



MARSDEN HUBBARD PLEADS "NOT GUILTY"

Jury Drawn in Less Than Three Hours--First Witness Called Tuesday Morning--May Finish To-morrow

After the usual court business on Monday afternoon the case of the Commonwealth against Marsden A. Hubbard was called for trial. District Attorney M. E. Simons announced that he had ten criminal cases to be tried this week, two of which have been practically disposed of by the defendants pleading guilty. They were Com. vs. Frank Koeing for assault and battery and Com. vs. Wm. J. Polit, Jr., larceny. Sentence in the two cases will be pronounced the latter part of the week.

The Waymart homicide case was then taken up. Marsden A. Hubbard was arraigned before Judge A. Searle and the question put to him by the District Attorney after the reading of the indictment charging him with the murder of Thos. Dolphin last July at Keens, as to whether he was guilty or not guilty. He answered "Not Guilty."

Hubbard sat at his counsel's table with attorneys F. P. Kimble and W. H. Lee. He was told to stand up which he promptly did. Prothonotary W. A. Barnes pronounced the customary interrogations: "Are you ready for your trial?" "Yes," replied Hubbard. "How will you be tried?" to which Hubbard promptly answered, "By God and My Country." He was then told that he had the right to challenge twenty jurors pre-emptorily and more if sufficient cause be shown.

The work of empanelling a jury was immediately commenced. Of the twenty-eight names called there were sixteen challenges but the panel was complete in less than three hours.

The jurors drawn to try the case are:

- EMERY BLACK, farmer, Lake. S. D. BARNES, miller, Starrucca. F. E. BUSH, carpenter, Lehigh. N. M. BRIGHAM, teacher, Damascus. N. P. DENNIS, farmer, Danascus. GEORGE L. ECK, farmer, Dyberry. H. E. FRICK, farmer, Sterling. J. ADAM KRAFT, insurance agent, Honesdale. OLIVER LOCKLIN, farmer, Paupack. A. SIMPSON, Dreher. J. W. STONE, laborer, Salem. JOHN W. WATSON, farmer, Salem.

Judge Searle congratulated the attorneys for the Commonwealth and for the defense for their efficient method of getting a jury and stated that he was very much pleased that the work had progressed so speedily. After the jury was sworn, Constables R. W. Mills of Mount Pleasant and J. W. Sherwood, of Preston were put in charge of the jury, and were to wait upon them throughout the continuance of the case. The jury was taken to the Allen House for supper and cots were fitted up in the court house for their occupancy Monday night. Court adjourned at 4:50 to meet Tuesday morning.

The court opened at 9 o'clock this morning to resume the case. District Attorney Simons gave a short account of what would be proved by the prosecution. He said:

"Gentlemen of the Jury: It is one of the sad duties of the prosecuting attorney that he has to prosecute people who have offended against the law and we will not spend much time in our opening address. The testimony of the witnesses will speak for itself. The defendant is Marsden Hubbard who you see sitting at the defendant's table. He came to Wayne county some time previous to July 27 last and became acquainted with the family of Thomas Dolphin. He spent some time in that neighborhood while working for a neighbor and practically made his home there, and according to this neighbor and as I understand had a suitcase at the home of Thomas Dolphin, going there Saturday nights and spending Sunday there. His acquaintance with the family progressed so rapidly that on July 27 he went to the neighbor's house, where he formerly worked and invited the family up to Dolphin's place to spend a few hours of the evening. After a few hours they went home and later they were aroused by Mrs. Dolphin, the defendant and the former's mother, Mrs. Leonard. The defendant tells James that he has shot Dolphin. Mr. James and son go up to the Dolphin house but did not go in and after getting several other neighbors went in the house and found Dolphin dead, lying on the kitchen floor in the doorway leading into the dining room from the kitchen. He had been shot and was dead.

"We propose to go on and show you where he was shot, the examination made by the coroner and by the undertaker and having shown you these acts we are going to ask you to decide this case as to whether or not the defendant is guilty or innocent.

"The case will develop as you have heard the evidence. Thomas Dolphin lived in Canaan township, near the borough of Waymart. He had lived there several years with his wife and family and his wife's mother, Mrs. Laura Leonard."

