

**COURT DISPOSES OF REMONSTRANCES AGAINST GRANTING LIQUOR LICENSES.**

**Holds That the Substance in the Criswell Decision is Perverted.—Two or Three Applications Held Over for Further Consideration.—The Court's Decision Verbatim.**

**OPINION.**

Ordinarily, the record in this case would make it unnecessary for this Court to file an opinion were it not desirable to correct the profound misconception of the license law of Pennsylvania, caused by a widely spread misrepresentation of the opinion of the Superior Court in the now celebrated Venango cases.

There is no complaint or charge made against this applicant. In this respect his application is not peculiar, for there is no complaint or charge against any applicant filed with any of the other respective applications. There are remonstrances filed, but only against the applicant residing in the three boroughs of Bellefonte, Philipsburg, and Centre Hall. There are no remonstrances filed against any of the other applicants in the county. The only basis for the remonstrances filed is the allegation that there is no necessity for the license asked for. This allegation is not supported by any testimony or other evidence of any kind. In the said three boroughs there is no discrimination, the remonstrants treating all the applicants with equal impartiality, making no attempt to allege that one is worse than another, or that any have infringed the law or violated the rules of this Court.

We are thus presented with a peculiar situation, namely, an urgent request to declare hotel licenses unnecessary in the three principal boroughs of the county, with the tacit acquiescence of all the temperance forces that in the smaller towns and country districts the remaining licenses are necessary. In other words, while there is no dispute that a Court but that a hotel is necessary in Howard, Rebersburg and Spring Mills, the Court is urged to hold without any testimony or evidence of any kind that licensed hotels are not necessary in the county-seat.

The argument in support of all remonstrances, illogical as it may seem, is based upon the fact that Judge Criswell refused to issue licenses in the County of Venango, and that in an appeal from his judicial action the Superior Court refused to reverse him in a somewhat lengthy opinion which as has been just said has been misconceived and profoundly misrepresented.

The fact is, that the Superior Court in the Venango case reaffirmed the law as it has always been understood by intelligent judges and lawyers, and reaffirmed its principles in the most clear and convincing language, so that any fair and unprejudiced mind can understand the law as it always has and still is held.

The present license legislation places in the several Courts of Quarter Sessions the exclusive jurisdiction and power to grant licenses. Neither the Superior nor Supreme Courts can grant or refuse an application. On an appeal from the action of the court below, neither the evidence nor the merits of the case go before the appellate court. No matter how arbitrary, unfair, and unreasonable may be the action of the license court, there can be no relief or no reversal unless that court plainly puts upon the record that its action was controlled or guided by some principle that is not the law of the Commonwealth. In the Venango cases, Judge Criswell placed upon the record that he had heard and considered the evidence and found that there was no necessity for that particular license. It is true that he filed a long opinion in which he hinted that there was a change of feeling in the county on the question of licenses, and it might be inferred that to a certain extent at least, he was controlled by that feeling. This inference, however, was negatived by his plain statement to the contrary in his final action in each case. The disappointed applicants, however, attempted to reverse the Venango Court on the theory as stated by the Superior Court in the following language:

"Does a license judge abuse his judicial discretion where he refuses all applications on the sole ground of non-necessity, based and considered exclusively upon the conclusion that there is a growing sentiment against the liquor traffic generally, and that the granting of liquor licenses in point of public economy, morals, law and order is detrimental to the communities affected?"

Upon this question the Superior Court rules as follows:

"If we could agree with the learned counsel that this is the question presented by the records or by the opinion, we should unhesitatingly agree with them that there was a misconception by that court of the nature and extent of its discretionary power and of the legal principles governing its exercise, and that the enforcement of that erroneous view, by its action, was not the exercise of a sound judicial discretion, but would be justly characterized, as a determination not according to law but outside of law and therefore not a legal judgment but the exercise of an arbitrary will. A decree made arbitrarily, or in violation of law, it is our plain duty to set aside. For example, if a judge should refuse a license, because in his opinion the law authorizing licenses is a bad law, or if he should grant all licenses because he believed the law wrong as tending to confer a privilege on a special few, in either case there would be no exercise of judicial discretion; but would be the mere despotic assertion of arbitrary will by one in power, that sort of lawlessness which is least excusable and excites most indignation."

