

# 1908 – 1928

## THE HONORABLE THOMAS J. PRATHER

Frank J. Thomas does not run for re-election. Thomas Jefferson Prather is elected President Judge. His portrait shows him standing, dressed in a nice, soft gray suit, gold watch chain dangling three buttons up on a six-button vest. He wears a high-collared white shirt, a pretty tie and looks straight at you with somewhat sleepy eyes. He possesses a full head of dark hair, a large but well-proportioned nose, a wide, full mouth and a strong chin. It is the image of a man in his prime, which is what he was when first elected. Most strikingly, his hands are in his pockets.

Born a few miles west of Townville in Troy Township, November 28, 1866, Thomas Prather's log-cabin, farm-life, one room school-house upbringing make him a favorite of the common man.

He enrolls at Edinboro Normal School, graduates in 1890, teaches for a couple years and then enters Allegheny College where he is known for introducing the sport of American football. Juggling his college education and the study of law at Humes & Thomas, Prather is admitted to the bar a year before receiving his diploma from Allegheny in 1897.

Prather builds a good reputation as a lawyer in the years before he is elected. He is popular, genial, and not easily ruffled. Prather "never gets nervous and seldom allows himself to become excited."

The new judge's calm is sorely tested from the start. He sits on a half-dozen murder cases in his first two years—more than many of his predecessors experienced in their entire careers. The Hover case (with former judge Thomas on the team for the defense) results in a retrial and change of venue based on Prather's perceived lack of control of the hundreds of courtroom spectators. But the young judge learns quickly and such mistakes are never repeated.

He is the first judge in Crawford County to be elected to two terms. Attorney Prather practices law only a few years after his time on the bench. Always active in local affairs, he is sought for advice and guidance by individuals, businesses, and educational institutions. His wife, Margaret, precedes him in death. When Thomas J. Prather dies on January 10, 1949 he leaves behind seven children and fourteen grandchildren. More than a few of his extended family follow law as a profession.

**1908:** Future President Lyndon B. Johnson is born. First production Model T Ford is built in Detroit, Michigan. Tunguska blasts. Oil is discovered at Masjid-al-Salaman in southwest Persia (now known as Iran). We've been fighting over that kind of thing ever since. Butch Cassidy and the Sundance Kid are, supposedly, killed by soldiers in Bolivia. Past President

Grover Cleveland dies of stroke, among other things. Future President Judge Herbert. A. Mook is born.

**1908, March 10:** Location: Meadville, just north of the Erie Railroad Roundhouse. Victim: Jose Petrole (35). Suspect: Dominick Nosti (24). Act: Shot during a gunfight after an argument. Notes: Victim shot once in the chest with the bullet entering through the right breast and passing through the body—.32 caliber six-shooter. Suspect claims it was self-defense, but witnesses say he shot at least twice before the victim returned fire. Suspect has already booked passage back to Italy and is hiding out until departure when police find him under some carpets and rags in a second-floor closet of his boarding house. Outcome: Guilty of murder in the first. Successful appeal. Guilty of manslaughter in second trial. Sentenced by Prather to twelve years in Western Penitentiary.

## **OPERATING WITHOUT A GOVERNOR**

If you've ever watched an old steam engine run, then you've probably seen a "governor." It's that spinning gizmo, usually sitting on top, constructed of heavy metal weights hung on hinged rods. In reaction to the increasing spin of their axle, the weights swing out into the air (said to be the origin of the phrase "running balls out"). A connection between governor and throttle then reacts to slow the engine, holding everything to a safe and steady speed. The mechanism is essential. People die when an engineer is fool enough to "operate without a governor."

Guilt is the governor of many people. As such, it helps to check bad behavior. The problem with guilt is that it's reactive; its real power comes to bear only after something has happened. Just as a burst of steam can damage a governed engine, a guilt-controlled person can take a harmful action before the emotion kicks in.

Almost everyone feels guilt and that's a good thing. A healthy amount helps us to learn from our mistakes. A tiny dose is all it takes to make us understand when our behavior should be adjusted for the better.

But too much guilt can cripple. Too much guilt can kill.

## **RECOVERY IS LIKELY**

Christmas Eve, 1908. All is calm. All is bright. Until Harry Winters is shot multiple times with a .32 revolver.