J. A. Bodie, Jr., was the first witness called by the prosecution. He testified that he was a photographer living in Honesdale. That he had been in the business about eight years and had taken photographs of the Dolphin house the morning after the shooting. Nine exhibits of photographs were admitted as evidence. Exhibit No. 1 was a picture taken from dining room, looking into the kitchen of Dolphin home, showing

where body lay. Exhibit No. 2 showed house occupied by the Dolphin family. Exhibit No. 3 was a picture of bedroom doorway taken from the living room. Exhibit No. 4 picture of bedroom from doorway. Exhibit No. 5 was a picture of same room from different angle showing door and dresser. Exhibit No. 6 shows body of Thomas Dolphin, showing bullet wounds. Exhibit No. 7 was the picture of doorway leading into dining room from living room. Exhibit No. 8 is picture of doorway leading into bedroom, showing door closed. Exhibit No. 9 shows bedroom from living rooms, almost direct view.

District Attorney Simons presented the photos to the jury and explained that they were to show the position of the rooms in the Dolphin house where the shooting occurred.

William James sworn: He stated that he lived in Canaan township about 40 rods from the home of Thomas Dolphin. He said he was Mrs. Dolphin's uncle. His testimony ran as follows: Dolphin's family consisted of his wife, his wife's mother and two children, aged 5 years and 2 years respectively. I was at the Dolphin home on July 27 in the evening. Mr. Hubbard came after us and we went over and remained about an hour and a half. Later in the night we were aroused by Mr. Hubbard and Mrs. Dolphin and Mrs. Leonard and Hubbard told me that he had shot Dolphin. Myself and two sons, Earl and Edward, and Mr. Edward Moran went up to the Dolphin house. A light was burning in the front room and I went in and blew it out. We then went to several neighbors' houses and got them to go back with us. Here he was interrupted in his testimony by the question from the prosecuting attorney as to whether anyone else had been at the house while they were there. Mr. James answered "No."

He said that as they were going home his two sons and Frank Davis were returning from Waymart where they had gone early in the evening. They stopped at the house and then they had all gone home together. They were not aroused again until about one o'clock Sunday morning. Mr. James testified to getting Charles Kegeles, Romich, Moran, Earl James and himself, to go in the house and look for Dolphin. He said that he had gone in first. The body was found on the kitchen floor and was lying on the left side. The right hand was upraised and in the hand the dead man clutched a table fork which was pointing downward. The party concluded that the man was dead and went away. This was probably 2 o'clock Sunday morning. They tried to get word to the coroner at Honesdale and the Sheriff but it was about half-past four o'clock before they were notified. Mr. Kimble came to my house accompanied by the sheriff. Hubbard was at my house at the time. He had gone to the Dolphin house to get his clothes before the sheriff arrived.

Cross-examined: Questioned by Attorney F. P. Kimble to the position of the body, he said that it lay on the left side and the fork was clutched in the man's right hand which was extended upward.

Mrs. Laura Leonard sworn: She testified that she was the mother of Mrs. Dolphin and that Mr. and Mrs. Dolphin had lived with her since they were married. She said that Hubbard was there the night of the trouble and that he was to occupy the bedroom off from the living room. Dolphin always slept upstairs. I knew Hubbard had a revolver for I had seen him shooting at targets a few nights before. (Here the revolver was given to her to identify. The stenographer took four bullets from the chamber, showing that two shots had been fired from it.) I heard the shooting when it occurred in the bedroom where Mr. Hubbard slept. Dolphin came out of the room first, Hubbard followed him out, Dolphin went into the dining room and Hubbard closed the door between the two rooms and held it fast so that we could get out of the house.

Cross-examined: I kept a boarding house and Hubbard boarded with me. He was my guest. It was not Dolphin's house. They boarded with me. When I heard the shots I went into the kitchen to get the lamp and came back. I was behind the stove when Dolphin came out of the bedroom. Dolphin struck at me with something I supposed to be a fork but was not sure. He did not hit me but broke the chimney on the lamp.

Frank Romich sworn: Said he lived near Hubbard's Stock Farm, about half a mile from the Dolphin place, and he was there on the day following the shooting, having gone after Mr. James came for him. His testimony was the same as James' as to the finding of the body.

Edward Moran sworn: He also testified to being there when the body was found and corroborated the testimony of the other two witnesses.

Dr. P. B. Petersen sworn: He testified that he was the coroner and was holding that office on July 27. He said that he was called to the scene of the shooting and arrived there a little after six o'clock Sunday morning. He said that he examined the body and probed the wounds for the bullets. The direction of the wounds was upward and to the right and to a depth of three

REPUBLICAN X

To vote the Republican ticket, November 5, 1912, place an X in the box at the head of the first column, as indicated, on the margin of the ballot. This includes the Taft electors and all the Republican candidates named at the primary election and State convention. For the information of the voter the Republican ticket is hereby printed in full.

REPUBLICAN. For President and Vice President. TAFT AND SHERMAN. Presidential Electors.

