

The Hartford Republican

Fine Job Work.

DEVOTED TO THE INTERESTS OF ALL THE PEOPLE OF OHIO COUNTY

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No. 7

INSTRUCTIONS TO GRAND JURY

Judge's Speech Not As Vigorous As Usual.

High In Praise of Good People of Ohio County "From Experience".

A special grand jury was empaneled by Judge Birkhead Tuesday morning to serve during the present extra session of the Ohio Circuit Court.

Much interest was manifested in the charge given by the Judge and it was followed closely by the large audience present. In order that our readers may know what was said in this charge we are giving it in full below and ask our readers to study it in its entirety.

Here is Judge Birkhead's instructions to the jury in full, as taken down by the official Court Stenographer.

Gentlemen of the Grand Jury:

We had a very fine grand jury in this court at its last June Term, composed of mighty good citizens of this good county, and they did what to them seemed proper and right, and reported indictments into this court.

It has been made to appear to me by citizens of this county, and by information received through good County Attorney, that some things that in the opinion of the good citizens and in the opinion of the Judge of this Court that requires further investigation were not investigated by the last grand jury because they had no evidence. I have learned from the good County Attorney that since the adjournment of the last term of this court, and since the grand jury was discharged and permitted to go, that violations of the law that require an investigation at the hands of a grand jury have been reported to him by persons who purported to know some facts concerning unlawful acts of certain persons in this county, ought to be investigated by a grand jury at this term of court. After that information was received by me I decided to supplement the order that I had made at the June term calling a special term of the court, by embracing in a separate order, the convening of a grand jury at this term of the court. I then know of no reason why a grand jury should be called to convene at this term of court, and hence did not embrace in that order the grand jury, or the calling of the grand jury to convene at this term of court. But getting satisfactory information that in all probability a grand jury at this term of court would aid in the enforcement of laws in this good county, I posted, as the Statute authorizes, a notice ten days preceding this date and at the same time drew some names for grand jury service at this term of court and directed the Sheriff to summon a grand jury to come on this date.

Now, your oath of office, which was administered to you is general, and requires you to look into any and all alleged violations of the laws in this county, and I am calling your attention especially to the thought that it has been made to appear, if I have got the information correctly, coming to me through some good citizens and the County Attorney, that perhaps there were offenses committed prior to the convening of the last grand jury that the other grand jury in June could not get information about or did not get information about and that you should look into those violations of the law and find out whether or not there should be any additional indictments returned into this court.

Now, hear in mind, gentlemen, that the legislature of this State enacted a statute that is somewhat drastic in its terms and it is done for the good of the citizenship of this Commonwealth and I call your attention to some of the sections of this Statute that you want to know about and that you may read in your grand jury room for your further advice in this matter.

Section 1241a Kentucky Statutes reads this way: "If any two or more persons shall confederate or band together and go forth, for the purpose of molesting, injuring or destroying any property, real or personal, of another person, persons or corporation whether the same be injured, molested or damaged or not, they shall be guilty of felony, and upon conviction be confined in the penitentiary not less than one nor more than five years."

Now, in connection with that Statute you read 1223 in your grand jury room, which is as follows: "If two or more persons shall unlawfully confederate or band themselves together, and go forth armed or disguised for the purpose of intimidating or alarming any person, or to do any felonious act, they shall each, on conviction, be imprisoned in the penitentiary not less than six nor more than twelve months." And sub-division 2 of Section 1241a: "If any two or more persons shall confederate or band themselves together and go forth, for the purpose of molesting, injuring or destroying any property, real or personal, of another person, persons or corporation, whether the same be injured, molested or damaged or not they shall be guilty of felony, and upon conviction shall be confined in the penitentiary not less than one nor more than five years." Then there is still sub-sections 3, 4, 5, 6 and 7 along this line.

What I am calling your attention to especially, gentlemen of the grand jury, is this: I have within the last two months passed through this good county, seen many of its good citizens and near their homes. I do not know of a kinder-hearted, more generous hospitable people in this world than live in Ohio county. But it seems from reports of grand juries that perhaps there are some in this good county who do not live strictly within the law, and these are the persons, if there be any persons guilty, that your attention is especially directed to.

I take it that all of this grand jury concur in the thought that the government in the state was organized and instituted for the good of the whole people, and that all of us must live under the government and pay respect and obedience to its laws. Otherwise we would pass into a state of anarchy. In a good government security in person, security in property, protection of life, requires on the part of all of us that we stand for the enforcement of the laws of our country and obedience to its mandates.

