



## TURNPIKE MUST BE MAINTAINED BY THE SEVERAL TOWNSHIPS

### Judge Orvis Decides the Act of 1905 Is Unconstitutional, and Places the Burden of Maintaining Condemned Turnpikes Upon Townships.

President Judge Ellis L. Orvis returned his opinion and decree Thursday morning in the case of Haines township vs. The Commissioners of Centre County, the decree being that judgment be entered against the plaintiffs and in favor of the defendants. The decision is based on the unconstitutionality of the act of April 20, 1905, upon which suit was brought.

#### ACT OF 1905.

The act upon which proceedings were brought will be found in the pamphlet laws of 1905, page 237, and is as follows:

#### AN ACT

To provide for the repair and maintenance or improvement, by the proper county, city or borough, of turnpikes heretofore or hereafter appropriated or condemned, or any part thereof, for public use free of tolls.

Section 1. Be it enacted, etc., That when any turnpike, or part thereof, has been, or may hereafter be, appropriated or condemned for public use, free of tolls, under any existing laws, and the assessment of damages therefor shall have been paid by the proper county, such turnpike, or part thereof, shall be properly repaired and maintained at the expense of the county, city or borough in which the said turnpike, or part thereof, lies, or the same may be improved under any existing laws by the said county, city or borough.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved—The 20th day of April, A. D. 1905.

SAML. W. PENNYPACKER.

Superior of the Township of Haines vs. Commissioners of Centre County.

#### OPINION AND DECREE.

The above is a case arising under the provisions of the Act of April 20, 1905, P. L. 237. The Bellefonte, Aaronsburg and Youngmans town Turnpike road passed through the townships of Potter, Gregg, Penn, Haines, and the borough of Millheim, in the county of Centre and extended into the neighboring county of Union. All that part of the said turnpike situate in the townships of Potter, Gregg, Penn and the borough of Millheim aforesaid, and about twelve miles thereof in the township of Haines aforesaid, was duly condemned for public use, free of tolls. The supervisors of the plaintiff township contend that by virtue of the said Act their township is relieved from the burden of maintaining the said twelve miles of turnpike, and that instead the cost and burden is imposed upon the county of Centre. The Act is very crude and evidently not carefully considered. It merely provides for such turnpikes or parts thereof as have or shall be appropriated or condemned, requiring that they shall be properly repaired and maintained at the expense of the county, city or borough in which said turnpike or part thereof lies. The Act provides for no machinery on the part of the county officials for the maintenance of county roads. In the county of Centre there has been no such system established, no steps have been taken under any legislation towards the making of county roads or for the raising of revenues, the appointing of officials looking towards their proper repair and maintenance. If therefore, plaintiff's contention is well founded, we would have an anomalous situation regarding this particular road. The western end in the townships of Potter, Gregg and Penn could be a county road. There would be a break of probably a mile in the borough of Millheim, which would be maintained at the expense of the taxpayers of that municipality. Immediately east of the borough of Millheim the said turnpike would again become a county road for twelve miles.

The defendants rely upon several positions in attacking the constitutionality of the Act of 1905. We shall not go to the trouble of examining all of them. One of the principal is, that it is made in the alternative, providing that the said turnpike may be maintained first under the provisions of the Act of 1905. "Or the same may be improved under any existing laws by the said county, city or borough;" and it has been pointed out that on its very face the Act is inconsistent with itself for lack or want of uniformity and necessarily places upon the officials of municipalities the right of election, a right that cannot be delegated by the Legislature.

But we think the more serious question raised by the defendant is that the Act offends against Article IX of the constitution, requiring all taxes to be

uniform upon the same class of subjects within the territorial limits of the authority levying the tax. Judge Woods, of the Millin-Bedford-Huntingdon district, has passed upon this very point and declared the Act unconstitutional in this respect. We feel inclined to agree with him. If the word "county" is interpreted to mean the county proper as in counterdistinction with the townships, the Act would certainly impose the burden of maintaining the turnpike in question unequally upon the several citizens of the county. For instance, the plaintiff township would be entirely relieved as a township from the expense of maintaining the twelve miles within its own limits, and would be liable to an exceedingly slight taxation as a portion of the entire county. While the taxpayers of the neighboring borough of Millheim would not only have the burden of maintaining the whole of the said turnpike within its own borders, but would be liable also to whatever taxation would be necessary through the agency of the county for maintaining the same turnpike or other portions of the turnpike in plaintiff's township. In other words, the citizens of Millheim borough would be made at once liable to a double taxation for the maintenance of this turnpike while the citizens of Haines township would be liable in only one capacity. This clearly offends against the constitution.