I. Layton Register, William A. Helzman, Samuel J. Wainwright, John P. Harris, Robert E. Altemus, John Dick, George Jay Elliott, John R. K. Scott, W. J. McCloskey, Robt. M. Griffith, Frank H. Caven, Frank W. Munn, Robert P. Cairnes, Abram T. Eastwick, Horace L. Hajdeman, Edwin M. Rine, Henry W. Palmer, Henry H. Brownmiller, Fred. B. Gerneer, William C. Sechrist, Malcolm McDougall, Wm. H. Heim, John Henry Deardorff, James Lord, Josiah D. Hicks, Calvin Gilbert, David Howells, Sylvester F. Bowser, William E. Crow, Norman E. Clark, Frederick Felix Crutze, Herman Simon, Robert Locke, William Schnur, George H. Douglass, Howard B. Oursler, C. Elmer Bown, Patrick H. McGuire.

STATE TREASURER. Robert K. Young. AUDITOR GENERAL. Archibald W. Powell.

REPRESENTATIVES IN CONGRESS AT LARGE. John M. Morin. Ferderick E. Lewis. Anderson H. Walters. Arthur R. Ruppel.

REPRESENTATIVE IN CONGRESS. William D. B. Alney.

REPRESENTATIVE IN THE GENERAL ASSEMBLY. H. Clark Jackson.

inches. He said that the cause of Dolphin's death was caused by bullet wounds. E. J. Burns sworn: He stated that he was an undertaker and lived in Carbondale; that he dressed the body of Dolphin Sunday morning following the shooting. He testified that the man clutched a table fork when he saw it first. The fork was held loosely in the right hand and it was no effort to take the fork out of the hand. He testified to there being four wounds on the body, one in the left arm.

Cross-examined: He admitted that rigor mortem might have set in and passed off before he got there at 10 o'clock in the morning and in that case the grip on the fork would have relaxed before he arrived.

N. B. Spencer sworn: He stated that he was the county detective and had been on the ground on July 28. He described the house occupied by the Dolphin family. There were four rooms on the ground floor and a shed attached to the kitchen. The front room faced the railroad and was 16 feet 10 inches by 14 feet 9 inches. The dining room led off the front room to the back and was 12 feet 6 1/2 feet. The kitchen led off the dining room. The bedroom in which the shooting occurred was directly off the front room and was 11 feet one way and 6 ft. 9 inches the other. The bed took up the greater portion of the room.

F. C. Kimble sworn: He testified that he was the sheriff of Wayne county and was there Sunday morning, July 28. He saw Hubbard at Mr. James' home and made him prisoner. They gave him the gun and it had four cartridges in the chambers. When asked if Hubbard had said anything to him voluntarily he said that Hubbard had said, "I have shot a man and did it in self-defense."

Dr. Petersen was again called: He described the wounds on the body saying that they were circular in shape and clear cut. He said he did not find any bullets when he probed. He found shells on a stand in the bedroom where the shooting took place. When asked how long it took for rigor mortis to set in, he said that he could not tell for circumstances altered cases. He said that he was in the opinion that it took from four to five hours. It was between four and five hours after the man was dead that he arrived at the Dolphin home.

N. B. Spencer again called: He identified the shells taken out of the

revolver by the stenographer as being the ones that were in the gun when he had seen it on September 17 in the district attorney's office. He said he could tell by the marks on them.

M. E. Simons sworn: He testified that he had received the revolver from the sheriff in the same condition that it was now. On being cross-examined he said that the gun had been in his possession ever since he received it with the exception of one day, when Dr. Petersen examined it.

N. B. Spencer again called: The roof of the bedroom in which the shooting took place was offered in evidence and he was called upon to show the jury where the bullet had entered it. He said that the bullet he had had been found embedded in the door.

Court adjourned at 12 o'clock to meet again at two o'clock this afternoon.

THREE MEN HELD UP TRAIN Robbed Express Car of \$3,000--Burns Bridge--Reads Like "Diamond Dick." (Special to The Citizen.) DENISON, Texas, Oct. 29.—Early this morning three men flagged a train on the Missouri, Canada and Texas railroad, covered the crew with revolvers and robbed the express car of \$3,000.

One of the crew flagged the express train, ordered the engineer to uncouple the baggage and express cars from the train and with the engine proceeded some distance to a bridge, which the highwaymen had previously set on fire. The other two then mounted the express car, covered the messenger, cracked the safe and secured \$3,000.

SMALLPOX AT SALEM. Salem has two cases of smallpox, the patients being Eugene and Nellie Boland, children of Mr. and Mrs. Anthony Boland.

Dr. H. C. White, of Lake Ariel, who was called in to attend the sick children, notified the health authorities. It is said one of the Boland daughters has been taking music lessons in Scranton recently.