Harry's shooter, childhood friend Jack Cronin, runs a block from the scene of the crime on Mead Avenue, in Kerrtown, Vernon Township, to the house of Charles Hope, who convinces Cronin to surrender to the police.

He does so, saying of Winters "Yes, I shot him, and I would do it again if I got the chance. I am not sorry that I did it and I hope the ----- will die."

But Winters isn't dead by the time of Cronin's arraignment. The charge is "feloniously and maliciously wounding with intent to kill and malice aforethought." District Attorney O. Clare Kent reserves the right to change the charge if the victim dies. Pennsylvania law, borrowing a rule from the Old English, makes it murder if Winters expires within one year and a day of the attack.

Given three serious gunshot wounds and the state of medical care in 1908, you might think Harry Winters would be dead in short order. You'd be mistaken. The victim holds on in Meadville's Spencer Hospital for a week, then two, then a month and longer, all the while suffering through extensive medical treatment.

One bullet plowed through the bottom edge of his breast bone, tore his bowel, and lodged in the muscles of the back above the left kidney. Winters surrenders a nearly fatal volume of blood to that wound and subsequent surgery. A second shot entered the body under the right arm. An operation is required to remove the damaged ribs and associated infection, and to place drainage tubes. This is done under local anesthesia because Winters is too weak to take the chloroform a second time. A third surgery is later performed to remove the bullet lodged in his hip.

Winters develops pneumonia but seems to be recovering when he dies suddenly, "his system thoroughly saturated with poison." It is the last week of February, 1909.

As promised, D.A. Kent changes the charge to first degree murder. Cronin admits the shooting and the crime. He wants to plead guilty and hang as soon as possible. But Judge Thomas Prather won't allow a guilty plea to murder in the first degree and its automatic sentence of death. There has to be a trial.

Waiting for justice is tough. Cronin grows erratic. He shows the jail physician, O.H. Jackson, several small, red marks on his body, one directly beneath his heart, and describes being attacked by a gang of men that held him to the jail floor and "thrusting sewing needles" into his body. He's in cell by himself and so the outrageous story is dismissed as the ravings of a man crazed by guilt. He *is* in poor condition, the doctor allows, but recovery is likely.

The prisoner is placed on suicide watch—denied knives, forks, or anything else he might use to injure himself. Not that it matters. On April 25, after a great deal of suffering and frightful pain, Cronin dies in his cell at 10:10 in the evening, four months and a day after the shooting.

His autopsy finds five large and rusty darning needles inside his body. Two traveled to the lower right and pierced his liver. Three migrated to his lower left, puncturing organs along the way. The spleen is damaged, undersized, and "dried up."

Doctors W.D. Hamaker, O.H. Jackson, and W.B. Skelton decide the needles certainly produced Cronin's suffering but could not have killed him. Opening his skull, they find meningitis. All testify that death was caused by the brain infection and not the large, corroded needles. The doctors decide the murderer died of natural causes, not suicide. But Jack Cronin is dead, all the same.

A clear motive is never established for the crime. Some claim the shooting is the whisky-bolstered result of a ten-year feud that began when the victim's father, a Kerrtown Constable, arrested the perpetrator's brother. Others are sure it is the tragic end to a love quadrangle between the two men, an Erie Railroader, and his wife. People say the woman loved Winters more than the other two. That Cronin shot him out of jealousy.

Whatever caused one man to kill a lifelong friend remains unknown. The papers, noting both men have gone to a Higher Court, say it best: The motive "will probably never be known except to the district attorney's office and to the Almighty."

## **THE WARREN STATE HOSPITAL**

The State Hospital for the Insane at Warren, Warren County, Pennsylvania, was the Commonwealth's third such facility. It was authorized in August 1873 and accepted its first patient in December 1880.

During the next century, Warren grew to be the home of more than 3,000 souls: from the depressed to the truly homicidal.

In 1920 the name of the institution was officially changed to the Warren State Hospital. The facility was repurposed in the last part of the 20th century to focus on handling only a few hundred criminal patients.