I want to get into your mind thoroughly and distinctly that in your investigation in the grand jury room of these unlawful acts, if there be unlawful acts before you, that you ought to proceed with soberness, with kindness of heart, without any malice toward any living human being. You will proceed wrong, gentlemen of the grand jury, if you proceed in the investigation of any man's case with malice, ill-will; but coolly, calmly, without any passion or prejudice or ill will toward any man or set of men you investigate his case for the express purpose of finding out whether the laws of the state have been violated, and if they have, your oath of office and your duty as a grand juror requires you, after you have heard all the evidence touching the case or cases, to bring in an indictment into this court charging him with the offense that the evidence authorizes you to so charge. But I caution you, gentlemen, that no innocent man or set of men ought to be indicted by you. Bear in mind that you get all the evidence before you proceed to act on what you shall do with any case, and after having the evidence before you, deliberate, discuss and talk over the case, and if in your judgment under your oath of office an indictment ought to be returned, then your duty is plain; but if in your judgment he ought not to be indicted, your duty is likewise plain; no indictment should come.

All of us, gentlemen of the grand jury, in the good county of Ohio, and in fact over the State of Kentucky, as good citizens are interested in obedience to the laws of our country. We are likewise interested because the government that is good for one man in the community is good for another man and for another community, and it is the culmination of the civilization of a hundred years in this state that has brought us the government that we now have in the state, and under which we

live and of which each of us is justly proud. This good county deserves and ought to have an enforcement of the laws of the state for the better protection of the lives and liberty and property of its good citizens. That is accomplished when a grand jury earnestly, faithfully and without fear or favor looks into charges against any of its citizens and if they are guilty bring in a charge in the form of an indictment so that a petit jury may pass on the charges brought by the grand jury and say whether or not the proof authorizes a conviction of the person charged with the offense.

Now, I repeat, gentlemen, when you go to your room, the witnesses, I understand have been subpoenaed by the County Attorney to appear today and tomorrow. You calmly, slowly, quietly and dispassionately hear the witnesses. All of you ask them such questions as to you may seem proper, and then after you have heard the evidence touching any case or cases, discuss the case among yourselves and decide what should be done with it. In discharging your duty, gentlemen, keep your oath of office in mind. Keep your duty as a good citizen, and not only yourself but the other good people in the county of Ohio in your mind, and let us all work together in common, to-wit, to get good government in the good county of Ohio and the state of Kentucky, and when we have done that we have done our duty under the law.

Germany's Finances Are Low.

Amsterdam, Aug. 23.—At the secret conference of Cabinet Ministers, political leaders and influential writers, called by the German Imperial Chancellor before the re-assembling of the Reichstag last Thursday to discuss the political situation, the Telegraf says, Karl Helfferich, Secretary of the Treasury, stated that the new German war loan would completely exhaust the Empire's financial resources and that the increase in exchequer bonds would cause bankruptcy. Therefore Dr. Helfferich urged it was useful to prepare for an honorable peace.

Chancellor von Bethmann-Hollweg, according to the same report, declared that the difficulties of the Empire were increasing and advised his hearers to use their influence to soften down bellicose inclinations and expansion policy in the Reichstag and the country and carefully to prepare peace proposals which would be acceptable to the four members of the Entente.

Dr. Barnhard Dernburg's report of the failure of his mission in the United States and other neutral countries, the Telegraf says, made a strong impression on the conference. Lieut. Gen von Moltke, former chief of the general staff, declared that he fully agreed with the chancellor and added that only those not fully informed on the situation could hope for the possibility of complete Russian defeat.

Despite these declarations, the story concludes, the meeting refused to adopt a resolution advocating moderation in the Reichstag, whereupon the Chancellor declared that if a majority of the Reichstag should show an irreconcilably chauvinistic attitude he would be obliged to resign, as he could not accept responsibility for German disaster.

How They Will Vote.

About 600,000 metal trade workers in factories producing arms and munitions, is officially announced in New York, will demand more pay and shorter hours. They base their motive on the prosperity of the factories affected.

How will these 600,000 workers vote next year? For a Tariff policy that assures low wages or a tariff program that renders higher wages probable?

They are undertaking now to take advantage of an abnormal situation. How about a few months ago when they were unable to get any wages at all? Peace wages, not war wages is the prize worth striving for.

The workman who wants to protect his wage will vote to protect the factory that pays it.—Philadelphia Evening Ledger.

Special Premium By Citizens Bank.

A nice baby buggy for the most perfect baby under one year old—to be shown in plain baby slip-doctors to be chosen by Fair Co. as judges. Ring opens at 11 o'clock on Saturday of Fair.

CAN FEUDALISM BE ABOLISHED

Avers He Was Attacked by Mine Guards.

Assaulted on Street, Seeks Aid of Acting Governor M'Dermott of Kentucky.

Central City, Ky., Aug. 23.—Calling upon Acting Gov. McDermott to suggest some means for the "abolition of feudalism in Kentucky," W. O. Smith, international representative of the United Mine Workers of America, today addressed an open letter to the Governor.

