

WESTERLY FUGITIVE CAUGHT

Chief Brown Finds George Henry Simmons Near Jewett City—Sheriff John B. Wilcox Arrests Murderer of Joseph Brigham—Recount Shows Stonington Voted No-License—Langworthy Wins Out in Republican Caucus for Representative.

The vote on the liquor license question was definitely settled for the town of Stonington by Judge Joel H. Reed of the superior court, after the opening of the ballot box and a recount of the ballots cast on the license question in the Third voting district. This action was brought upon complaint of Henry Rhodes Palmer, against the town of Stonington, through Honan J. Holdredge, first selectman, and asked for a correction of the returns, which were alleged to be incorrect. Mr. Palmer was represented by Hull, McGuire & Hull, and the town of Stonington by Town Attorney George R. McKenna, assisted by Mayor Charles F. Thayer of Norwich.

Mr. Thayer stated that Mr. Hull's being an extremist on the temperance question evidently wanted no defense in this matter. Mr. Thayer then declared that he did not care for selectman Holdredge, whether for or without pay was his own private affair and of no business to Mr. Hull. Judge Reed said he would like to know whom Mr. Thayer represented. Mr. Thayer replied that Selectman Holdredge in this matter represented the whole town of Stonington and not a part of it and that he was speaking for all the citizens, whether they were favorable or unfavorable to the liquor license question.

Mr. Thayer declared that it is a well settled law question that judges have special or limited jurisdiction defined by statutes, and action upon any matter beyond is void. In this matter, the judge is sitting not in the superior court, but in a special statutory tribunal to hear a special matter. It is a case where the judge is not asked to count ballots that have been incorrectly counted, for the complaint alleges that they were correctly counted, but that incorrect return of the count was made to the moderator.

Mr. Thayer contended that the ballot box should not be opened only when claim is made that the count was not made correctly. Return was made from the Third district that showed 47 votes for license and 21 against, with sworn certificate that the vote was correct. In the petition it is reiterated that the count was correct, but allegation is made that the return was incorrect. The petition declares that the vote on the license question as counted was proper and not as announced when the vote of the town was declared. No record is made of the ballots in the wrong box in the returns. The fact of wrong returns should not be the subject of inquiry. The law does not contemplate a case where the count is correct and the returns wrong, and the judge cannot go into a ballot box where the count is sworn to be correct. To correct the declaration of returns was not contemplated in the law. If the count was declared to be wrong the court could legally open the ballot box, but not if the count is correct, and this count has been sworn to by the proper persons as being correct. Errors in returns and not in the count are asked to be corrected, and in a case where no recount is properly claimed. The only error claimed was in the return to the moderator.

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erator. No jurisdiction is conferred on courts to cover the point, and Mr. Thayer asked that the petition be dismissed.

Attorney McKenna said there was nothing in the law that prevented taking Mr. Thayer into this case. As attorney for the town of Stonington, he wanted Selectman Holdredge's position made clear. Mr. Thayer advised Mr. Holdredge that he had been consulted by certain parties in connection with the case. Mr. Holdredge and the town attorney said it was perfectly proper to have Mr. Thayer look after the interests of parties interested, and therefore Mr. Thayer was authorized to do so. Personal attorney for the selectmen, he could take sides with neither of the disputing parties, and he considered it a happy condition to have both sides taken care of. If he was alone in appearance in the case, it would be his duty to look after both sides, and that would be a troublesome problem. The only desire of the town was justice.

Judge Reed reviewed the remarks, made by counsel, declared the matter of jurisdiction to be overruled, and denied Mr. Thayer's motion to dismiss. Exception was noted.

Mr. Thayer then rested the case in the form of a demurrer which was overruled. Exception was noted, but Judge Reed reminded that under the statute of 1909, the judgment of the court was final. Mr. Thayer replied that he expected to be able to appeal in the case.

Judge Reed then ordered the taking of testimony in the case.

Elias B. Hinckley, town clerk of Stonington, was sworn and testified. He has been town clerk for twenty years and has now in court the returns made by the moderator of the Third district.

Mr. Hull offered the returns in evidence. Mr. Thayer objected, as the returns were not made according to statute. Judge Reed asked Mr. Thayer to specify in detail the ballots deposited. The objection was overruled and exception noted.

Mr. Hinckley presented the return of the moderator of the vote of the town of Stonington as a whole. Mr. Hinckley testified the returns were given him by the moderator of the First district and that no other returns were made.