**1908, November 13:** Location: Rockdale Township, Thomastown. Victim: James Sheldon. Suspect: Eugene Hall. Act: Stabbed to death with a "jack knife" during attempted kidnapping of victim's adopted daughter (who is the suspect's step-daughter). Notes: The victim's neighbor, George Finney, subdues the drunken Hall by fracturing his skull with a white oak 2x4. It takes several months in jail for Hall to recover and he is, literally, a "changed man," going from belligerent and violent to calm and peaceful. This transformation creates consternation and confusion during the trial. Jury finds murder in the second degree, but that the suspect is now insane. Judge Prather commits Hall to the State Hospital for the Insane at Warren, "there to be kept until he recovers his mental faculties, if the same ever occurs, in such case he then to be returned to the County of Crawford for the sentence in accordance with the verdict rendered in the case." Outcome: Hall never returns to court. He is killed while under treatment in the Warren asylum after being stabbed in the abdomen with

a sharpened spoon by Jacob Kosak (Cosach), a "raving maniac" and murderer from Clearfield County.

## "A NICE LITTLE MAN, WHEN HE WAS NICE"

Many people in the small village of Atlantic, East Fallowfield Township, think there's something wrong with 23-year-old, baby-faced Alton Hover. What it is, nobody can say, but it certainly is *not* a lack of money. His father, Frame Hover, is a former dentist from Kinsman, right across the line in Ohio. He is now the postmaster of Atlantic, owner of the general store, a board member of the Bank of Conneaut Lake, and one of the wealthiest men in southwest Crawford County.

It's true that Alton has always been odd, but then, so is his family. There was his great uncle Abner Frame on his dad's side, who went bonkers after a kick in the head from a horse. After that, he'd run through his orchard, loaded shotgun in hand, looking to kill John McNoll, who had already been dead for at least 20 years. A paternal grandfather twice tried shoot himself in the mouth (good thing he was a lousy shot, people smiled). His own mother had tried to commit suicide. Alton's own attempts to take his life, once with strychnine and once by throwing himself beneath a train, had been thwarted by his family.

Things had grown worse in the two years since he married that pretty, dark-haired girl, Cora Foy, from Hadley in nearby Mercer County. It was absolutely true that his parents disapproved of her and tried to talk their child out of marrying. As usual, Alton got his way by threatening to kill himself if they withheld consent.

At first, Alton and Cora seemed to make a nice couple, but then they started having trouble.

Plenty of folks had heard Alton verbally threaten his wife. Cora's grandmother, Maria Rhodes, swore that during one visit, Alton leveled a loaded and cocked shotgun at the girl. The old woman once heard Cora crying in her room, pleading with Alton not to throw a lamp at her. That was less than a month before their baby was born last July 13th.

When their little boy, Mason, came along, it should have been reason to celebrate, but it seemed to drive Alton further around the bend. Their neighbor lady said that Alton put Cora out of the house on more than one occasion. Another neighbor told how the girl had come with her newborn to stay at their house on the night of November 19, 1908, in a perfect terror and crying out with fear.

The next night Cora arrives in "the scantiest attire" at Cyrus Unger's across the street. The poor girl is in a state of nervous collapse after Alton tried to strike her with an axe. The next morning she catches the Bessemer train to Hadley to stay with her family awhile, until Alton calms down.

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On November 27, while Cora is still in Hadley, her husband is hunting with Charles Minniss. Alton goes on and on, spewing wild nonsense about his wife and baby and how he wants to kill them both. Charlie figures it's all more crazy talk from Alton and doesn't think much of it. What Charlie doesn't know is that his crazy-talking friend has bought a revolver from A.C. Born, over at the hardware store.

That day, Cora returns from Hadley with her sister, Veda, in tow. They find the house locked and decide to visit with the Ungers until Alton returns. He appears a short time later, wearing a long overcoat. Cora steps out onto the porch to speak with him in private. Those in the house can hear only part of what's being said. The conversation seems normal. It's not.

Cora repeatedly asks her husband what he has behind his back.

"Nothing" is his reply.

The young woman suddenly cries out, "Oh, Alton, don't do that!"

There's a gunshot, then two more in rapid succession. Cyrus Unger leaps to his feet and rushes to the front door. Alton is gone from the porch. Cora is slumped against the screen door, bleeding from her head and body. Unger helps her into the house and onto the floor. She's talking, but is incoherent. Atlantic doctor S.L. Lewis is called.