Where, or how, the disease was contracted, is not known. Boland's home is about six miles from South Canaan where there are four cases of the disease under quarantine.

FATHER AND SON KILLED BY CARS. (Special to The Citizen.) SCRANTON, Oct. 29.—D. W. Wiseman of Fleetville, aged 82 years, died today in the State Hospital following an accident three weeks ago when he was struck by a Delaware, Lackawanna and Western train. Wiseman's father was killed in a similar manner 30 years ago.

CHILD TERRIBLY CRUSHED. Struck by an engine which he did not see approaching, Joseph McKenna, aged four years, while playing on the mine track near his home in Forest City Friday afternoon, had one of his hands and both feet so badly crushed that the members had to be amputated. The boy's feet were amputated above the ankles. He was taken to Emergency hospital, Carbondale.

BITTEN BY A DOG. Virginia, little daughter of Mr. and Mrs. John Carroll, of Ridge street, was bitten on the thigh by a dog, Tuesday morning. Dr. L. B. Nielsen was called and cauterized the wound.



DOLPHIN HOME, NEAR WAYMART, WHERE THE TRAGEDY WAS COMMITTED.

BOROUGH COUNCIL BANQUETED

By Postmaster Allen Saturday Evening in Recognition of the Efforts of Council in Fitting Up a First-Class Postoffice.

The Allen House was the scene of a most elaborate banquet on Saturday evening when Postmaster M. B. Allen invited the members of the borough council and the burgesses to feast with him in honor of the new home of the Honesdale postoffice. The members of the council who were present were: Martin Cauffield, president, George W. Penwarden, treasurer; John Erk, secretary; H. C. Rettew, S. T. Ham, W. H. Kreitner, Thomas Canivan and Burgess Chas. A. McCarty. The party sat down to the table at eight o'clock and from start to finish the banquet was a decided success. A most elaborate menu was served. After partaking of the good things to eat, Postmaster Allen arose and explained the purpose of the banquet. He said that he had taken that way to show the council and the burgesses that he, as well as the postal employees and the patrons of the office, were well satisfied with the room that had been fitted up by the council for the postoffice in the city hall and that he thanked them for making the Honesdale postoffice one of the best equipped offices in this part of the state outside of offices in Federal buildings. President Cauffield called upon Burgess McCarty to respond, which he did by going into the developments of the town in the past and its chances for development in the future. The party adjourned at ten o'clock after having a social chat and cigars.

ELEVATOR FACTORY IS GROWING If Good Weather Prevails This Week Considerable Work Will be Accomplished--Ready for Structural Steel.

The new factory building for the Gurney Electric Elevator Works will grow this week, providing that there is good weather. On Monday there were seven bricklayers at work on the structure. Patrick McHale, foreman, arrived from Philadelphia, the first of the week and is now in charge of this department of the construction. About 18 tiers of brick has been laid three quarters of the way around the main shop. The concrete window sills, which are made upon the ground, were set on Monday when the brick laying was resumed. The force of men in this line of work will increase in a few days.

One-half of the shop is graded and ready for the steel structural work. The steel is expected by the middle of November. Everything is in readiness to go to work as soon as it arrives.

Mr. Natress, who represents Day & Zimmerman, architects, of Philadelphia, has taken a series of good pictures following the course of construction of the building since operations first began.

Mr. Engable, a member of the F. A. Havens' company, was a week-end visitor in Honesdale in the interest of the concern. Work is progressing nicely taking it as a whole.

SOCIETY BRIDE-TO-BE MURDERED. (Special to The Citizen.) CHICAGO, Oct. 29.—Miss Sophia Singer, aged 29 years, was robbed of \$45 in money and jewelry to the amount of \$1,000. She was afterwards murdered by Charles Conway, a professional high diver. The discovery was made by the landlady who found blood on the stairs and in the hall of her boarding house. She traced the blood from Miss Singer's room to Conway's. His door was locked. Police were called and they broke in the room. Miss Singer's cold body was lying on Conway's bed. Her skull was fractured and a towel was tied over her mouth. She was also tied with a rope.

Miss Singer came to this city from Baltimore three weeks ago to wed a real estate man to-day. She was a member of one of the wealthiest families in Baltimore.

VICE-PRESIDENT HOLDING HIS OWN. (Special to The Citizen.) UTICA, N. Y., Oct. 29.—The condition of Vice-President Sherman is slightly improved today. Dr. Favette H. Peck, his attending physician posted a bulletin to-day that he had a comfortable night, but if he died it would not be a surprise. Mr. Sherman is suffering with a weak heart.