If, however, the word "county" as used in the Act should be held to be merely descriptive in a larger sense of the several townships included within it, the Act would at least be cleared from any appearance of inequality and would be consistent with the present law of the state. In the case of either construction, however, we are compelled to decide in favor of the defendant.

And now, to wit, April 25, A. D. 1907, judgment is hereby directed to be entered against the plaintiff and in favor of the defendant.

BY THE COURT,  
ELLIS L. ORVIS, P. J.

#### LOCALS

These are May days. In Union county about all the oats was sown last week.

Seed corn is beginning to get uneasy in the sacks of some of the early-bird farmers.

The Mount Union Presbyterians have let the contract for a \$20,000 church. Rev. Harry M. Campbell is the minister in charge.

The Belleville Times states that Andrew Crozier, the up-to-date butcher in that place, had an acetylene plant installed in his meat market and restaurant.

T. Roy Stover accompanied A. S. Myers, of Altoona, to Kentucky, where he has secured a position with a railroad company. Mr. Stover will remain in Kentucky for some time.

The installation services of the Rev. C. O. Anderson were held recently in the West Kishacoquillas Presbyterian church at Belleville. The Rev. W. E. Brooks presided and preached the opening sermon.

The inability to return by train the same day prevented many Odd Fellows from attending the annual gathering at Lock Haven last Friday. Those who did so were Dr. and Mrs. J. R. G. Allison, Robert Bloom, Frank W. Shutt, M. L. Emerick, Frank Reish and L. W. Jacobs.

Charles Poorman, of Pleasant Gap, was a pleasant caller Monday morning. Mr. Poorman, in season, is engaged in threshing, and other times at general work, although he shows a preference to be about a lumber job. His six feet of goods makes him capable of performing more than chores about a saw mill.

Among the improvements around the diamond will be a concrete walk to the fronts of the Penns Valley Bank building on Main and Church streets. The walks of this type put down last fall in Centre Hall have behaved so nicely that it is altogether probable that concrete will be the walk of the future within the borough limits.

The meeting of the General Synod of the Lutheran church in America, at Sunbury, opening May 16th, will bring from all parts of the states former Pennsylvanians, who as ministers or laymen will have a double pleasure in attending this gathering. Among those from the middle west elected as a lay delegate to this assembly and who is making all possible effort to arrange his business affairs to be in attendance is E. J. Wolf, of Kansas City, Kansas, formerly of Centre Hall. Mr. Wolf, since his marriage is engaged in the banking business.

#### THE LEGISLATURE.

Work Done in the House and Senate During Past Week.

The Senate finally passed the House bill authorizing county commissioners to assume control of township and county bridges thirty-five feet and upward in length and to rebuild such bridges.

The bill prohibiting buying, selling or wearing for adornment any Pennsylvania wild bird, or part thereof, was passed finally by the House, 116 to 13. This bill was once defeated and then reconsidered and postponed.

#### PASSED HOUSE FINALLY.

Authorizing township supervisors and road masters to contract for the removal of loose stones, briars, twigs, underbrush and similar debris from public roads.

Empowering road supervisors in second class townships to contract with water companies to place fire hydrants in any village.

Requiring each band of gypsies to pay a license fee of \$50 to the treasurer of any county in which the band wishes to camp.

Providing that courts can decree the forfeiture of the franchise of any public service corporation which does not fulfill its corporate functions.

#### BILLS SIGNED BY GOVERNOR.

To encourage the breeding of horses and requiring the registration of stallions.

Providing for the repair, maintenance or improvement by the proper county, city or borough authorities of turnpikes heretofore or hereafter abandoned where the company or association owning the same has been or may be dissolved.

Providing that borough councils may elect solicitors for a term of two years.

Making ex-officio Fire Wardens of constables and Justices of the Peace in boroughs and townships and of employes of the Department of Forestry.

#### Keith's Theatre.

The world's best vaudeville in the world's most beautiful theatre is what people are sure to get when they attend Keith's Chestnut Street Theatre, Philadelphia. This is the second and last week of Vesta Victoria's great song hits. Herzog's Russian stallions, equine marvels of the world, are in the Quaker City for the first time, as are the Belleaire Brothers, with a great European surprise. Rice and Prevost, the original "Bumpy-Bumps," are also appearing the second and last week. Mr. and Mrs. Frank Murphy presenting their quaint drama, "The Coal Strike"; Scott and Whaley, comedians; Gallagher and Barrett; Geuro and Bailey; Harry Tate are other leaders on the bill.

