

New Berlin Library

# THE NEW BERLIN GAZETTE

VOLUME LXIII. NO. 18.

NEW BERLIN, N. Y., SATURDAY, MAY 5, 1923.

\$1.50 PER YEAR IN ADVANCE

## MORRIS MAN MURDERS Franklin Yates Kills State Trooper Then Takes Own Life

Shot down without a chance for self defence, State Trooper Harold C. Mattice of Troop C, Sidney, was murdered by Franklin Yates at about 9 o'clock Saturday morning at the Yates home on the Butternut creek about four miles from Morris. Realizing that murder had been added to the list of his other crimes and knowing that escape from the house was impossible, Yates then shot himself through the right temple with a rifle, dying instantly. The man was being sought in connection with the firing that morning of the barn of William Harris, a half mile distant across the valley from the Yates home. Yates was out on bail on a serious charge preferred by his niece, Harris' daughter.

The Harris farm is located on the Garrattsville road, about four miles from Morris, directly across the Butternut creek and about a half mile distant from the Yates homestead, which is on the back road not far distant from Noblesville. The barn which Yates attempted to burn is situated by the road some little distance from the house and is a medium sized structure used principally as a storage place for hay and implements. But one cow was kept there. It was about 4:30 o'clock Saturday morning when Charles Walton, a neighbor, discovered that the barn was on fire. Walton had just started his milking in a barn adjacent to the Harris property. He telephoned to Morris for aid and then notified Collis Harris, 19-year old son of William Harris, and Archie Eldred, another neighbor. Harris secured a fire extinguisher from his home and the three men soon put out the blaze, which had started between the silo and the barn. A heap of kindling wood soaked with kerosene had been used to start the fire, which was spreading fast when discovered and would soon have been beyond control. The Morris fire department had loaded a chemical engine upon a truck and was about to start when word came that the fire was out.

In the meantime Justice of the Peace A. V. Carlton, another neighbor of Harris, had telephoned the Sidney barracks of the attempt to burn the barn. This call reached Captain Fox at about 5:30 and he immediately dispatched Corporal Mattice and Trooper Young to the scene. They picked up Deputy Sheriff Wolverson in Morris village. The men reached the spot between 7 and 8 o'clock and started an investigation at once. Fresh foot track leading away from the barn could be seen plainly in the earth, softened by the incessant rain of the previous night. The officers followed the tracks, which led across the meadows and down a slope to the creek. On the far side of a footbridge they picked up the trail again and followed it up a hill and to the back door of the Yates home. In the kitchen they found Yates' rubber boots. The boots fitted nicely into the tracks.

Confident that they had found their man, the officers sought Yates to question him. They went to the front door and their knock was answered by Yates' mother, 78 years old. Upon their statement that they wished to question her son, Mrs. Yates showed the officers into the sitting room to the right of the entrance hall. She said that Franklin was upstairs in his room and that she would call him. She went out of the room and the men heard her calling, "Franklin, Franklin." They waited about 20 minutes and then she called her son again. Again the men waited for a number of minutes. Finally the troopers told the mother that they must see Yates at once as they wanted to get their work finished so that they could return to Sidney. They asked if they might go upstairs and she gave permission.

The mother went upstairs ahead of the men to point the way. Yates was to be found in none of the rooms on the second floor and the mother suggested that he might have gone into the attic for something. She showed the officers the door and they opened it and ascended the steep stairs. The stairs lead into that portion of the attic over the main part of the house. At the rear of the house is an addition. The attic over this addition is under a low pitched roof and is very dark. The plate of the house, constructed of heavy timbers and rising about 18 inches from the floor, separates this portion from the rest of the garret. The stairs come up directly in front of this dark

hole and less than 10 feet away.

When the officers had reached the garret and had failed to see Yates, Mattice took a few steps toward the dark hole, turned his searchlight into its depths and glimpsing the man, shouted: "Yates, come out here; we want to talk to you." The only answer was the crash of a shot. Exclaiming, "My God, I'm shot," Mattice lurched backward three or four steps and fell into the arms of Trooper Young. Young eased the man to the floor and as he straightened up another shot rang out. The heavy charge of BB shot missed the trooper but inches and buried itself in the sloping roof of the attic.

