected by Attorney Homer Greene, associate counsel for the prosecution, he maintained that the wound in Silas Lord's head could have been produced by the shank of a common broad hoe wielded by a man of average strength. Attorney Greene made objection after objection to the lengthy hypothetical questions put by Lawyer Kimble to Dr. McConville, but in almost every instance he was overruled by Judge A. T. Searle. Dr. McConville contended that it would be an utter impossibility to make such a wound with a pick and have only paralysis of the forefinger and thumb, as Dr. Frisbie, of Equinunk, stated took place a short time after he was called in to attend Silas Lord.

Argue Over Anatomy Plates.

Page 703, Gray's Anatomy, and the plate on it was a particular bone of contention between Attorney Greene and Dr. McConville, but the doctor triumphed and seemed to make a most favorable impression on the

jury, who are bearing up remarkably well under the strain and close confinement and are paying close heed to all that is said.

At the conclusion of the cross-examination Attorney Greene gave a parting fling to the doctor, saying: "I simply wanted to know whether you and Gray agreed. I see you don't."

Dr. E. W. Burns was the final witness of the morning called by the defense. He is a son of Dr. R. W. Burns, the Scranton surgeon, and a doctor and surgeon of almost seven-and-a-half decades' experience.

In his opinion, the cavity, which was two inches deep, on Silas Lord's head, was not a wound, but was due to a suppurating process. He felt certain such a wound could not have been made by a pick. He contended that a hole made by a pick would be four-cornered and not triangular in shape, as the one which appears on the murdered man's head.

Friday Afternoon.

The case of the Commonwealth versus Reed, on motion of Attorney C. A. McCarty immediately after the opening of the afternoon session of court, was postponed until the March term. The case was set for trial this week, but as the trial of Leona Lord will last over Sunday, it was deemed best to postpone it in the interests of all the parties concerned. Judge Searle remarking that it would hardly be fair to try him before these jurors who had been listening to the testimony in the case against Leona Lord. All the jurors impaneled for the first week of court were then excused.

Dr. W. B. Burns was recalled to the stand for further cross-examination by the prosecution. In his opinion the shank of a broad hoe would be more apt to produce such a wound or hole as was in Silas Lord's head, than a pick. In his opinion, such a hole could not have been made by a pick.

Mrs. Millard Lord, Equinunk, wife of the son of the defendant, was called by the defense. She swore to meeting Mrs. Annie Sherwood several evenings after the fight and to Mrs. Sherwood's saying to her, "I know nothing about it (the fight). I was not at home." Mrs. Sherwood, who is sixty-six years old, it will be remembered, testified on the stand that she saw Leona Lord strike "Sike" with a pick. The severe cross-examination of Mrs. Millard Lord by the district attorney did not shake her testimony in the least.

William McGuire, a fourteen-year-old boy, Equinunk, testified to seeing parts of the fight at a distance of 200 feet. He saw Sam Reed have a stick in his hand. He also saw "Sike" fall in the road. But a rise in the road prevented him from seeing Leona after she came down the porch steps and ran under the stoop.

The defense rested at 4:10 o'clock, and court immediately thereafter adjourned.

Saturday Morning.

The thirty-five minute session of court held Saturday morning, was occupied mainly with the introduction of witnesses by the prosecution, in rebuttal who testified that the reputation for truth and veracity of Mrs. Henry Bridge, Equinunk, "from the speech of the people in the community in which she lived," was "bad." Mrs. Bridge, it will be remembered, was one of the witnesses introduced by the defense, Friday afternoon and swore that she was acquainted with Anna Sherwood who called on her after the "big fight," and said she knew nothing about the fight as she was away from home. For the prosecution, Mrs. Anna Sherwood had previously sworn to seeing Leona Lord wield the pick.

Joshua A. Pine, Arthur Parsons, Charles Miller, Equinunk, all swore to Mrs. Bridge's reputation for truth and veracity as being "bad." Constable James W. Harford, Equinunk, said it was "rather bad," as did also Mrs. Essie Billings.

Attorney Homer Greene then offered especially for the purpose of rebuttal, Page 703 of Gray's Anatomy, showing the plate and the text shown in connection with it.

At 9:25 the Commonwealth rested; and Attorney F. P. Kimble, for the defense, called Isaac Lord, Equinunk, who testified about Mrs. Henry Bridge that "I never heard anything of her being a lying woman."