#### Contest for Moderator.

With the approach of the general assembly of the Presbyterian church, which will open at Columbus, O., on May 16, the question of who shall be named as moderator and a report on the subject of temperance are topics of more than usual interest to the laymen and ministers.

Many ministers think the Rev. Dr. William Henry Roberts, of Philadelphia, will be elected moderator. He was early in the field, and is expected to have strong ministerial support.

Others who are being urged for the office are the Rev. Dr. B. P. Fullerton, of St. Louis, Mo.; the Rev. Dr. W. H. Black, president of Marshall college, Marshall, Mo.; and the Rev. Dr. Ira H. Landrith, moderator of the former Cumberland Presbyterian church.

#### Hook Catches Man's Check.

Man is always in danger of life and limb, and sometimes injuries are received in the most peculiar manner as can be witnessed by Frank Moyer, a farmer living west of Centre Hall.

One day last week Mr. Moyer, while walking through the door at the horse entry, made a misstep and fell, and in so doing he was struck on the cheek by the door hook or fastening, the point of which penetrated the flesh over the jaw bone and ripped a gash up over his cheek about three inches in length. The wound was sewed up, and is not expected to give any serious trouble.

#### Gentle Reminders.

Gentle reminders were sent to a number of Reporter subscribers whose subscription has not been paid in advance. Ofttimes it is simply a matter of neglect that subscription is not paid, the patron expecting just such a notice as was mailed last week. Now that your attention has been called to your label, please respond as early as possible.

#### Odd Fellows' Orphanage.

The contract for building the addition to the Odd Fellows' orphanage, near Sunbury, was awarded to W. O. Weaver & Son, of Harrisburg. The contract price is \$21,000. The building must be completed by January 1, 1908.

#### JAMESTOWN CELEBRATION.

A Few Historical Facts Connected With the Settlement of Virginia in 1607.

Three hundred years ago Friday three small vessels commanded by Captain Christopher Newport, and bearing besides their crews 105 persons, sailed into the mouth of the Chesapeake bay, and thence over that body of water to the point where it receives the James river. The destination of the little fleet had been Roanoke Island, where the passengers proposed to make a settlement. A storm, however, drove the vessels northward and compelled them to seek shelter in the Chesapeake. Discovering the mouth of the river, which they named after the then king of England, they explored it for some distance, and finally on May 13, 1607, landed and began to make a permanent settlement, which they called Jamestown.

This was the beginning of the permanent settlement by Englishmen of the region which is now embraced in the United States. The colonists at Jamestown had a hard time. Most of them died from famine, disease or the wounds inflicted by the Indians. But whenever the end appeared to be reached some new succor always arrived. In 1619 the colonists were granted the right of electing their own Legislature, and thus was planted in this country the germ of our representative government. The fame of this went abroad, and the lovers of freedom who were looking for homes in the new world started for Virginia, as the colony had been named in honor of England's great queen, Elizabeth. The Pilgrim fathers expected to settle in Virginia, but were driven by stress of weather to the shores of Massachusetts.

This Nation owes much to the men who settled in Virginia three hundred years ago, and it is most fitting that their achievements should be celebrated by the exposition which opened Friday at Norfolk at the mouth of that James river upon whose shores the first permanent English settlement was made.

#### Rev. Reaick Will Go to Salona.

At his regular Sunday evening service Rev. J. M. Reaick, who has been pastor of the Centre Hall Lutheran church for the past thirteen years, announced that there would be a meeting of the joint council of the church to consider his withdrawal as pastor. Although he did not so state, it is understood that Rev. Reaick accepted a call extended by the Salona charge, which charge has but two appointments, the one being in Salona and the other—St. Paul's—in the country along the pike east of Lamar. It is also generally understood that he will go to his new field of labor about the first of June.

#### Exceed in Generosity.

The members of the Brookville Borough council are a practical group of borough fathers. At a recent meeting it was reported that a widow in straitened circumstances would find it a great hardship to pay the borough tax on her humble home. One Councilman fished out a dollar from his pocket, whereupon the others followed suit, and the widow will have no taxes to pay this year.

#### LOCALS.

The Glen Iron correspondent of the Millinburg Times says: Miss Hattie Oman expects to take a course of music at Centre Hall. Everybody wishes her great success.

The executors of the estate of Rebecca Sparr—W. B. Mingle, Eq., and Cyrus Brungart—advertise for sale the Ritter property, in Centre Hall. See advertisement in this issue.