Seeing at a glance that Mattice was beyond human aid, the full charge having ripped open his left breast, and realizing the folly of staying longer in the attic, Young and Wolverson sprang for the stairs. As he passed into the upper hall Young shot three times into the ceiling at the place where he thought Yates must be. As it developed subsequently, the bullets passed within about four feet of Yates.

Young and Wolverson hastened outdoors, sent a hired man to notify Sidney barracks of the occurrence and set themselves to guard the house. About 20 minutes after the shooting Wolverson heard a muffled sound that was probably the report of the suicide's rifle. The deputy thought little of the matter at the time, however.

Captain Fox was notified of the shooting at about 9 o'clock. He and Sergeant Montgomery, and Troopers Mangan and Smith, at once started for Morris, driving at the best speed their car would make. By the time they arrived at the Yates home a considerable number of farmers and Morris citizens had gathered, most of them armed with rifles and shotguns. Enraged by the crime these good people had resolved that Yates would never make his escape. One old man, Shep Stone, an expert rifleman and a character well known about Morris, stated to Captain Fox that he would need to use but one charge of gunpowder if he sighted Yates.

After getting Mrs. Yates out of the house and to a neighbor's, Captain Fox and his men, not knowing that Yates was dead, set about recovering Mattice's body. His feet hung over the stairway and a rope was thrown about them and the body pulled to a position where it could be lifted down. It could be seen that the man had died within a very few minutes after being hit. An endeavor was then made to draw Yates' fire so that it could be ascertained approximately where he was hiding. A trooper's hat was stuck on the end of a stick and lifted above the edge of the attic floor. This ruse failed and a mirror was then placed on a stick and used as a periscope. Yates could not be seen.

At this juncture of affairs a blood spot was noticed on the ceiling of a room in the back portion of the house. Procuring an axe and a pike pole the officers started to cut a hole in the ceiling. After a few minutes work a thin stream of blood trickled down. A large hole was cut and a man's head came into view, covered with blood. Capt. Fox then led his men to the attic and Yates' body was found, lying on boards placed on the rafters in the dark, unfloored portion of the attic. Blood was pouring from a hole in the man's right temple. In his right hand he clutched a 32-40 rifle with one cartridge exploded and ten loaded shells in the magazine. Death must have been practically instantaneous.

Yates had barricaded and armed himself as for a long siege. The heavy timbers in front of his hiding place would offer excellent protection from bullets. In front of a window in the gable of the house toward Morris he had placed an 18 inch plank to guard himself as he watched through the window. Beside him in his hiding place was a vitable arsenal. The shotgun from which the fatal shot was fired was a 12-gauge pump gun fully loaded. The 32-40 rifle with which he ended his life was also fully loaded. Beside him lay also a 32 calibre revolver with a loaded shell in each chamber.

is not known. He had ample opportunity to do so while the men were waiting below and he might have been figuring on getting them out of his way and then making his escape. It would seem that he intended killing all three men when they came into the attic. Had he only intended to shoot one in the hope that the others would then leave the house he would probably have fired when the first man's head appeared. Instead he waited until all three were in the attic. How he missed Young and Wolverson with his second shot is a matter of wonderment. They were less than 10 feet from him and standing in a strong light from a window in the roof directly over their heads.

Shortly after noon Coroner Getman of Oneonta arrived and after viewing the bodies he authorized their removal. Born of excellent stock and well educated, Franklin Yates instead of carving out a niche of usefulness and influence for himself chose rather to lead a life of moral perverseness. In early boyhood he was regarded as a sexual pervert among his fellows and that crooked streak in his nature followed him until his death. His acts caused him to be discharged from every school in which he taught until he finally lost his state license. He then left the country and taught in Porto Rico.

