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A SIX Octave, Chicago Cottage organ. Walnut case. High top and mirror. Time conditions—\$30. McIntyre. 7eol2.

LOCAL MENTION.

—Scrantonians in Honesdale over Sunday were L. D. Rock, F. L. Smith, E. A. Lewis.

—The jurors on the Lord trial drew \$480 for their pay, exclusive of traveling expenses.

—Morrison & Canivan have placed a new furnace in U. S. Beer's residence on Fifteenth street.

—The Seelyville Basketball team will play the White Mills Stars at White Mills next Saturday.

—D. James Colgate, Hawley's efficient postmaster, has been reappointed by President Taft for four years more.

—Pearl Van Gorder and Leonard Roegner are now Mr. and Mrs. Leonard Roegner and live on West street, between Thirtieth and Fourteenth.

—Alex Voigt has become a Hawleyite again, having removed to that borough lately. His children are all there and his desire is to be with them.

—Hon. H. C. Jackson has been appointed on the following very important committees: Agriculture, Printing, Corporations, Public Buildings and Public Roads.

—Frank Voltair, superintendent of the National Elevator and Machine Company's Works, has tendered his resignation to accept a position with a large manufacturing concern in Chicago.

—Ex-Commissioner James Keen, of Keene, is now a great grand-father. Mr. and Mrs. Elmer Spear, of Unionville, Connecticut, his grandchildren, having been blessed with a nice little boy. Hurrah!

—The freshman class of the Honesdale High school conducted an elaborate social at the High school building last Friday night. A first class program was enjoyed by about fifty young people. Games were played throughout the evening.

—Dates for state medical and dental examinations have been fixed as follows: State Medical Board at Philadelphia and Pittsburg; State Homeopathic Board at Philadelphia, and State Eclectic Board at Harrisburg June 27 and 30; State Dental Board at Philadelphia and Pittsburg, June 14 to 17.

—A special car arrived over the Erie at 3:15 Friday afternoon and left for Carbondale on the D. & H. railroad. Several Erie officials were aboard. D. V. Owens, superintendent of Maintenance of way; A. F. Trimble, division engineer, and Frank Skinner, supervisor, and several others. There was a rumor abroad that the Erie and D. & H. were going to run coal via Honesdale again, but this was denied by the officials.

—William L. Ferguson, who has been confined to his bed for over six weeks, owing to a fall on the ice which cracked the socket joint of his foot, is improving. Although 92 years old, his eagerness to be up and doing is just as intense as that of a young man. He expects to be sitting up this week, although he is weak on his feet. His mental strength and brightness has not diminished and his ability to attend to any business that does not require manual labor is just as good as ever.

—There is desire being expressed by some of the baseball enthusiasts to form a baseball league to take in Hawley, White Mills, Honesdale, Lake Ariel, Waymart, Aldenville, and Pleasant Mount. With six good teams, a league could be organized that will give us good games every Saturday. Why not make a call for representatives from these places to meet and talk the matter over. Send in your communications to THE CITIZEN and we will arrange a meeting. Aldenville has already been heard from.

—Friends of the administration have made it known in an emphatic manner that President Taft intends to stand for re-nomination in 1912. They expect Mr. Taft will have the support of Col. Roosevelt. The President is now in an optimistic frame of mind, and looks forward to a Republican victory in 1912. A few weeks ago the situation did not look promising to the President. He believed that the November defeat presaged another disaster in the national campaign to follow. Even at that time the President is known to have told friends that he will accept the nomination, even in the face of certain defeat, if the convention places the standard in his hands.

—The case of Anna May Fives by her father and next friend, Wm. B. Fives and William B. Fives vs. Auto Transportation Co. by agreement of counsel was continued until March term of court.

PERSONAL MENTION.

A. C. Andrews, Ariel, spent Sunday in town.
Emmett Browning has returned from Rowlands.

Rev. Geo. S. Wendell is spending several days in Philadelphia.
Adam Burch, Goshen, N. Y., made a short business trip Friday.