A. S. Myers, lumber and tie inspector for the P. R. R. Company, who has been in Kentucky during the past two months, was home to see his family, in Altoona, over Sunday.

Samuel Wise, who is tenant on the Long farm at Penns Cave, was in town Saturday morning. Mr. Wise says there is plenty to do on the farm, and especially on his which is quite large.

A valuable two-year-old colt, the property of John A. Heckman, west of Centre Hall, died from an attack of colic. It was only about a year ago that Mr. Heckman lost another colt of the same age. George E. Heckman, east of Centre Hall, also had a loss in stock. With him it was a cow, and among the best in the herd.

The representative of the Kansas Lutherans to the Woman's Home and Foreign Missionary Society of the General Synod of the Lutheran church is Mrs. Wolf, wife of Rev. Robert B. Wolf, of Kansas City, the latter formerly of this place. The society has its meeting in May in Philadelphia, and after that gathering disbands. Mrs. Wolf will make her first trip to Centre Hall to visit among the relatives and friends of her husband.

#### ODD FELLOWS AT LOCK HAVEN.

Ten Thousand Visitors from Central Pennsylvania Towns Flocked to the City to Join in the Celebration—Officers Re-elected.

Although rain interfered with the celebration of Odd Fellows' Day and marred the decorations it did not dampen the spirits of the 10,000 visitors who went to Lock Haven last Friday to join in the good times that had been arranged. The first meeting of the anniversary association was held in that city twenty-three years ago, and only 400 men were in line. Friday's outpouring contrasted strongly with this and showed the growth of, and interest felt in the work of the order. The parade was planned to move in five divisions, under Chief Marshal Samuel P. Davis, with John P. Anthony as chief of staff, but the downpour was too much for the marchers to contend against, much to the disappointment of the thousands of spectators who flocked to the city early in the day in special trains from all parts of Central Pennsylvania.

At the business meeting held in the morning the old officers were re-elected, comprising W. H. Kiess, president; H. B. Eberly, secretary; A. A. Myers, treasurer. Williamsport, Shamokin, Danville and Tyrone contested for the best place of meeting, and Shamokin won.

The public meeting which was to have been held in the city park with all the bands in the great procession massed and playing "Onward, Christian Soldiers," as the host assembled, was adjourned to the Court House. Prayer was offered by Rev. H. W. Lave, of the Church of Christ, and Mayor William H. Stevenson welcomed all Odd Fellows and visitors and extended to them the freedom of the city. He was followed by Rev. B. H. Hart, of Harrisburg, deputy grand master, who delivered the principal address of the day.

A special Grand Lodge session was held in the evening, which was presided over by Grand Master George H. Barnes, Deputy Grand Master B. H. Hart, Grand Secretary Joseph H. Mackey and others for the admission of past grands and a lodge of instruction for third degree members.

#### Celebrated Birthday.

The Freeport (Illinois) Bulletin contained this item: George F. Swartz, the veteran druggist, who holds the distinction of being one of Freeport's longest time merchants, celebrated his sixty-eighth birthday, April 20th. When Mr. Swartz came to Freeport in September, 1861, the city was yet in its infancy, and but three or four of the present merchants were then here. Among these were C. H. Little, Joseph Emmert and A. W. Ford. For nearly forty years Mr. Swartz has been in business for himself in the same location on Stephenson street, an enviable proof of a successful business conducted along lines of the strictest integrity.

Mr. Swartz is a native of Centre county, Pa., where he was born April 21, 1839. He was the son of Jacob and Catherine (Musser) Swartz. His early education and business training was received in the east, and in September, 1861, he came to this city, accepting employment in the drug establishment of Emmert and Burrell. Economic habits, and strict attention to business enabled him to lay aside some of his earnings, and after four years of very satisfactory service with this firm, he purchased an interest in the drug store of John W. Kneff, whose store was located on the site at present occupied by Wm. Jungkunz.

Mr. Swartz was married in 1864 to Miss Cornelia Smith, who died three years ago on his birthday. He was again married in August, 1905, to Mrs. Delia Dyslyn of this city, and the couple reside in the old Swartz home-stead at 118 Lincoln avenue.

This event was quietly celebrated at Mr. Swartz' home by relatives and intimate friends.

