

# THE ANDOVER NEWS

A PROGRESSIVE FAMILY NEWSPAPER FOR ALLEGANY COUNTY PEOPLE. IN POLITICS INDEPENDENT, BUT NEVER NEUTRAL.

VOL. XXXV. NO. 13.

FOR THE WEEK ENDING APRIL 1, 1921.

TERMS \$2.00 the Year  
5c the Copy

## MRS. TERRY'S TRIAL MAY BE DELAYED

### Lawyer for Defense Says Number of Important Witnesses in New Hud- son Case are Missing

Andover, March 29.—Altho District Attorney Lee Fassett will move the trial of Mrs. Blanche Terry, accused of murdering her husband, Frederick Terry, a New Hudson farmer, several months ago, in Supreme Court here next Monday, it is regarded as unlikely that the trial will be begun at that time. Attorney Walter A. Renwick of Cuba, counsel for the accused woman, declares a number of important witnesses to the defense are missing and that an adjournment will be necessary in order to give him an opportunity to locate them. He will ask Justice Charles H. Brown to postpone the trial until the latter days of the month.

Today it was said that in anticipation of the trial an extra panel of jurors is being prepared. The trial will be a long one, it is believed, and many farmers will ask to be excused on the ground that with the approach of spring it will be necessary for them to prepare their farms for cultivation.

Mrs. Terry professes to be looking forward eagerly to her trial. Since her arrest she has steadfastly protested her innocence and declared that her trial will show conclusively that she had nothing to do with the death of her husband.

Frederick Terry, the murdered man was one of the prosperous farmers of New Hudson. He died suddenly and a post-mortem examination showed his death had been caused by strychnine poisoning. Investigators said they discovered that Mrs. Terry long had been in love with a neighboring farmer. They accused her of killing her husband that she might be free to marry her alleged lover. She declared her innocence, but her arrest and indictment followed. She has since occupied a cell in the Allegany County jail. The man with whom she is alleged to have been in love fled after the arrest.

Mrs. Terry is a comely woman in the early forties. She is the mother of Bernice Terry, a pretty girl 21 years old, who has been a constant visitor at the jail since her mother's arrest.

The trial of Mrs. Terry will attract greater attention than any other criminal case in the history of Allegany County, it is expected.

## CARD OF THANKS

We desire to express our sincere thanks to friends and neighbors for the kindness and sympathy, the beautiful flowers, the use of automobiles which were so generously given us during the sickness and death of our dear husband and father.

Mrs. Edward Wilcox  
Mr. and Mrs. Edward Wilcox  
Mr. and Mrs. Wallace Boyd

## TO HELP SOLDIERS

Albany, March 18.—Governor Miller has issued a proclamation setting aside the week beginning on May 29th as national disabled soldiers' week, and calling upon the citizens to look carefully into the needs of disabled soldiers within its borders.

## MICKIE SAYS:

**SALUTE, BOSS!**  
DON'T BE SHERRID! IM O.K. BUT  
VAUGHTER SEE TH OTHER KID!  
HE WANTED MY JOB AND WUZ  
GONNA OFFER T' MICKIE FER  
HALF AN HUNDRED DOLLARS!  
MICKIE SAYS: "GOT HIS PICTURE  
IN TH ENFER, ENRY KID!"



## BIRTHDAY SURPRISE

About forty of the young friends and acquaintances of Harry Pease, paid him a birthday surprise visit Saturday evening, the occasion of his fifteenth birthday.

The evening was pleasantly passed with games and other entertainment and a supper that made the young people set up and take notice was thoroughly enjoyed.

Many beautiful and useful gifts were left the young man with the best wishes of all present for his future happiness and prosperity.

It was a most enjoyable occasion not only to Harry but to all who were present.

## POLICE CANNOT MAKE A SEARCH

### Court Rules That Officers Must Respect Search and Seizure Law. Must Have Proper Papers

In connection with the recent discussion concerning the enforcement of the liquor laws the following decision of Judge Albert A. Hartzell, of Buffalo, relative to the right of policemen inspecting soft drink places and entering stores and places of business for the purpose of conducting a search without the proper evidence, is of interest.

Judge Hartzell said in part:

"The fundamental provision of law, found both in the state and federal constitution, provide that the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or things to be seized. It is apparent there is no power in the city to grant any such authority to any police officer or to any person.