He was a graduate of both Morris High School and Oneonta Normal. His earliest ancestor in this country was William Yates, an English physician, who emigrated to Philadelphia and later moved to the Butternut valley, where he established his line. William Yates was a cousin of Sir Robert Peel, the famous English statesman, and also of John Howard, the philanthropist, and was the first man to introduce vaccination into the United States.

Yates' first wife was Althea Burdick, now of Treadwell, but at that time residing at South Franklin. She divorced Yates some years ago. Two years ago last December Yates married in the Virgin Islands the widow of Lynn B. Kenyon, a prosperous and wealthy resident of Morris. This marriage caused no little stir in the village. Mrs. Yates had not lived with him for some time and applied for a divorce following his indictment on a rape charge some weeks ago.

Yates was arrested during the winter on statutory charge preferred by his niece. He was indicted by the last grand jury and was released under \$5,000 bail, furnished by his mother. His trial was to have occurred at the May term of county court. For Yates there will be little sympathy. Neglecting the opportunities which birth and education afforded him, he had at an early age embarked on a career of defiance to both God and man-made law, and murder was the logical conclusion of his misdeeds. He was a moral degenerate, a man of base impulse and his suicide seems the natural outcome of a life of degradation and crime.

Harold Conrad Mattice was 33 years of age, having been born in Berne, son of Mr. and Mrs. Ira Mattice. He was united in marriage with Miss Maud Bellinger, daughter of Mr. and Mrs. William Bellinger of Carlisle in June, 1912.

Mr. Mattice enlisted as a member of Troop C in June, 1922, and had risen to the rank of corporal. This was not his first connection with the state constabulary, he having served as a member of Troop D, at Oneida, Captain McGrath commanding, from 1917 to 1919.

Corporal Mattice was held in high esteem by his superior officers and especially those of Troop C and was beloved by his comrades. He possessed an unusual amount of cheerfulness and sunshine and he brightened the lives of all with whom he came in contact and added merriment and joy to every gathering he attended.

The surviving relatives are the widow and one son, William, a very likable lad of eight years, his parents, two sisters and two brothers. —Oneonta Star.

### NOTICE

When in Norwich, have your eyes examined at the Millard Optical Co., 27 E. Park. Lenses ground while you wait. No drugs used. 4-28-4

A manure spreader is a money maker. It helps spread the compost thin, and at the same time shreds it for more uniform mixing with the soil.

## TELEPHONE COMPANIES UNITE Chenango and Unadilla Telephone Corporation Operates Office Here

On Tuesday, May 1st, the Telephone Companies known as the Marquis Telephone and Telegraph Company, the New Berlin Telephone Company and the Waterville Telephone Company was taken over by the Chenango and Unadilla Telephone Corporation, a company formed some little time ago to operate in this vicinity.

There are probably other companies which will come under the control of the Chenango & Unadilla Telephone Corporation. The purpose is to more closely unite certain companies which have been operating upon an individual basis with a view of improving service conditions and to have a centralized supervision which it is hoped will create a higher telephone efficiency in this territory.

The employees of those companies taken over at this time will all be retained by the new company and the management will be under W. A. Seelye as General Manager, James S. Bennett as Plant Engineer and General Superintendent and Charles W. Reams as Superintendent of Construction.

It is the desire of the company to continue being a satisfactory agent in the carrying on of the telephone business to improve conditions from a subscriber's standpoint, to be able to finance a growing business on conservative and right lines and to improve general plant conditions. Estimates are being prepared for additional plant facilities which are needed throughout the territory.

At New Berlin a short time ago one of the most up-to-date switchboards was installed, the village improved by the installation of a complete cable plant and some work done on the toll and rural lines which will be continued with a view of not only improving the service but also of taking care of additional business. The switchboard in the office at Norwich has been added to and work is now being done on it which ought not only to improve service conditions but will take care of the demand for service which is continually coming in. Also, improvements and construction work is going on at Waterville and vicinity.

The management of the various companies which were taken over on May 1st desire to express their appreciation of a courteous public and to say that everything possible will be done to improve conditions and to conduct the business of the company so as to merit the good will and approval of their patrons at all times, as they realize how important an association there is between the subscribers and the company whose service enters so much into the business and social activities of a community.