Patrick Langan, Reading, transacted business here Friday.
Mrs. Clarence Bodie is seriously ill at her home at Clark's Corners.

Mrs. Arthur Williams, Nanticoke, is visiting relatives and friends in Honesdale.
Miss Louise Ball, Carbondale, passed Sunday with F. P. Kimble and family.

Mrs. John D. Weston and Mrs. Josephine Whitney are visiting in New York city.
Mrs. Leah Stevens and daughter, New York, are the guests of Mrs. William Kessler.

Mrs. John Brown, Gryon street, is entertaining her sister, Miss Mame Downing, Haines.
Mrs. Mathey has returned after enjoying an extended visit with relatives in Boston, Mass.

Mrs. John Kimble, Towanda, is spending the week with her parents, Mr. and Mrs. C. E. Van Horn.
E. I. Dibble spent Wednesday with his parents, Mr. and Mrs. A. V. Dibble, East Windsor, N. Y.

Miss Susan Brown is attending her grandfather at Pink, who has been seriously ill for the past three weeks.
Miss Alice Gregory, a High school teacher, spent Saturday and Sunday at the home of her parents, in Prompton.

Charles Maloney, who was injured January 1, by falling down a flight of stairs at his home, is able to be about again.
Miss Margaret Hagen is attending to her duties as chief operator for the Bell Telephone company, after spending several days with her sister at Trenton, N. J.

Conductor Charles Lord, of the Erie passenger train, left Thursday night for Elmira, N. Y., to attend the funeral of his mother, who died Wednesday. Conductor Daniel Devers, Port Jervis, is filling Mr. Lord's place.

NECROLOGY.

Death of Frederick G. Tuohy.
Frederick G. Tuohy, a former employe of Durland, Weston Co., died on Monday evening at his home on Eleventh street, opposite the Elevator works. He had been ailing for some time and had arranged to move to Binghamton with his family but death intervened. His body will be taken to Binghamton for interment on Wednesday.

Dr. J. Wilson DeWitt died at his home in St. George's, Del., Jan. 22, 1911, of general debility, aged 70 years. During the Civil war he served as assistant surgeon of Co. M, 17th Pennsylvania Cavalry, a Wayne county organization from April 10, 1863, to June 20, 1865. The regiment was commanded, for a portion of its term of service, by Col. Coe Durland, of Honesdale.

S. T. Palmer Dead.
S. T. Palmer, who was the Erie station agent at Hawley for thirty years, died of acute indigestion on Sunday at Taylor while on a visit to his daughter, Mrs. Evans. Mr. Palmer had been troubled with stomach distress for many years and thought that he had overcome his trouble. He purchased a large farm near Binghamton, N. Y., resigning his position with the Erie railroad whose employ he had been in for over forty years. He had determined to take life easy and enjoy a well-earned rest, when the call came to him to depart. He was thrice married. His last wife, who survives him, was formerly a Mrs. Gillispie of Erie, Pa. Several children also survive him.

Death of Daniel Bingham.
Hawley has suffered a loss in the death of two of her prominent citizens. Daniel Bingham, who was one of the leading insurance agents in this section, died on Sunday, Jan. 22. He was born in 1845 in New York State, and came to Hawley in 1848. In 1867 he was married to Mary A. Ammerman, who died in 1891. They had five children, two of whom are living—Judson, who lives at Streator, Illinois, and Mrs. C. M. Potter, Dunmore. In 1882 Mr. Bingham married Miss Jennie Hurd of Cherry Ridge, who survives him. He was a practical wood worker and for many years was in the employ of B. F. Wood, whose wood-working factory was situated at the place which is now known as Industry Point. He was in partnership in the insurance business with Ray Wall at Hawley.