Objection to the testimony of Matthew Mogridge, who declared he never heard of the woman, was sustained.

Millard Lord then testified that Mrs. Bridge's reputation for truth was "good." "I never heard anything against her," he said.

The evidence then closed.

For the defense, F. P. Kimble, Esq., stated that he had just a few legal points to present to the court, and he was granted permission to do so Monday morning. Judge Searle then announced that the closing arguments for the Commonwealth and defense would be heard Monday

morning. "Take as much time as you desire," he said, "I will not limit you. Take just as much time as you think you need."

The jury was then asked to retire, and Judge Searle gave some advice along the line of the nature of the verdict the jury might be expected to find.

"In the verdict," said the court, "it might be well for the jury to find specifically whether Silas Lord came to his death from a pick or a hoe."

Attorney C. A. McCarty, counsel for Samuel Reed, thought his client's name ought not to be included in the verdict, as it would be in the newspapers and might prove prejudicial to the interests of Samuel Reed when he was tried in March, but the Court overruled his objections.

Court then adjourned until Monday morning at 9 o'clock.

Monday Morning.

"A mother's love is deeper than hell and higher than heaven," declared Attorney W. H. Lee Monday morning in the course of an eloquent plea for his client, Leona Lord, who is charged with the killing at Equinunk, July 12, 1910, of her brother-in-law, Silas E. Lord.

Speaking entirely without notes, Attorney Lee held the closest attention of the jurors throughout his forty-minute plea, his contention being that the fatal blow was inflicted by a hoe in the hands of Samuel Reed, and not by a pick in the hands of Leona Lord.

When court convened at 9 a. m. the room was well filled with spectators and before the close of the morning session all the seats were occupied and many were standing.

Attorney E. C. Mumford delivered the opening address to the jury for the prosecution. For forty-five minutes he held the interested attention as he recited in detail the events leading up to the occurring at the "big fight." His homely illustrations seemed to appeal strongly to the "twelve good men and true."

Following him, Attorney Lee spoke and after his impassioned plea, Attorney Homer Greene made the second argument for the Commonwealth in an intensely dramatic address which consumed more than an hour and a quarter in the delivery and was listened to by all in the court room with the closest attention. Mr. Greene ran the whole gamut of the human voice, once pleading, again accusing, with outstretched forefinger, sarcastic and humorous by turns, a veritable past-master in the art of elocution.

"We live under a reign of law," said Mr. Greene. "We must have law or there would be no order. Was Silas Lord killed with a pick in the hands of Leona Lord, or was he killed with a hoe by Samuel Reed? That is the question."

Mr. Greene is evidently a "purist," for he said in the course of his lengthy plea, "I'll not even soil my tongue and lips before this jury by repeating the vile words she (Leona Lord) used. All the trouble," Mr. Greene claimed, "came from a dispute over a few inches of ground, ten cents worth of \$10 worth."

In commenting upon the fist fight between the two cousins, Will and Millard Lord, which lasted all through the incident at Equinunk, he said: "If all fights were only fought by the instruments God gave them for, how few murders there would be."

Mrs. Lord he characterized as a remarkable woman and compared her to Lady Macbeth, who said, "Infirm of purpose. Give me the dagger!"

In sarcastically referring to the expert medical testimony introduced by the defense, he said: "You can prove almost anything by logic. You who are a clergyman," he said, pointing out the Rev. James Pope, of Mt. Pleasant, a former Presbyterian clergyman and present poultry raiser, and one of the jurymen, "know that Eve's people have take the Book of Books and proved religions so absolutely different that they have persecuted each other almost to death to prove they were in the right."

Monday Afternoon.

Immediately after the opening of the afternoon session at 1:30 p. m., Frank P. Kimble, Esq., proceeded with the argument for his client, delivering an impassioned plea of more than an hour in length. He made many telling points for the defense. Among other things he said: "A regiment couldn't have prevented any woman from rushing to the defense of her son. Have you ever disturbed the young of a pheasant, the shyest of birds, and observed how she will come up and defy you in the protection of her young? If there had been a myriad of Silas Lords with bayonets in their hands, Leona would have rushed down."

In discounting the testimony of Anna Sherwood he said: "It's a picture in her mind that never got there through the retina of her eye." "Dr. Frisbie was so enthusiastic

in the support of his theory, that he wanted to tell you (the jury), all he knew about the case. He paraded up and down before you, so that I asked His Honor whether he was arguing the case. Dr. Frisbie admitted it was the most wonderful case on record." "It is better that one guilty person go free than that one innocent person be punished. Go home—with a bold front, saying I have sat there for a whole week I asserted my manhood. I was going to protect that woman to the extent of the law."