The initial search for Alton turns up nothing. Later that night, Mrs. Jacob Kuhn answers a knock at the home of Alton's parents and is shocked to see the wanted man standing at the door. The young man says he does not know exactly how the shooting happened, that he had hopped a freight and was a distance away when he decided to return and "face the music."

Constable J.B. Laird is telephoned. He arrives to find Alton and his father sitting and talking in the dark of their stable. Once in Laird's house, Alton cooks a meal of oysters but falls asleep while waiting for the water to boil. After supper, as Laird takes Alton to the office of the Justice of the Peace, the prisoner grows afraid of the gathering crowds. Both he and Laird know that a lynching is within the realm of possibility. They cut through several empty lots to reach their destination in safety.

November 29th's early train from Atlantic brings both Alton and his wounded wife to Meadville. He is placed in jail.

She is examined by Doctors Hamaker and Skelton. They find her scalp creased by one bullet, a slug in her shoulder, and another inside her skull. There is dim hope of recovery. She is transported to Lakeside Hospital in Cleveland, Ohio where Dr. Arthur Eisenbrey performs an unsuccessful operation to remove the bullet from her head. Cora Foy Hover languishes in the hospital and dies on December 27, 1908, one month after being shot. She is buried three days later in the Hadley Cemetery. A crowd estimated in excess of seven hundred attends her funeral, more than overflowing that village's modest Methodist Church.

Alton smiles when charged with first degree murder and says the shooting was an accident. The Grand Jury indicts him. The trial is called on Feb-

ruary 18, 1909. Alton pleads not guilty. His family's money guarantees the most powerful defense team in Meadville: former D.A.s George F. Davenport and Wesley B. Best, and the newly-ex-Judge Frank J. Thomas.

The commonwealth is represented by District Attorney O. Clare Kent and assisted by Robert Cochran of Mercer County.

More than 100 witnesses are subpoenaed for the trial. The proceedings are expected to be sensational and they do not disappoint. Right off the bat, one of the sequestered jurors talks to his wife through an open window of the courthouse and is told that Alton has killed himself in his cell. The attorneys take the jurors to the jail to see the accused alive and well and, in doing so, take a great risk of invalidating the trial.

The courthouse is jammed with people milling in the halls. Crowds estimated at more than a thousand try to find seats in a courtroom that can't hold half that many. Some bring lunch and dinner so they don't have to leave and lose their seats. During arguments, an alarm clock goes off somewhere in the throng. The owner is unable to turn it off and stuffs it under her winter coat where "its smothered wail could still be heard."

The trial is further disrupted by women spectators who overheat and faint. Judge Prather repeatedly gavels the unruly gallery to silence. He threatens groups and individuals with expulsion when they begin to mutter with disapproval and disbelief at the strategies of the defense team.

The defense wrestles with witnesses for the Commonwealth. The dead woman's somewhat frail and "sweet-faced" grandmother, Maria Rhodes becomes a crowd favorite by proving more than a match for all of Alton's attorneys. She is kept on the stand for extended periods of time as they try to break her testimony. The old lady thwarts them at every turn.

Defense attorney Thomas aggravates elderly Alvin Brockway, by asking again and again how many times he had heard of crazy Uncle Abner's armed romps through his orchard. The old farmer snaps back "How many times have you heard of Abraham Lincoln?" The crowd bursts into laughter. Thomas demands the courtroom be cleared. Prather refuses.

The defense concedes their client shot and killed his fearful wife. Their only goal is saving Alton from the hangman's noose by proving him insane. They work the M'Naughten Rules for all they're worth, trying to establish that the young man was crazy for years before the murder. Alton's parents reveal all the dark secrets they've kept hidden as they set about proving their family is riddled with mental illness.

Two well-known "alienists" (psychologists) are called as defense witnesses, Dr. Morris Gath of the Warren State Hospital for the Insane, and Dr. J.E. McCuade of Erie. They declare Alton is suffering from "'Adolescent Insanity' and utterly unable to make a selection of good or evil." They predict a near future when he will be reduced to a "helpless maniac."

The expert for the Commonwealth, Dr. Theodore Diller of the University of Pittsburgh and head of that city's St. Francis Hospital, states that Alton is not and has never been mentally deranged. He refutes statements