

Superior Court Decision in the Long License Case.

Prothonotary D. R. Foreman last Saturday received the papers in the Long license case and for the information of residents of Centre county we herewith publish in full the opinion and decision of Justice Head in affirming the action of the lower court and dismissing the appeal at the cost of the appellant:

In the Superior Court of Pennsylvania. Sitting in Philadelphia. On the application of Charles E. Long for retail liquor license. Appeal of T. A. Auman et al, Remonstrants.

No. 108 October Term, 1916. Appeal from the Court of Quarter Sessions of Centre County. Filed October 20, 1916.

At the regular time fixed by rule of court for the hearing of license applications in Centre county, the application of Clarence E. Long was heard. The record shows the hearing was continued on December 22nd and again on December 29th, on each of which dates testimony was presented. On January 1st, 1916, an order was made for re-hearing the license. On February 18th following, the applicant presented his petition for a re-hearing and reconsideration of the order for the reasons set forth in his petition. The court thereupon granted a rule to show why the prayer of the petition should not be allowed, returnable to the first Monday of March. On that day the appellants filed an answer to the rule. On March 24th the rule was made absolute, and on March 30th a hearing was had in open court and testimony taken, at the conclusion of which the court made an order approving the bond of the applicant and granting the license. From that order the remonstrants appealed.

In such cases our revisory jurisdiction confines us to an examination of the record, and the ascertainment thereof that the subject matter was within the jurisdiction of the court and that the proceedings were conducted according to law. We need not concern ourselves with the fact that the proceedings as detailed in the record above quoted was begun by Judge Orvis and concluded by Judge Quigley. Generally speaking, and under normal conditions, the Court of Quarter Sessions is, in contemplation of the law a continuous entity. The commission of one incumbent of the office expires and he lays down his robe of office, but in the same instant it is assumed by his successor, and the court exists as a continuous body.

But one other matter calls for a brief discussion. The rules of the Court of Quarter Sessions of Centre county provide that public sessions of the court for the trial of both civil and criminal cases shall be held on the fourth Monday of February, the third Monday of May, the fourth Monday of September and the first Monday of December, each to continue for a period of two weeks. There are thus four terms of court in each year, and the period of two weeks in each term was assigned for the trial of causes, and the attendance of Grand and Petit Jurors for the performance of their regular functions in such trials. But the powers of the Court of Quarter Sessions, the exercise of which required no assistance from juries, were not in abeyance in the meantime.

All of such powers which could be properly exercised by the judge alone could be performed at any time, unless otherwise provided by law, and for the exercise of such powers each term lasted until the next one began. It is clear that the first hearing on December 18th was had in the December term of 1915, which term began on the first Monday of December. In the same term, the order refusing the license was made, the petition for reconsideration of the order and a reopening of the case was filed, and a rule to show cause granted, returnable to the first Monday of

March. By that rule the proceeding was properly carried over from the December term to the March term, and the whole question was fairly before the court for its consideration. In that same March term the rule was made absolute, and the time for a hearing fixed. The hearing was had and the order or decree now appealed from was made. It appears to us there is no room for doubt that the court was acting entirely within its lawful powers, and it cannot be successfully argued such time had elapsed as made it legally impossible for a reconsideration of the earlier order. The assignments of error are over-ruled and the appeal dismissed at the cost of the appellant.

BIRTHS.

Davis—On October 2nd, to Mr. and Mrs. John Griffith Davis, of Spring township, a daughter, Anna Eliza Davis.

Tate—On October 3rd, to Mr. and Mrs. Budd F. Tate, of Coleville, a daughter, Olive Edna Tate.

Taylor—On October 4th, to Mr. and Mrs. Curtis Taylor, of Bellefonte, a daughter, Barbara Taylor.

Gordon—On October 4th, to Mr. and Mrs. Benjamin Gordon, of Bellefonte, a son.

Heaton—On October 7th, to Mr. and Mrs. Clarence Heaton, of Benner township, a daughter, Mary Jane Heaton.

LaBarr—On October 10th, to Mr. and Mrs. J. Ezra LaBarr, of Bellefonte, a son, Louis J. LaBarr.

Houser—On October 12th, to Mr. and Mrs. Fred Houser, of Bellefonte, a daughter, Margery Houser.

Young—On October 12th, to Mr. and Mrs. Franklin C. Young, of Spring township, a son, Clarence Russell Young.

Schaeffer—On October 13th, to Mr. and Mrs. William Schaeffer, of Nigh Bank, a daughter.

Stover—On October 14th, to Mr. and Mrs. Dwight M. Stover, of Jacksonville, a son, Hermit Curtis Stover.

Vonada—On October 17th, to Mr. and Mrs. Charles Vonada, of Walker township, a son, Charles Woodrow Vonada.

Hartwick—On October 19th, to Mr. and Mrs. James Hartwick, of Bellefonte, a son, Melvin James Hartwick.

Wilkinson—On October 20th, to Mr. and Mrs. Harry Wilkinson, of Bellefonte, a son, Harry Eugene Wilkinson.

Struble—On October 20th, to Mr. and Mrs. Harry Struble, of Benner township, a daughter, Verna Elizabeth Struble.

Hagan—On October 29th, to Mr. and Mrs. Harry S. Hagan, of Lewis-town, a son, Jerome Edward Hagan. Mrs. Hagan before her marriage was Miss Mary Armstrong, of Bellefonte.

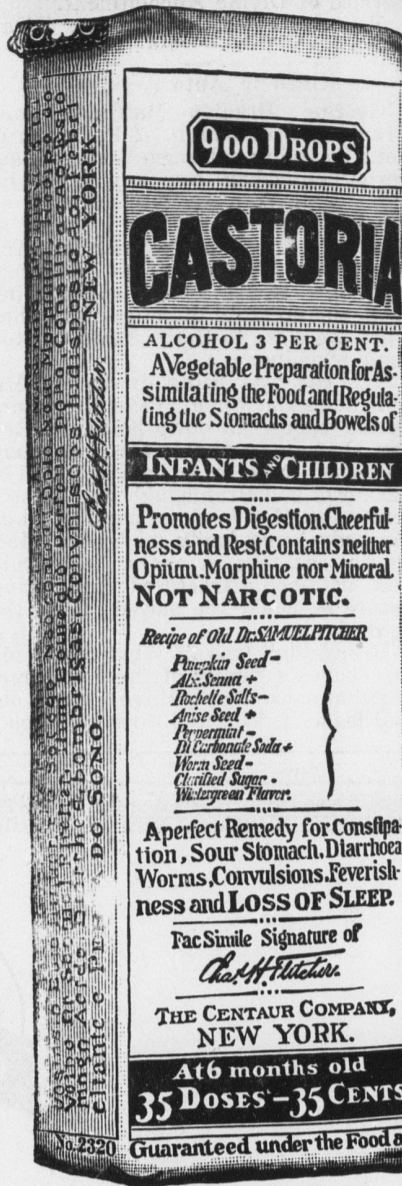
Zeigler—On October 30th, to Mr. and Mrs. Charles R. Zeigler, of Spring township, a son, Josiah Thaddeus Zeigler.

Shultz—On October 30th, to Mr. and Mrs. Samuel Shultz, of Spring township, a daughter, Ellen Claire Shultz.

Gallagher—On November 5th, to Mr. and Mrs. Clarence Gallagher, of Bellefonte, a daughter.

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