"We cannot too often recall the saying of the great English statesman, Chatham, who, inspecting of the fundamental law of the land, declared:

Every man's house is his castle. Why? Because it is surrounded by a great or defended by a wall? No. It may be a straw-built hut. The wind may whistle around it, or the rain may enter it—but the king cannot."

"The fundamental law of the land that protects a man's right to security in his person, home and property cannot be too carefully guarded and the ancient doctrine that every man's house is his castle is a living principle of the law of America to-day.

"An intelligent and trained police force can preserve order, prevent crime, apprehend wrongdoers and offenders against the law and protect the public interest and safety, within the well-established rules and principles of law, without the necessity of having recourse to other dangerous innovations or expedients that have not the sanction of the law.

"It must be remembered that the ordinance is of wide scope and embraces in its provisions various businesses and occupations not only innocent and harmless in themselves, but of great value and benefit to the public. The ordinance includes restaurants, hotels, drug stores, confectioneries, cigar stores and any other place where beverages or tobacco is kept for sale at retail. This classification includes businesses being conducted by people of highest respectability and character, who are engaged therein in large numbers in all parts of the city.

"It would be drastic and unwarranted interference to permit unbridled and unlicensed entry by the police upon such premises under such circumstances. It would not only be repugnant to the basic law that the citizens of this republic so greatly cherish, but it would be unwise, as experience has proven in various of our great cities, to clothe police officers with the opportunity of exercising such power as the section of the ordinance in question attempts to invoke."

## HUSTED AND SORRENTINO'S ORCHESTRA

### Famous Bradford Organization Will Play at Auditorium Dance

The first dance of the season is given by Messrs. Brown & Rogers will be Thursday evening, April 1st, Husted and Sorrentino's Orchestra from Bradford has been engaged for this occasion. As a dance orchestra which has already won considerable success in this part of the county, Husted and Sorrentino's sextet is considered about with the best.

## CHARLES SWAIN INSTANTLY KILLED

### Auto Turns Turtle Off Tem- porary Bridge Near Cana- sacra, Sunday Afternoon. Mrs. Swain Badly Injured

An awful accident occurred Sunday afternoon, near Canasacra, that caused the death of Charles Swain, and severely injured Mrs. Swain.

Mr. and Mrs. Swain motored to Andover to bring her mother, Mrs. Martha Orvis, home from a visit with them at Canasacra, for a few days. They remained the day and started for home in the afternoon.

The accident happened about two miles from Canasacra, on the Slater Creek road, not far from the Swain home. There were four persons in the car at the time, Mr. and Mrs. Swain and two children, Earnestine and Roger, both of whom escaped with minor injuries. The car was crossing the creek and in some unexplained manner ran off the end of a temporary bridge and plunged down about ten feet into the bed of the stream.

## Car Turns Turtle

The car turned completely over and landed on its back in the water. Both Mr. and Mrs. Swain were pinned underneath but the children were able to crawl out and ran screaming down the road to summon aid. They were forced to go some distance before they could arouse anyone. Had they been unable to get out it would probably have been some time before the wreck was found inasmuch as the road is not used very extensively.

Mr. Swain was dead long before help arrived. Even had he survived the blow on the head he would have drowned as his face was under water when found. Mrs. Swain was pinned down by the back of the seat. She was knocked unconscious, but revived a few minutes later. The examination showed that her jaw bone was broken and she also sustained other injuries of a serious nature.

## Temporary Bridge

The stream overflowed its banks at the point where the accident happened last year and carried away the bridge. In its place had been constructed a temporary wooden structure which was about ten feet from the water. The road is narrow. Just as Mr. Swain drove onto the bridge something happened and the car went over the edge, landing on its back in the bed of the stream below.

It is a miracle that all the occupants were not killed outright. The two children soon recovered from the shock and managed to crawl out. They endeavored to lift the car off their father and mother, but were unable and then started out in search of help.

The family is well known here and have lived for many years near Canasacra. Mr. Swain is survived by his widow and four children, Mrs. George Luce and Mrs. Howard Hess, of Canasacra, and the two who were with them at the time. He is also survived by six brothers and sisters, Albert Swain, of Jacksonville, Fla.; Mrs. Mary E. Cook, of Castle; Edward Swain, of Andover; William Swain, of Wayland; Mrs. Jennie Orvis, of Andover; and Elmer Swain, of Hornell. Elmer Swain is a member of the firm of Swain & Glover, hardware dealers.