Smith charges that he was the victim of mob assault and was grossly insulted on a recent visit to Clay, Webster County, Ky. He asserts he was attacked by mine guards and that, although he appealed to both the Town Marshal and the Sheriff for protection, neither of them came to his aid.

Smith's letter follows: "Central City, Ky., Aug. 23, 1915. Hon. Edward J. McDermott, Acting Governor of Kentucky, Frankfort, Ky.

"My Dear Sir: I desire to ask some very important questions relating to my constitutional rights and particularly to my right of personal liberty as a citizen of my State and as a citizen of my country.

"Mysterious Phone Call. "On Thursday, the 19th inst., in company with Mr. J. V. Poag, of Madisonville, Ky., I went to Clay, Webster county, Kentucky. After registering at the Watson Hotel the only hotel in the city, we went to the home of Mr. Welch, a former neighbor of mine. Shortly after arriving at Mr. Welch's home I received a mysterious telephone call but failed to learn who called me.

"On our way back to the hotel we were shadowed by a number of coal company guards who even followed us to our rooms in the hotel. On our way back to the hotel we were met by three guards who accosted us and, after asking us, with an oath, what we were doing in Clay, began to hurl bitter epithets at us. In a moment they were joined by two more guards. One of the number took hold of me and told the others to "Beat hell out of my friend."

"On Peaceful Mission. "Being on a peaceful mission, not being armed and having no desire to have any difficulty with them, we started on to our hotel. But the guards accompanied us, cursing and abusing us all the while. When we arrived at the hotel I asked the proprietor if he could afford any protection to his guests. He said there was nothing he could do. I then sent for the Chief of police who sent word that he could not come to the hotel and that if we wanted to see him we would have to come out on the street. I then telephoned to the Sheriff of the county, who said he could do nothing until some act of violence had been committed. Now, this all happened in an incorporated town, in the county of Webster, and in the grand old Commonwealth of Kentucky.

"While it is true that I had gone to Clay as a representative of organized labor, in the interest of the enslaved miners in the employment of a Western Kentucky coal company, I had not been on the company's premises nor had I been off the public streets of the city. I had not even spoken to an employe of the company.

"We are only exercising one of our constitutional rights, the right of personal liberty, going where we pleased to go so long as we did not interfere with the rights of others, when we were abused, insulted, assaulted and deprived of our constitutional rights by a mob made up of heartless thugs whose primary duty is to intimidate and coerce the miners of this country and insult, assault and drive out of the county their would be emancipators.

"Recognizing your ability as a lawyer and truly believing that you appreciate the supreme importance of every one enjoying in the fullest

measure the fundamental rights of personal liberty and personal security, I would be pleased to have you offer some suggestion that may lead to the abolition of feudalism in Kentucky, some suggestion that may be the means of affording protection to law-abiding citizens in the exercise of their constitutional rights.

"Very truly yours, "W. O. SMITH, International Representative, "United Mine Workers of America.

Has Put Sugar Industry Out of Joint The Underwood Tariff for revenue and Free-Trade act has put the sugar industry out of joint, and the speculators are reaping a harvest. Such as have seen the folly of the tanglefoot revenue Free-Trade scheme naturally will be formidable factors in aiding the retirement of the Democratic party, and the retirement of Wilson with one term.—Cedar Rapids (Ia.) Leader.

Official Vote of Kentucky State Primary.

Frankfort, Ky., Aug. 21.—The State Election Commission met here today and canvassed the returns of the State primary August 7. The vote follows:

DEMOCRATIC TICKET.

GOVERNOR. A. O. Stanley 107,585 H. V. McChesney 69,722 E. J. McDermott 25,918 H. M. Bosworth 3,146

LIEUTENANT GOVERNOR.

James D. Black 69,616 James P. Edwards 63,646 W. A. Bryon 12,968 L. W. Gaines 11,103

SECRETARY OF STATE.

Barksdale Hamlett 39,206 C. W. Milliken 27,557 W. P. Walton 18,274 Charles D. Arnett 23,178 G. B. Likens 21,013 D. E. McQuerry 14,952

STATE AUDITOR.

R. L. Green 70,438 Tom Rhea 65,612 H. H. Colyer 9,691

TREASURER.

Sherman Goodpaster 55,451 Claude Terrell 50,760 F. P. Hager 30,019

CLERK OF COURT OF APPEALS.

R. W. Kenon 49,368 Alvin Steger 46,645 E. E. Lawrence 27,120

SUPERINTENDENT OF PUBLIC INSTRUCTION.

V. O. Gilbert 58,677 R. S. Eubanks 49,353 J. W. Rawlings 19,338

COMMISSIONER OF AGRICULTURE.

Mat S. Cohen 61,305 H. M. Froman 45,968 R. D. Thornberry 18,643

RAILROAD COMMISSIONER.