#### Wasson-Bell.

Robert U. Wasson, principal of the Aaronsburg high school, and Miss Mary Bell, a teacher in the Pleasant Gap schools and a daughter of Mrs. William Bell, of that place, were married at Elmira, N. Y., Wednesday, December 26, 1906, by Rev. Eli Pittman, of the Methodist Episcopal church. The event was kept a secret until last Thursday when announcements were sent out to friends. The bride is one of three of the Pleasant Gap instructors to be married within a year. Mr. and Mrs. Wasson will reside at Aaronsburg.

#### Baseball News.

A full page of sporting news of all kinds appears in the Philadelphia Press daily and four pages on Sunday. All the latest news and gossip of the Baseball Diamond and all games worth while are fully reported in the Philadelphia Press. If you do not read the Press, you cannot keep posted on up-to-date sports.

#### TOWN AND COUNTY NEWS.

##### HAPPENINGS OF LOCAL INTEREST FROM ALL PARTS.

Harry Hazel and Miss Mabel Ott, both formerly of Bellefonte, were married in Niagara Falls.

A twenty-inch salmon trout was caught in the stream near Centre Furnace by W. C. Kline, a lad of fifteen years.

Milton is to have a new silk mill. A plot of ground was purchased on which a brick building will be erected for its accommodation.

Fred Williams, of near Bellefonte, son of Mr. and Mrs. John Williams, was in Centre Hall over Sunday, the guest of his former associates when living near this place.

Walter Fosnot, the junior member of the publishing firm of the Democrat and Sentinel, Lewistown, and Miss Mary Grace Russel, daughter of George Louis Russel, the Lewistown banker, were married Tuesday of last week.

Mrs. N. B. Spangler, of Bellefonte, is back from Philadelphia where she had gone for treatment, and is much improved. Her condition was not as serious as thought by her friends, and soon yielded to the skill of professionals.

District Attorney W. G. Runkle and Lawyer N. B. Spangler, of Bellefonte, were in town Thursday of last week. It is supposed they were looking up evidence in a case to be heard at the May term of court in which both are interested.

Of the woman's publications which come to the table The Ladies' World always seems to offer the most for the least—the stories are good, the special articles timely, the departments practical, the illustrations high class and the price moderate.

Joseph L. Bailey, clerk for the Clearfield county commissioners, died at his home in Clearfield. His death was due to apoplexy. He was stricken while walking on the street three weeks ago. He was forty-three years of age and leaves a wife and six children.

Friday Hon. W. C. Heinle, of Bellefonte, had the pleasure of seeing his daughter, Miss Bettie, graduate with honor from the Ludlum School of Dramatic Art, Philadelphia. She stood second in a class of fifteen, although her production was considered the best of any in the entire class.

Only one previous visit was made to Centre Hall by John Lobaugh since he and his parents moved from Centre Hall to Perry county eleven years ago. Mr. Lobaugh is now a young man in his twenties, and following the footsteps of his father, whose death was responsible for his coming here at this time, he learned the printing trade, and at present is employed on the Muncy Luminary.

A "bald eagle" weighing twenty pounds was shot by Bert McKinley, near Pleasant View. The bird was soaring when the shot was fired by the youth, but the pellets wounded one of the eagle's wings, and immediately the bird began falling. Mr. McKinley has set to work to repair the injuries done, and in time expects to tame the eagle.

Miss Maude Walter, who made her home with James Beaver, of Millinburg, met with a painful accident one morning last week. While carrying out a pan of ashes her clothing caught fire. She ran screaming into the house and both Mrs. Beaver and her mother, Mrs. Mench, were painfully burned in their efforts to save the girl. Miss Walter is seriously burned from her hips up, but it is thought she will recover.

After an absence from Centre Hall for a period of twenty-two years, John Roseman was a caller at this office Friday. He had spent the intervening time in the west and southwest, including New Mexico. Time dealt kindly with him, and today he looks as young and hearty as when in his early twenties. While in the south he was in Nashville, Tennessee, for a while, and was engaged in various pursuits. After a short stay in Centre county, Mr. Roseman expects to return to the southwest—either Texas or New Mexico.

Last week's issue of the Millinburg Telegraph contained this item: W. B. Mingle, of the Centre Hall Bank, was in town for part of the week, visiting his uncle, Emanuel Yearick. Mr. Mingle is looking up a location for a pasteurizing plant for himself and a party from Washington, D. C., who is engaged in the milk trade there now. The plan is to separate the milk and pasteurize the cream and ship to Washington. This method gives the farmer from 3 to 5 cents per pound more for butter than can be realized by churning, and especially during the summer season when the demand is larger for cream. He is meeting with encouragement so far as he has gone.