## LYMAN S. BAHAM

Lyman S. Baham was born in Newfield, N. Y., in 1838, son of Conrad and Hettie Slocum Baham. With his parents he came to Andover when eight years of age and had been a resident of this town from that date. Oct. 2nd, 1865 he was united in marriage to Miss Caroline Deming who survives.

Mr. Baham was a farmer, the first years having worked the Bundy farm south of the village. Twenty years ago he moved to the Baham homestead on the Davis Hill road, where he lived until two years ago, when with his wife they came to this village to make their home with their daughter, Mrs. Edward Wilcox, on Second Street.

Mr. Baham had been in usual health until four days prior to death. Besides his wife he is survived by two daughters, Mrs. Edward Wilcox and Mrs. Wallace Boyd, both of Andover.

Funeral services were conducted at the Methodist Church Monday afternoon, March 29th, 1921. Burial was in the Baptist Church cemetery. The services were conducted by Rev. J. W. Williams, pastor of the Methodist Church, and were assisted by Rev. J. W. Williams, pastor of the Baptist Church, and Rev. J. W. Williams, pastor of the Methodist Church.

## REMEMBERED HIS 73RD BIRTHDAY

### Andover Odd Fellows Give Surprise Birthday Party to Its Senior Member, T. J. Gilbert Tuesday Night

The "delegation" from Hornell did not materialize Tuesday evening at Odd Fellows Lodge, as many of the members believed they would. Instead, the evening, after the regular lodge work was concluded, was turned into a genuine birthday surprise party for its senior member, T. J. Gilbert, who passed his 73rd milestone Friday of last week.

Mr. Gilbert has been a most loyal and faithful member of Andover Lodge No. 786, for thirteen years, and has ever been found willing to do for the order his very best. He is a Past Grand and held many of the offices in the lodge, being now its treasurer.

## FRESH AIR CAMP FOR CHILDREN

### Arrangements are Nearing Completion to Give Chil- dren Fresh Air at Cuba Lake This Summer

Extensive plans for the Allegany County Fresh Air Camp for children were discussed at the meeting at Belmont of the Fresh Air Camp Committee on Tuesday, March 22nd. Mr. R. H. Bartlett, of Cuba, heads the committee. The other members are as follows: C. A. Ackerly, Cuba; Mrs. Sherman Burdick, Alfred; Mrs. Charles Boyd, Allentown; Rev. W. B. Ballard, Friendship; E. W. Barnes, Wellsville; Miss Annie Hatch, Belmont; Mrs. J. A. Lockwood, Fillmore; Rev. Squire Schofield, Canasacra.

The camp will be located at Cuba Lake, on a hill away from the summer residents and other summer campers, but near enough to give the children the benefit of the pleasure of swimming, boating, etc., under trained supervision. A garden is to be located near the camp site and will furnish the necessary vegetables for the camp. Opening day is set for July 1st, and the camp will continue through the months of July and August. Approximately 100 children will be cared for — 25 at a time for a period of two weeks each. Efforts will be made to reach those children who are not up to health standards and who are underweight. Names will be provided by health officers, school nurses, and the County Tuberculosis nurse, Miss Helen Hart. The children will receive a thorough physical examination before being admitted to the camp so that all contagious diseases or any serious defect may be detected and eliminated. A nominal sum for board may be charged, but inability to pay will not bar any candidate from admission.

An effort is being made to enlist the interest and help of every organization in the county. The enterprise is under the general supervision of the Allegany County Tuberculosis Committee and is financed chiefly by the 1920 successful sale of Christmas seals. The tuberculosis committee seeks and needs, however, the support and backing of the persons and organizations in the county that are interested in the welfare of children. All communications in regard to the Allegany County Fresh Air Camp for children may be addressed to Mr. R. H. Bartlett, chairman, Cuba, N. Y., or Miss Marie Goulett, Belmont, executive secretary, Allegany County Tuberculosis Committee.

Every good store ad makes good store-friends, in course of a little time, of people to whom that store had — up to the time the particular ad caught their attention — meant nothing more than a name.