The General Office of the Chenango and Unadilla Telephone Corporation will be located at No. 9, East Park Place, Norwich, N. Y.

### Goldwyn Presents

#### "THE MAN FROM LOST RIVER"

Wednesday, May 9th

A thrilling and romantic tale of love and loyalty, cowardice and courage from the big timber country is this the story of this play. It unfolds swift and compelling action, characters primitive and elemental in their loves and hates and releases a red-blooded reality.

### AUCTION

The subscriber will sell at public auction at his farm located about three miles east of New Berlin, on the Morris turnpike, on Tuesday, May 8th, beginning at 1 o'clock p. m., the following:

Lumber truck wagon, platform 2-seated wagon, top buggy, cutter, Deering mower, light double harness, cultivator, grindstone, hay forks, side-hill plow, iron bars, scalding tub, milk cans and other articles. Also household goods consisting of rugs, dishes, couch, bedroom suit, bedding, kitchen cabinet and numerous other articles.

Terms: All sums under \$10, cash; over that amount a credit of three months will be given on good approved notes payable at The National Bank of New Berlin.

ALBERT BOURNE.

### SPRING TUNING SEASON HERE

Have your piano tuned now. It will hold up better and cost you less than if you delay. Leave orders at Dr. Tuttle's, or write me at Edmeston. 4-28-4f Harold E. Owen.

## NEW YORK GROWERS UNITE Will Produce Better Seeds

To meet the need for cooperative direction and supervision in the production of farm crop seeds of high quality, seed growers of the state have recently completed a state-wide organization known as the New York Seed Improvement Cooperative Association, Inc. At a meeting held last Farmers' Week in Ithaca five growers were elected by seed producers to act as incorporators of the new association and to constitute the board of directors for the first year. The board consists of Bruce P. Jones of Hall, president; Elmer E. Hultz of Marathon, vice-president; Lyman L. Foote of Malone; H. Bruce Munger of Bergen; and Arthur Reed of Cortland.

The new association will develop the use of better farm crop seeds; introduce and test better strains of seeds; adopt standards of excellence for all seeds to be grown by members; provide for official inspection and certification for members and guarantee certified seed by a uniform mark or tag.

"At the present time only a small fraction of the seed used in New York State may be considered pure-bred," according to Mr. Jones, "and much that may be so classed is grown in other states and is not adapted to New York conditions. We use annually for seed approximately 5,000,000 bushels of grain and other seeds and about 3,500,000 bushels of potatoes. Altogether the money value of seeds planted annually in this state is probably close to \$20,000,000. Much of this seed is of low quality and might properly be compared to the scrub sire in live stock breeding.

"Practically all the seed on the market is sold without guarantee as to adaptation, yielding ability or other factors of vital importance to the producer with the exception of termination and weed seed content." "The progressive farmer will not be slow to realize the opportunity offered by the new association to develop a profitable side-line in growing and selling high class seed," Mr. Jones said. "An additional incentive is the increase in his own crop yield through seed improvement. It is anticipated that the members of the association will have an unusually good market throughout the East for all the certified seed they will produce.

### AMERICAN LEGION

#### The Frank H. Arnold Post, No. 348

The Post was very glad to welcome several of the county officers and members of the Norwich and Oxford Posts, Thursday evening, County Commander Sherman Rife was present and gave a short talk on the Legion state-wide membership drive and Legion activities within the county. His talk was most interesting and beneficial. County Secretary and Treasurer A. C. Eddy of Oxford was also present and extended to the local Post an invitation to attend a meeting in Oxford next Wednesday night, which will be honored by the presence of State Commander Callan. Members here who wish to attend this meeting are asked to notify Commander Walker, or the Adjutant at once.

A poppy sale will be conducted on Memorial Day as last year, a part of the proceeds to go toward the encampment fund of the Veteran's Mountain Camp. 500 of these poppies have been ordered.

A committee has been appointed by Commander Walker to act with other local committees in putting on a big celebration here the Fourth-of-July. The members of that committee are John Spurr chairman, Merle Green and Ray Willard.