In answer to an inquiry from Mr. Thayer, witness said the form was prepared in the town clerk's office, prior to the election. Mr. Thayer objected to the admission, as it was not properly made by the election officers in compliance with statute. The objection was overruled and exception noted.

Mr. Hinckley testified that the ballot box was delivered to him by Eugene Palmer and some of the countermen. Henry Rhodes Palmer was the next witness. He is the petitioner in the case and was one of the countermen, and was sworn that 21 votes for license and 47 against. He filled in the returns that went to the First district, and placed figures in wrong places and the figures were thus 47 for license and 21 against. He identified a sample ballot upon which he made memoranda of the count on the night of the election. He made no attempt to correct the returns on election night.

By Thayer: First heard of error next morning, but could not distinguish where erasure had been made on the memorandum. The only return made on license vote was Yes and No ballots. Made no returns of ballots placed in wrong box. There were no votes placed in box after vote was made. There were two licenses in the constitutional box, and they were counted and they were both Yes. No return of that kind was made in the return to the moderator.

Mr. Thayer asked if persons who were not electors had deposited ballots. Judge Reed asked the purport, and Mr. Thayer said it was to show the election was illegal and he did not suppose the ballots of an illegal election could be counted. Judge Reed stated the legality of the whole election was not before the court.

Ralph Wheeler testified that he was doortender and counter and the vote on license was 21 Yes and 47 No. John M. Noyes, another counter, testified in corroboration, and said that he acted as checker.

Judge Reed declared that the truth should come out in this matter, and the box was ordered opened and the ballots counted, under the direction of the judge. Attorneys McGuire and McKenna acting as counters. The recount showed 29 for license, and 47 against license; with two votes that were taken from the constitutional amendment box, and two votes in one envelope. Judge Reed announced that he would make certificate of the vote as shown in recount as being the correct vote. This means that the declaration of the moderator of the Central district that Stonington had voted in favor of license will be reversed, and that the present saloons will discontinue business at the end of the license year. Should Mr. Thayer find his license legal, there may be more complications.

Judge John W. Sweeney of Westerly addressed the delegates to the city convention in Pawtucket Monday evening, an innovation at gatherings of the kind in that city. It also marked the beginning of a series of meetings under republican auspices for the next few weeks. This is a new order of things for the republican managers, who have been content to let the demagogues hold all the rallies and do all the public political talk, owing to democratic preponderance. Heretofore the charges of democratic spellbinders have been unchallenged in Pawtucket.

Chief of Police Thomas E. Brown went to Jewett City Monday morning in search of George Henry Simmons, a notorious man, who deserted his wife and five small children, and took him into custody on the charge of non-support. At Jewett City, Chief Brown made known his mission to Officer Patrick B. Driscoll, giving a description of Simmons and the information that Simmons was employed in a sawmill in the vicinity of Jewett City. Officer Driscoll detailed Constable Louis M. Gingras to assist Chief Brown and they started out to locate Simmons.

The officers visited a sawmill in Pachaug and there learned that Simmons had not been at work for three days. They then went into the woods, Constable Gingras leading the way to a cabin occupied by negroes. Constable Gingras went into the hut and arrested Simmons and by his coolness and courage awed the associates of Simmons.

The prisoner was taken to Jewett City by the Constable and Chief Brown. Upon arriving there, Simmons agreed to yield extradition rights and to come to Westerly. Chief Brown arrived with Simmons Monday afternoon. Simmons was arraigned Monday evening before Judge Olyer in the Third district court, charged with abandonment and non-support of wife and children. He pleaded not guilty. Hearing was continued to

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Tuesday afternoon, Simmons is held under bonds of \$300.

When Chairman William Clark of the committee of the Second representative republican district called the caucus to order at 4 o'clock Monday afternoon, there were forty-eight present. Eugene B. Pendleton was chosen moderator and Everett E. Whipple clerk. The call for the caucus was read, showing that its purpose was the nomination of a candidate from the district to the next general assembly. Mr. Clark, in behalf of the town committee for the district, made nomination of Henry L. Burdick, the second being by Samuel H. Davis.

Judge Edward M. Burke said that more republicans in the district had renominated Albert H. Langworthy, making a lengthy speech in support of the nomination. He told of the time when "Bert" Langworthy toiled in his main street store from early morn till midnight. That same seal that characterized the man at that time he brought into his public life. He had served his fellow citizens faithfully as town treasurer, in the town council and general assembly, and by reason of his faithful and conscientious work he was entitled to renomination.