Death of Mrs. Anna Winnacott.
Death Thursday evening at 7 o'clock claimed one of Honesdale's best known and esteemed residents, Mrs. Anna Winnacott, of Main street. Mrs. Winnacott had been in ill health for several weeks but her many friends were not prepared for the shock which the news of her death caused. By nature broad and generous in her views and unsparring in her energy to do good for others, Mrs. Winnacott during her many years' residence in Honesdale, made her kind personality felt in many hearts and homes. The deceased was born in Honesdale 64 years ago. She was a member of the well known Maloney family and was an active worker in the Baptist church. The funeral services were held Sunday at 2:30 o'clock with services at the residence on Main street, by Rev. George S. Wendell. Interment was made in Riverside cemetery. She is survived by two daughters, Mrs. C. L. Dunning and Mrs. Charles Hergott, both of Honesdale, and a son of Stroudsburg.

LEONA LORD CONVICTED!

(Continued From Page One).

murder, therefore, it must appear with malice either expressed or implied.

A person cannot be convicted of murder of the first degree unless the jury find that the murder was "wilful, deliberate and premeditated." These are the words of the Act of Assembly we have referred to. This Act also refers to murder perpetrated by poison, or by lying in wait, or in the perpetration of one of the great felonies, arson, rape, robbery, or burglary, but every other kind of wilful, premeditated and deliberate murder is murder of the first degree. And every other murder, not enumerated as we have stated, is murder of the second degree.

Murder of the second degree is where a felonious and malicious homicide is committed, but where no specific intent to kill exists, or can be reasonably and fully inferred. It may consist of unlawful killing, with malice either expressed or implied, with intent to commit a grievous bodily injury upon the person assaulted.

Judge Agnew, in the case of Commonwealth vs. Drum, said, "Judge Rush, in the case of Commonwealth vs. Richard Smith, has said, 'It is equally true, both in fact and from experience, that no time is too short for a wicked man to frame in his mind the scheme of murder and to contrive the means of accomplishing it.' But this expression must be qualified, lest it be misunderstood. It is true that such is the swiftness of human thought, that no time is so short in which a wicked man may not form a design to kill, and frame the means of accomplishing his purpose; yet this suddenness is opposed to premeditation, and a jury must be well convinced upon the evidence that there was time to deliberate and premeditate. The law requires, and the jury must find, the actual intent; that is to say, the fully formed purpose to kill, with so much time for deliberation and premeditation as to convince them that this purpose is not the immediate offspring of rashness and impetuous temper, and that the mind has become fully conscious of its own design. If there be time to frame in the mind, fully and consciously, the intention to kill, and to select the weapon of death, and to think and know beforehand, though the time be short, the use to be made of it, there is time to deliberate and to premeditate."

The second count of the indictment in this case contains a charge against the defendant of voluntary manslaughter. It is voluntary manslaughter where one, in the heat of passion, and without malice expressed or implied, under great provocation, kills another. Voluntary manslaughter often so nearly approaches murder, it is necessary to distinguish it clearly. The difference is this: Manslaughter is never attended by legal malice or depravity of heart—that condition or frame of mind before spoken of, exhibiting wickedness of disposition, recklessness of consequence, or cruelty. Being sometimes a wilful act, it is necessary that the circumstances should take away every evidence of cool depravity of heart or wanton cruelty. Therefore, to reduce an intentional blow, stroke or wounding resulting in death, to voluntary manslaughter, there must be sufficient cause of provocation, and a state of rage or passion, without time to cool, placing the defendant beyond the control of her reason and suddenly impelling her to the deed.

An unlawful, felonious and malicious homicide is presumed to be murder, but not presumed to be murder of the first degree, that presumption rises no higher than murder of the second degree, and if the Commonwealth desires to prove the defendant guilty of murder of the first degree, the burden is upon it of raising the crime to that degree, and it must satisfy the jury of those facts and circumstances which indicate the wilful, deliberate and premeditated intention to kill, and the cool depravity of heart and conscious purpose which constitute, as before stated, the crime of murder of the first degree.

And also, the burden of reducing the crime from murder to manslaughter, where it has been proved that the defendant committed the deed, lies on her. She must show all the circumstances of alleviation or excuse upon which she relies to reduce her offense from murder to a milder kind of homicide, unless indeed all the facts already in evidence show it.