District Attorney M. E. Simons delivered a masterly summing up of the Commonwealth's case. In the course of his argument which lasted fully an hour and a half, he graphically recited the facts of the case, and pointed out the many contradictions in the testimony of some of the witnesses. Some of his strong points were:

"If a country doctor can't tell the truth, maybe a farmer can, sometimes."

"Our country doctors, who don't know anything compared with our city doctors who are experts in the use of the pick and the hoe."

Mr. Simons drew a vivid word-picture of Mrs. Silas E. Lord, "poor, helpless and speechless, sitting in her lonely room in the little village of Equinunk, looking across the valley to the cemetery on the hillside, looking at the grave of her murdered husband, with unexpressed longing to be there by his side. And I would call the picture 'The Disconsolate One.' If I had the eloquence I would portray a picture that would melt you to tears."

Commencing at 4:16 p. m. Judge A. T. Searle delivered a masterly summing up of the case to the jury, in which he digested the evidence, and indicated to the twelve good men and true, the verdicts they might be expected to find. The charge of the Court follows:

Judge Searle's Charge.

Gentlemen of the Jury:

Leona Lord, the prisoner at the bar, is on trial before you upon an indictment charging her with murder, the highest crime known to our law, treason alone excepted.

The evidence is closed. Counsel representing the Commonwealth and the defendant, respectfully, have reviewed before you the testimony given and the questions involved in the issue, and the case now goes to you for your determination, under the law and the evidence, whether the defendant is guilty or innocent of the charge contained in the indictment.

It has already been impressed upon you that the case is one of the highest importance. It is important to the Commonwealth in case the law has been violated and a human life taken unlawfully and feloniously. It is very important to the defendant because she stands in peril of life or liberty according to the degree of crime of which she may be convicted.

She is now called to answer at the bar of justice for the taking of a human life, which is always, in the eyes of the law, deemed sacred.

You must be impressed with the very grave responsibility which rests upon you with respect to the trial of this case. The alleged taking of a human life gives a shock to the community; and when a person is upon trial for an offense, the conviction of which might result in capital punishment, both the court and the jury must feel a due sense of the responsibility which rests upon them in the determination of the issue.

The duties imposed upon you in the consideration of this case are those of the highest responsibility which, in the administration of our criminal laws, men are called upon to perform. On the one hand is involved the life or liberty of a fellow being; and on the other is involved the safety and security of the law-abiding citizens of the community. In the discharge of these duties, we trust and believe that you will not be unmindful of their importance, and that, while remembering the rights of the defendant, you will also bear in mind what you owe to the law, to the community which you represent, and to society, for the preservation of which our criminal laws are enacted.

When you were chosen and interrogated by the counsel for the Commonwealth and the counsel for the defendant, the purpose was to secure a fair, impartial jury, a jury without bias and without prejudice, a jury that would deal fairly with the defendant and still do their duty manfully under the law. This is the kind of a jury to which the Commonwealth is entitled, and this is the kind of a jury the defendant ought to have; and I trust and believe that you are such a jury.

You, gentlemen of the jury, are the exclusive judges of all the facts in the case, and the credibility of the

witnesses is also for you to determine.

The law, based upon the experience of centuries of time, has found it a very wise thing to leave the determination of the questions of fact, as a general rule, to twelve men instead of to one man. And this is one of the principal reasons why the jury system should be perpetuated. Twelve fair, impartial men, mingling with the people and coming from every-day doings, are best qualified to pass upon the offenses of men; and their judgment is more to be relied upon in all matters of fact than the judgment of one man.

As you are sole judges of the facts of the case, I would also say this: That you have been sworn to decide this case on the law and the evidence; that the statement of the law by the court is the best evidence of the law within your reach, and that, therefore, in view of that evidence and viewing it as evidence only, you are to be guided by what the court has said, or may say, with reference to the law.

The defendant comes into court under the protection which applies to every person accused of crime, under the presumption of innocence. It is a principle that is founded on large human experience, and it must never be forgotten, never lost sight of, that every person is presumed to be innocent until proper evidence satisfies the jury, beyond any reasonable doubt, of his guilt.