## SPARKS IGNITE OIL, MAN BURNS TO DEATH

### Eugene Vanderhoef Victim of Blaze in Oil Lease, Near Honeoye, Pa.

Olean, March 30.—Eugene Vanderhoef, 31 years old, oil well pumper of Honeoye, Pa., was fatally burned on a lease near his home last night. He died in the Olean General Hospital early this morning. Mr. Vanderhoef was pumping when sparks, resulting from friction from a rope, it is supposed caused an explosion in a barrel of oil in the pumping station. The pumper was severely burned in the face, head and abdomen. Leasesmen rushed him to the city, but death occurred a few hours after he was admitted to the hospital. Mr. Vanderhoef was married.

## CELEBRATES 101st BIRTHDAY

Ueda Davin Wilson, Wellsville's oldest citizen, celebrated his 101st birthday yesterday at the home of his daughter, Mrs. Bessie Scott of Easton. Mr. Wilson was born in

## CHAMBER OF COMMERCE BANQUET

The third annual banquet of the Andover Chamber of Commerce will be held Thursday evening, April 14th. The committee in charge announce that nearly every detail has been looked to and that the event will eclipse anything yet attempted by this organization.

The banquet will be held in the spacious I. O. O. F. banquet hall, as usual, and will be served by the ladies of the Rebekah Lodge. One of the best speakers in Western New York has been engaged and the feature entertainment provided for in a most satisfactory manner.

The admittance to the banquet will be by 1921 membership cards only. Each member whose dues are paid to April 1921 will be entitled to bring one lady on his card.

## FAULTY PAPERS CAUSE DISCHARGE

### Information Did Not Clearly State the Offense for Which the Five Men Were Arrested

As predicted in last week's News, the trial of the five young men for drenching Andy Lynch's joint with water administered thru the fire hose, was a free show, and was pulled off in the Auditorium, where all good shows are held in Andover, in order to accommodate the hundreds of curious people desiring to witness the proceedings. But we did not expect that the show would prove to be a one-act farce comedy, as it did.

Justice of the Peace H. P. Bundy started proceedings at the Village Hall, promptly at the time set, but it at once became evident that that was not the place to hold the trial, as it would not accommodate a quarter of the crowd clamoring for admittance. Therefore he adjourned court to continue the proceedings in the Auditorium.

Attorney Harry Allen, of Hornell, appeared as counsel for the prosecution and Attorneys D. D. Dickson and John Dickson, of Wellsville, had charge of the case for the defense.

When the case was called all of the jurors impaneled responded to the roll-call. The audience settled back into their seats anticipating a whole lot of fun from the examination of the nearly forty witnesses that had been subpoenaed for the trial. They were to be sadly disappointed, however, for the eminent and distinguished attorney for the defense, D. D. Dickson, immediately moved for the discharge of the prisoners upon five different points of irregularity in the proceedings. His main arguments for the motion were that the depositions of Thomas McAndrew and Frank Houghtling, upon whose affidavits the information had been based upon which the warrants were issued by Justice Bundy, were made before Mr. Allen, a Notary Public in Steuben County, who was the counsel for the prosecution, instead of being made before the magistrate issuing the warrant. Also that nowhere in the depositions or information had the particular crime charged been clearly stated so that the defendants knew for what crime they had been arrested.

After exhaustive arguments by the attorneys on both sides of the case, Justice Bundy rendered his decision, granting the motion and the fun was all over.

Thus ended the show, short and sweet and a one-act farce-comedy rightly staged in the Auditorium.

Eight husky young men, Mark Kemp, William Hemmer, George Matison, John Quigg, Harry Kemp, Thomas McAndrew, Mainard Scott and Warren Perry, were all participants in the house-cleaning episode, but for some yet unexplained reason but the first five of them drew warrants for arrest.

It was not Mrs. Gertrude Joyce to whom the men were paying their compliments, but the proprietor of the place. For some reason he did not see fit to enter a complaint against the participants, but Mrs. Joyce, the owner of the building, brought the charge against them. As the men were not trying to harm her in any way, and really held no grievance against her, after they had been discharged they offered to pay her whatever property damage they had done to her premises, which was the manly thing for them to do.

Mrs. Joyce, however, at this writing, has not accepted the settlement.

How well have you advertised your property for sale?

## U. S. Rubber Boots

### Both High and Short

## Bass Work Shoes

### MRS. C. W. WILLIAMS

19 21  
18 8 2