In considering this case, we have stated that the credibility of the witness is a question entirely for you. The court has nothing to do with the consideration whether a witness shall be believed or not or what weight shall be attached to his testimony. You have seen the witnesses on the stand. You have observed their manner of testifying; with what degree of frankness and candor they testified; in what manner they have withstood their cross-examination; the contradictions, if any, in their evidence; whether any of them manifested a disposition to withhold facts, or to press facts uncalled for upon the attention of the court and jury; whether you find indication of bias in the appearance or testimony of any witness.

You should consider especially the interest which the witnesses have in this case, or the apparent interest which they manifest in the issue. The relationship, if any, which may exist between the witness and the defendant and would be likely to bias the evidence of the witness, and in this connection we think it our duty to call your attention to the fact that when considering the evidence of Leona Lord, the defendant, you must consider that she is greatly interested in the outcome of this case, and in considering the evidence of her son, Millard Lord, you must take into consideration the fact that he is her son. You must also consider that Will Lord is a son of the deceased. Not that the defendants in cases like this, or relationship of this kind necessarily implies that the parties would commit perjury, but human experience has shown that the evidence of defendants in cases of this character, and the evidence given

by relatives, like a son or a daughter, must be very carefully scrutinized.

You should also take into consideration the means of observation of the witnesses as to what they may testify; their accuracy in the detailing of matters; how far they are corroborated or contradicted by other evidence in the case; the reasonableness or unreasonableness of their stories. These are all matters, gentlemen, that go to you for your consideration to enable you to determine the credibility of the witness.

If you find apparent inconsistencies between the evidence of different witnesses, it is your duty to reconcile these inconsistencies, if you can do so, upon some reasonable hypothesis. You are not to believe that a man is falsifying upon the witness stand until some conflict, irreconcilable conflict of evidence forces that belief upon your mind, but when you find such conflict, then you must determine whom you will believe and whom you will not. There are twelve men of you in the jury, and one will remember one part of the evidence and another another part, and between all of you twelve little of importance will be likely to escape you, and as you go in the jury room and discuss the evidence, you will determine where the truth lies.

Counsel for the defendant have submitted certain legal propositions in writing for us to answer. As legal propositions they are all correct, and are as follows, and the answers to them will be considered by you in connection with our general charge.

Defendant's Points.

1. Conviction of murder in the first degree can be justified only as the Commonwealth establishes by evidence a specific intent to take life; and while the law regards the circumstances that a deadly weapon was used as evidence, that a specific intent to kill existed, it is never so far conclusive as to such fact, as to take the question of the intent from the jury, who alone must judge of the intent.

Answer. This point is affirmed.
2. Murder in the first degree is limited to wilful, deliberate and premeditated killing, and the presumption from the use of a deadly weapon arises no higher than murder of the second degree.

Answer. This point is affirmed. We have so stated the law in our general charge.

3. If the jury finds that the defendant believed that her son, Millard, was in imminent danger of grievous bodily harm of an imminent peril to his life, by the attack of William Lord, and rushed to his assistance in such belief, and in furtherance of such assistance, deemed necessary by her, struck Silas E. Lord with a pick, without malice and premeditation, her act for her son would not constitute a higher crime than if such act had been in her own defense.

Answer. This point is affirmed, and you will consider with this proposition the evidence of the defendant that she did not strike Silas E. Lord and had no reason to do so.

4. If the jury believes that Silas E. Lord made an attack or violent assault and battery upon Leona Lord, who was much the inferior of the said Silas E. Lord in size and weight, and that this was done in the presence of Samuel Reed who at the time was an employe of the said Leona Lord, and they also find that this attack so excited the passion of Samuel Reed as to destroy all self-control, and that in this condition of ungovernable rage and without sufficient cooling time, he struck Silas E. Lord a fatal blow, the grade of the crime so committed by Samuel Reed would not be higher than manslaughter. And if the jury find Leona Lord did actually aid and abet Samuel Reed in the commission of said crime, her guilt under such circumstances would not rise higher than manslaughter.