In a community where it is alleged a startling crime has been committed, and the newspapers containing accounts of it are generally circulated, and it is talked about here and there, it would perhaps be impossible to find a jury of intelligent men who have not at least formed impressions regarding the guilt or innocence of the party accused of the crime. It is your duty, however, to disregard any impressions which you may have formed respecting this matter, and to approach its consideration with the determination to consider nothing except the evidence given here in open court.

Under the indictment in this case, the defendant may be found guilty of murder of the first degree, of murder of the second degree, or of voluntary manslaughter, or she may be acquitted altogether, accordingly as the evidence may justify it.

At common law, murder is defined as "The unlawful killing by a person of sound mind and discretion of any reasonable creature in being, and

under the King's peace, with malice aforethought, either express or implied," and this is the law of our own state, modified by the 74th Section of the Act of 31st March 1860, which divides the crime of murder into two degrees or classes. This section declares that "all murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration of, or attempt to perpetrate, any arson, rape, robbery or burglary, shall be deemed murder of the first degree, and all other kinds of murder shall be deemed murder of the second degree; and the jury before whom any person indicted for murder shall be tried shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder of the first or second degree."

Murder, in our state, may briefly be defined as the unlawful killing of a human being with malice aforethought, express or implied. Malice is a necessary element of the crime or murder. If the element of malice is wanting, then there is no murder; the crime falls below the grade of murder and the offense is either manslaughter or a crime of some lesser grade. The common idea of malice is that it means hate, hatred, ill will or ill feeling towards another person. It has been said that malice comprehends not only this but every case where there is wickedness of disposition, hardness of heart, cruelty, recklessness of consequences and a mind regardless of social duty. Malice may be inferred from the act done, the character of the weapon used, or other circumstances showing a perversely wicked heart.

This malice, however, need not be expressly proven. It may be inferred from the conduct of the parties, or from the use of a weapon. It may be expressed or implied. Expressed malice might be shown to exist from threats against another, previous quarrels, old grudges, proof of a motive. Malice may be implied by law from any deliberate and cruel act committed by one person against another, and as an ingredient of murder is presumed from the use of a deadly weapon against a vital part of the body.

The distinguishing feature of murder, either of the first or of the second degree, is this malice, and before a person can be convicted of that he has committed a homicide

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THIS IS LAST CHANCE FOR CITIZEN READERS TO HELP THEIR FAVORITE CANDIDATE IN BERMUDA CONTEST

Never Again After Thursday, January 26th at 10 O'clock Will it be Possible To Secure so Many Votes as it Will Before That Hour--Competition Ballots Mailed to Candidates Saturday--Get All the Subscriptions You Can Now, for the End of the Contest is So Near You Can Almost Touch it--4 and 6 Months Subscriptions Accepted and Help to Make Up Clubs.

[By H. C. Van Alstyne.]

The Last Special Offer.

The last special offer closes Thursday, Jan. 26, at 10 p. m., and a bonus ballot of 15,000 votes will be issued for every club of \$15 turned in on subscriptions by candidates or their friends.

Positively no other offer will be made in this contest. This is not to be repeated.

All money turned in on last week's offer will also apply and this one and bonus ballots will be mailed candidates.

All coupons clipped from the paper must be in this office by Friday. The votes for all subscriptions sent in from now on will be held here and placed in the ballot box to be voted to save time and possible errors in mail delivery.

Tour Department The Citizen.

Immediately after THE CITIZEN was delivered to its readers last Thursday many of the contestants called at the office to get more complete information regarding the

"Last Special Offer" and announced their intention to bring in quite a number of club subscriptions before the close of this offer.

Interest Intense.

Interest in the contest is intense. Everybody is watching the paper to see how the candidates stand from day to day. All apparently are willing to help one or another of the candidates with their subscriptions if their favorite candidates were to request their assistance.

Candidates will find it an easy matter to secure subscriptions and thousands of votes this week if they go around to see their friends and acquaintances and ask them to help them with a subscription. THE FRIENDS OF THE CANDIDATES REALIZE THAT THEY CAN DO MORE FOR THE CANDIDATES BY SUBSCRIBING THIS WEEK THAN THEY WILL BE ABLE TO DO AT ANY FUTURE TIME OF THE CONTEST, IN CONSEQUENCE THEY ARE MORE THAN WILLING TO GIVE WHAT ASSISTANCE THEY CAN NOW.

Don't Count On Promises.

"A bird in hand is worth two in the bush." The contestants should not be satisfied with promises, but

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