The sum of \$5.00 has been given to Mr. and Mrs. Charles Arnold for the purpose of decorating the grave of their son, Frank H. Arnold, on Memorial Day. As Mr. and Mrs. Arnold will be in France at that time they will place the flowers on the grave themselves.

A beautiful and expensive Past Commander's medal was presented to Ray Willard at a recent meeting of the Post. The medal is a gold Legion emblem mounted on a ribbon with the words "Past Commander" on a blue and gold bar above. The recipient of this gift is very grateful to the Post for this token and he will always prize it most highly.

Recognition won by merit is back of the stupendous demand for Biwa Tea. It's popular all ways all ways. Ask C. F. Parcellle & Co.

## A WARNING TO SHIPPERS OF COUNTRY DRESSED CALVES

There has been coming to the West Washington Market, New York City, lately a large number of light weight calves in a deplorable condition. Skin or hides covered with mud, muck and manure and the inside of the calves smeared with blood and dirt.

The New York City health bureau has advised several of the merchants in the West Washington Market that if the practice of sending dirty, badly dressed calves to the market continues they will exercise the privileges and rights they have under the New York City sanitary code and will seize and condemn all the shipments that arrive in this condition.

The Department presumes that farmers are in the dressed veal business for the profits that there may be in it and advises that in order to avoid shipments from being seized and condemned (thus losing the cost of transportation and the value of the shipment) that they take more care in the dressing and shipping of veal calves.

Be sure that they are thoroughly clean both inside and out. Bled out well, cooled thoroughly before shipment, the skin at each side of the opening from the neck to the rump drawn together by sewing with a white cord to keep out the dirt which may be gathered in shipment. (We would further suggest wrapping in cheese cloth.) Must be properly tagged for shipment as required by the farms and market law: Name of person who raised the calf, name of shipper, place of shipping, destination, age of calf.

The cleanly appearance and good condition on arrival have a big effect on all buyers and result in better prices being obtained.

### OBITUARY

#### Vietta D. Toles

Vietta D. Toles was born at South New Berlin, June 9, 1852. When a young girl she moved with her parents to a farm near Morris, where the family resided until about forty years ago, when they moved to the home on Pleasant street, where she quietly passed away, April 22, 1923.

She was a quiet unassuming Christian woman. A member of the Edmeston Baptist church and loved by all who knew her. She was very tenderly cared for at the last by Mr. and Mrs. Edwin Hood, Mrs. Hood being a niece and her nearest relative. She leaves an aged aunt residing at South New Berlin, also several cousins and two grand nephews, Kenric and Carol Hood. She will be greatly missed in the community, but most of all in the home where she had been a faithful friend for 20 years.

The funeral service was conducted by Rev. D. H. Woodard at the home Wednesday afternoon, with burial at South New Berlin.—Edmeston Local.

### Vitagraph Presents

#### "TOO MUCH BUSINESS"

This Saturday Night picture is a high class comedy drama that mixes romance in an office and business deal. The story is adapted from "John Henry and the Restless Sex," by Earl Diggers, and the work of the popular magazine does not suffer in transference from printed pages to screen.

### KILLED HUSBAND-PAYS WIDOW

#### California Man Must Give Her Auto And Half of Earnings

(By the Associated Press) Redwood City, Cal., Nov. 17.—A charge of manslaughter against John Swanson was dismissed by Superior Judge Bock yesterday when Swanson agreed to sign over one-half of his earnings for five years to the widow of James Bolt, who was killed by Swanson's automobile September 23.

Swanson agreed to sell his automobile and give the proceeds to the widow. Swanson is a pipe-line worker and earns \$5.50 per day.

A TRAVELERS LIABILITY protects AUTOMOBILE OWNERS against JUDGEMENTS like the above. Rates are low and TRAVELERS SERVICE SERVES.

F. H. Pardee, Agt., phone 128.

—You don't have to be an expert to make good coffee if the coffee you buy is properly roasted. Otsego Coffee will always give you the very best cup qualities. Ask C. F. Parcellle & Co. —adv