(Second District.) Sid Douthitt 18,539 W. F. Klair 16,502 John E. Newman 14,824 (Third District.) Howard Stamper 17,313 J. C. Jones 16,273

REPUBLICAN TICKET.

GOVERNOR. Edwin P. Morrow 68,645 Latt F. McLaughlin 8,837

LIEUTENANT GOVERNOR.

Louis L. Walker 29,917 George Osborne 13,733 C. T. Proctor 8,388 David W. Gaddie 543 C. J. Walker 126

SECRETARY OF STATE.

T. P. Cole 7,608 James P. Lewis 33,111 J. W. Cox 12,068 William Dingus 56

STATE AUDITOR.

James H. Ashlock 4,991 J. M. Perkins 8,797 E. A. Weber 24,311 Roy Wilhoit 11,677

STATE TREASURER.

William A. Hunter 21,988 Robert L. Moore 15,649 James A. Wallace 14,146

CLERK OF COURT OF APPEALS.

W. C. Cundiff 100 Earl C. Huntsman 18,219 J. L. McCoy 17,452 B. Maguire 8,140 James P. Spillman 4,630 Henry S. Vansant 419

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Charles W. Bell 421 R. P. Green 37,783

COMMISSIONER OF AGRICULTURE.

W. C. Hanna 17,050 Sam J. Patrick 6,873 Jeff J. Prater 10,613 J. W. Rankin 11,446

HOPE FOR STEFANSSON ALMOST ABANDONED

Alaskan Mail Steamer Reports No Word of Explorer or Two Companions.

Nome, Alaska, Aug. 23.—The United States coast guard cutter Bear, which carried mails to Point Barrow and the most northerly point of Alaska, returned here today reporting that no word of Volhalmur Stefansson, the explorer, and his two companions had been received. Belief is growing that all three have perished.

Stefansson, accompanied by Ole Anderson and Storker Jorkerson, left Martin point, west of the mouth of the Mackenzie River, April 7 of last year, going north over the ice in the hope of finding new land and expecting in the event that their quest failed, to turn east and reach Banksland. The Mackenzie River opened with a rush in the spring of 1914 and poured out a torrent of water that washed away the ice connecting Banksland with the land ice farther east.

The Bear reported that nothing further had been heard of the gasoline schooner New Jersey, heretofore reported missing. The New Jersey left Nome last fall under command of Capt. Orin Bank, a trader, who had with him a crew of Eskimos, including four who had been shipwrecked with Capt. Bartlett on the Stefansson ship Karluk. Wreckage from the New Jersey went ashore at Cape Thomson, Alaska.

Mr. Lycurgus Barrett Dead.

Mr. Lycurgus Barrett died very suddenly at his home at Barrett's Ferry, this county, last Sunday morning, after a long season of poor health. He had a bad spell on Saturday before but was revived and did not seem any worse than usual Sunday morning. He was sitting in a chair reading when he suddenly collapsed and it was soon seen he was dead. Organic heart trouble seemed to be the direct cause.

Mr. Barrett was 72 years old at the time of his death. He leaves a wife and three children—two daughters and a son. His funeral took place Monday afternoon and his remains were interred in the family cemetery. Services were conducted by Rev. Vanhoy, assisted by Rev. W. H. Foreman, of Hartford. There was a very large crowd in attendance, which attested the high esteem in which he was held. About 30 years ago Mr. Barrett lived in Hartford and was a member of the Herald editorial staff. He was a good citizen and will be greatly missed.

POND RUN.

The farmers of this vicinity are suffering for lack of rain.

Mr. Jim Brown and wife visited Mr. H. N. Ross and family Sunday. Misses Eva and Esther Fulton visited Misses Ruth and Bessie Graham Saturday night.

Mr. Willie Manwarner and wife, of Simmons visited Mrs. Nan Hudson, the mother of Mrs. Manwarner, Saturday night and Sunday.

Miss Lizzie Chinn visited Miss Ora Lee Leach of Rppkport Saturday night and Sunday.

Mrs. Babe and Lon Robinson visited their mother, Mrs. E. H. Maddox Sunday.

We regret to lose our neighbors, Mr. John Fulkerson and wife who are going to Heller to make their home in the future. We wish them much success.

Mr. H. M. Ross, who has been very ill, is slowly improving.

Mr. W. B. Robertson is one the sick list.

Mr. Ira Hartley and wife visited Mrs. Hartley's aunt, Mrs. Alford Fulkerson, Saturday night and Sunday.

Quite a number of people from here attended Sunday school at Cedar Grove, Sunday. A crowd from this place went to the ice cream supper at Mr. Alford Fulkerson's home Saturday night. They report a fine time. Messrs. Norb Ross and Willie Chinn attended the ice cream supper at the oil wells near the home of Mr. Will Graves Saturday night.