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MARRIED AT PRESBYTERIAN MANSE. Miss Anna Mabel Moase, daughter of Mr. and Mrs. Willington Moase, of Pleasant Mount, and William A. Tanner, of Aldenville, were married at 11 o'clock Thursday morning in the Presbyterian manse, Carbondale, by Rev. Charles Lee, D. D. They were unattended.

They left immediately on a honeymoon trip and upon their return will take up their residence in a newly furnished home in Aldenville, where Mr. Tanner is foreman of a factory for the Clinton Cut Glass company.

VILLAGE OF ARIEL VISITED BY FIRE

Lakeside Town Is Threatened With Total Destruction Friday Morning Last.

For a time Friday morning the entire business portion of Lake Ariel was threatened with destruction by flames. As it was two buildings, the Bell Telephone exchange building and Samson & Cook's general store were totally destroyed and the First National bank badly damaged. The loss will probably reach \$15,000.

There is an air of mystery surrounding the fire. The blaze started in the Samson & Cook store about 2 o'clock. The building is a two-story wooden structure. The second floor is occupied by Casper Samson and wife, who were asleep at the time. Passerby discovered the blaze. The first floor was already a mass of flames, cutting off all chance of egress to the occupants upstairs. Ladders were secured after the entire neighborhood had been aroused, and Mr. and Mrs. Samson were taken out of the second-story window by means of ladders, in their night clothes.

They were taken to nearby homes for shelter. Neither was injured, save from the severe shock. The flames spread to the telephone exchange adjoining. There is no fire company in the town and all efforts were directed toward saving the adjoining buildings. The two wooden buildings were consumed, together with their contents.

The second floor of the exchange building was occupied by M. J. Emery, cashier of the Lake Ariel National bank, and family. Officials and stockholders of the bank to the number of about twenty, formed a bucket brigade and kept the building from being destroyed. The building is of concrete, but the flames ate their way in through the wooden casings, doing considerable damage. It was only the copious rains recently that saved the entire town from being wiped out. Huge sparks and burning embers were lifted high in the air and dropped onto roofs of the buildings for a wide area.

BALL OF THE RED SOX IN HONESDALE. Mr. and Mrs. Neal Ball, the former of the team of the world renowned Red Sox champion base ball players, and Mr. and Mrs. G. E. Clark, all of Bridgeport, Conn., were guests of Mr. and Mrs. J. J. Moore from Thursday of last week until Monday. On Saturday evening their host and hostess entertained for them, "500" being the amusement indulged in.

The party motored as far as Madisonville Thursday, where they left their cars, being unable to proceed to Honesdale owing to the bad condition of the roads.

Neal Ball played in the first game in the world's series between the Red Sox and the Giants, but owing to a broken finger of his left hand he was unable to enter into the series. The digit was fractured a few weeks ago, but on account of its not being properly set, it has been broken twice since. The Red Sox "Ball" player was highly elated with our town and expressed appreciation as to the hospitality of its people and fans.

HONESDALE WOMAN ELECTED TO OFFICE. The biennial convention of the Women's Synodical Home Mission society of the state of Pennsylvania closed a three days' session at Williamsport Thursday by the election of the following officers:

President, Mrs. William Edgar Giel, of Doylestown; advisory board, Mrs. S. P. Harbison, of Allegheny, and Mrs. W. B. Holmes, of Honesdale; vice-presidents, Mrs. J. W. Sharpe, of Chambersburg; Mrs. W. Fiske, and Mrs. S. A. Reeder, of Philadelphia; Mrs. J. R. Harrah, of Pittsburg, and Mrs. J. E. Ramsey, of Williamsport; corresponding secretary, Mrs. D. F. Dieffenderfer, of Erie; secretary of literature, Mrs. R. A. Stewart, of Washington; Young People's secretary, Mrs. W. T. Scheffer, of Harrisburg; Freedman's secretary, Mrs. P. W. Lowry, of Butler; secretary of contingent funds, Mrs. C. T. Evans, of Pottsville.

Erie was chosen as the place for the next meeting.

PRESTON MAN SUCCUMBS TO INJURIES FROM TRAIN. John Walsh, aged 29 years, of Preston, Wayne county, died in the Mercy hospital Friday from injuries sustained. Walsh was found along the Jersey Central tracks at South Wilkes-Barre with his skull fractured, both legs mangled and one hand crushed.

The accident happened near the old pattern shop of the Vulcan Iron works. He was evidently run down by a coal train which passed Wilkes-Barre shortly before he was found. He was taken to the hospital in the police patrol, which responded first. The body was removed at noon to the home of his mother, Mrs. Bridget Walsh.

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