Answer. This point, as a general proposition of law, is good, and as a general proposition is affirmed. We do not, however, call to mind any evidence which shows that Silas E. Lord made an attack or violent assault and battery upon Leona Lord, question, however, for you to determine which would justify any attack upon him by Samuel Reed. We leave that question, however, for you to determine and when you consider this point, you will also bear in mind what I shall say to you concerning the law of principal of the first degree and principal of the second degree.

5. If the jury are not convinced beyond a reasonable doubt, either that the defendant aided and abetted Samuel Reed in an unlawful killing of Silas E. Lord, or that she herself struck the fatal blow with a pick, the verdict in this case should be, not guilty.

Answer. This point is affirmed, and you will consider it in connection with our general charge as to what constitutes reasonable doubt.

6. The burden is upon the Commonwealth to establish beyond a reasonable doubt every ingredient and element of crime alleged in any count of the indictment, before the jury will be justified in finding a verdict adverse to the defendant thereon.

Answer. This point is affirmed. We have already so stated.

As already stated in the defendant's points, she is entitled to the benefits of any reasonable doubt which may arise from the evidence in this case; and upon any question which you may be obliged to decide, before you can convict the defendant, you must decide these questions against her beyond a reasonable doubt. And remember, gentlemen, this must be a reasonable doubt, not an unreasonable one. It is not a fanciful doubt which you might conjure up in your own minds respecting the guilt or innocence of the defendant; a jury must not raise an ingenuous or fanciful doubt to escape the consequences of an unpleasant verdict. It must be an honest doubt, such a doubt as fairly shakes the conscious minds and clouds the judgment. If, after a careful and

impartial review of all the evidence, you still have doubt as to the guilt of the defendant, if still your minds hesitate as reasonable men to believe the defendant guilty, that doubt entitles her to an acquittal. If the mind be fairly satisfied of a verdict on the evidence as such, so as to induce a man of reasonable firmness and judgment to take the fact as true and to act upon it in a matter of importance to himself, it would be sufficient to rest the verdict upon. Whatever is sufficient to satisfy you as men should be sufficient to satisfy you as jurors.

The prisoner at the bar, Leona Lord, as we have said, may be convicted in this case of murder of the first degree, murder of the second degree, voluntary manslaughter, or she may be acquitted, as you shall find the facts.

And these, gentlemen, are the main questions you are called upon to decide as to what your verdict will be:

1. Did Silas E. Lord die at Equinunk, Wayne county, Pa., on July 24, 1910, and was his death caused by a wound received by him and inflicted upon him by some person on July 12, 1910, at Equinunk, Wayne county, Pa?

2. By whom was this wound inflicted and with what instrument?

3. Was the person who made this wound then actuated by legal malice, either expressed or implied, and did the infliction of this wound and the death of Silas E. Lord constitute the crime of murder as we have defined it?

4. If you should find that murder was then and there committed, was it wilful, deliberate and premeditated, making the crime murder of the first degree, or was the offense murder of the second degree, or was the act a crime committed without legal malice, reducing the offense to voluntary manslaughter, which we have also defined?

We will take up these different questions you are to pass upon and treat them in their order. It will be necessary for us, in doing so, to comment somewhat upon the evidence. We shall not, however, give more of the evidence than we think

(Continued on Page Eight).

Mrs. Henry French and daughter, Mrs. Walter Dodd, Young street, are spending a few days with friends at Prompton.

E. B. Sheard, Fallsdale, has been spending the past week at the home of his sister, Mrs. Sarah Groner, on Seventh street.

Mr. and Mrs. Fred Kreitner left Saturday for a week's outing in the anthracite region. Before returning they will visit Scranton, Wilkes-Barre and Albany.

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JANUARY CLEARANCE SALE

This is our month for taking inventory and we want to reduce our stock as low as possible before doing so.

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