On motion of Judge Burke it was voted that the polls remain open until 8 o'clock. Frank P. Dodge, Leslie Brown, Walter Price and Harold Livingston were appointed tellers. The result of the vote follows: Whole Number of votes 268 Necessary for choice 135 Albert H. Langworthy 240 Henry L. Burdick 59 Langworthy majority 150

On motion of Mr. Burdick, Mr. Langworthy's nomination was made unanimous.

John R. Wilcox, sheriff of Washington county, arrested a murder suspect, before daylight Monday morning and within four hours after the crime had been committed. Joseph Brigham, a Wakefield farmhand, age 45, was shot and killed while he slept beside his sixteen-year-old son. The suspect is Blennin CRAIG, or "Jack" SHAPPELOR, a Pole, age 30. About a week ago the suspect had a dispute with Brigham and told Sheriff Wilcox that as a result he feared that Brigham would kill him.

Brigham with his wife and two sons lived on McSparran hill, about two miles from the village of Wakefield. He was in the house with one of his sons and a boarder, Mrs. Brigham and the other son having gone on a visit to Albert H. Langworthy, on election Monday morning the Brigham boy was awakened by the report of a gun and the smashing of window glass, and a lamp blew flowing from a big wound in his father's head. The boy called to the boarder who was asleep upstairs, and then ran to the Rock Lodge farm, where he and his father were employed, to summon aid. From Rock Lodge farm, Sheriff Wilcox was notified. In a short time the sheriff arrived in his automobile, accompanied by Deputy Sheriff Ralph Larkin. The sheriff found tracks leading from outside of the room in which Brigham had been shot and tracked them for two miles out into the woods at Bridge-ton. Here the tracks turned into a side path that finally came out on the Narragansett Pier road near the Nixon.

a shore dinner resort conducted by Charles A. Bennett.

Mr. Bennett told of seeing a man running past the place, and he joined with the sheriff and deputy in the hunt. The suspect was trailed down a lane to the farm of Joseph Johnson, where Cravager was employed. Mr. Johnson was apprised of the visit of the posse and the object of their visit, and lent his aid. The sheriff and his assistants hid behind a stone wall and Mr. Johnson went in the barn, expecting to find Cravager at work milking, but he was not there. The men watched carefully and soon saw Cravager enter the house, where he, with other farm hands, lodged. When the sheriff entered the house, Cravager was washing his hands and said he had just arisen from his bed. An examination showed that the bed had been unoccupied and then Cravager declared that he had slept outside all night, after returning from Narragansett Pier with a friend named Lacey. This Lacey said that he supposed Cravager had gone to bed after he returned to the house.

In the old farmhouse near the barn Sheriff Wilcox found the gun that had been used only a few hours previous, the powder still showing on the barrel. This gun had been in the house for months and had not been used previously for six weeks. It is a No. 12 gauge gun and shells of No. 8 shot were on the floor. Brigham was killed with No. 8 shot and wadding found outside the Brigham house showed that a No. 12 gauge gun had been used. Medical Examiner Malcolm W. Jewell, assisted by Dr. Horace J. Wilcox, performed an autopsy Monday afternoon. The wound tore away the eye, entering the head near the temple, and penetrating the brain. Death was instantaneous. The shot was fired through the window, deliberate aim being taken at Brigham with the aid of the lighted lamp.

Local Laconics.

Edward H. Babcock of New York is here on a visit to relatives.

Wayland A. Saunders has sold a building lot in Bradford to the Workers' union.

Dr. M. H. Scanlon and Walter Snyder are in New York to see the baseball game.

Judge Herbert W. Rathbun is attending the State Baptist convention in Waterbury, as a delegate from the church in Mystic.

At the annual meeting of the Hebrew congregation of Westerly, these officers were elected: Abraham Lieberitz, president; Louis Deutch, vice president; Samuel Stralson, treasurer; Abraham Lahn, corresponding secretary; Max Lahn, recording secretary; Jacob Wolf, Benjamin Wine, trustees.

While walking on a crossroad to Crum's quarry, at Bradford, Louis Turnover found a dagger, a mask of dark cloth, a slouch hat, and a pair of overalls, and turned the find over to Chief of Police Brown. It is believed these articles were used in connection with the robbery of David McG. Newell, who was held up and relieved of \$1,200. A reward of \$1,000 has been offered for the capture of the highwaymen.

Winsted—Joseph Dupey of Winsted, who escaped from the county jail in Litchfield Thursday, is being sought by the police of the state.

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