The Superior Court then proceeds to state that they could not determine from the way Judge Criswell disposes of each case that he acted upon this principle, and leaves it to the conscience of the license judge whether or not he obeys or disobeys the rules of law as laid down by the appellate

court. This same opinion goes further and declares that the Court commits error if it rules that the word "necessary" must be synonymous with "indispensable," or that the "public accommodation which the law is intended to promote is to be ignored or treated as of little importance as compared with the objectionable features of the business."

The said opinion finally closes with the following words which ought to throw clear light upon the whole situation:

"It is not our province to discuss or determine the correctness of the result reached. As has been declared repeatedly, it is the discretion of the court of quarter sessions, not ours, that the law requires."

The opinion of the Superior Court, in harmony with all other decisions of said court and the Supreme Court, unhesitatingly expounds the present law to be in no sense prohibition or opposite. It is a revenue raising measure largely exercised under the control of the Commonwealth, and its avowed purpose is to regulate and control the sale of intoxicants in Pennsylvania. For this legislation and for this law the people's representatives in local government are primarily responsible. Under our system of government the law making power is vested exclusively in the legislature and the electorate. The sole function of the courts is to expound and enforce the law. Any attempt to ignore or deny legislation or to legislate judicially would manifestly be judicial usurpation. A judge that knowingly and consciously ignores the present High License Act and the construction of our higher courts thereupon, could not consistently impose sentence upon prisoners after being convicted of violating other legislative statutes of the Commonwealth.

This legislation requires the courts to hear the testimony and pass upon the merits of each license application. It is, therefore, unthinkable for one to pledge himself in advance out of deference to some supposed moral sentiment to refuse all licenses when he must take an oath that requires him to impartially hear each case and dispose of the same in accordance with the principles laid down by the appellate courts. Recently, two courts as well as others, have been urged to follow the example of one or two of the judges of the State, who are alleged to have refused all licenses in the county because of their high moral sense or of deference to the same sentiment in the community, and it has been urged that because these judges can so act we have the same arbitrary power. We cannot force ourselves to believe that there is any judge so lost to his sense of judicial responsibility as will allow him to pass upon the legal rights of petitioners in his court for reasons through motives contrary to the law. The judges quoted, themselves deny the statement of their admiring friends and are careful to place upon the record that their action in each case is controlled by the evidence and after a fair hearing and in accordance with the well recognized principles of the law. Even if we were convinced that these judges against their own judicial declarations acted in the license cases for reasons that they did not dare put upon the record, it should not be a precedent for our action. As well might we ask all jurors to disregard all evidence and the rules of law laid down by the court, because we might suspect some jurors to have done so in a single case.

The fact is, that our temperance workers are so hostile to the present scheme of license legislation, that they are not willing to respect the law or for the most part to aid and enforce its provisions. For this reason more than any other, this Court feels the need of intelligent co-operation with such forces in the enforcement of the law. With such co-operation, all landlords unit for license would soon be driven out of the county, and the character of our licensed houses markedly improved. As it is, however, the Court receives the benefit of no such co-operation, no evidence is given bearing upon the relative character, qualification, and sobriety of the several landlords; or the quality and value of the service to the public in their respective inns or taverns. Rather than to aid in improving the hotel service and raising the standard of license places, our temperance friends seem to make their slogan, "none or all." While this is a logical goal to be reached, it can only properly be reached through legislative channels and not through judicial. As the law now is, we cannot be controlled by our personal wishes or by the sentiment and standards of the community. Where our present laws may be wrong, let them be changed through the intelligent action of the electorate and its representatives at Harrisburg.

Many representations have come to us that have convinced us that the pledges taken by the applicants a year ago have somewhat bettered conditions in this county. We will ask all applicants to add one additional promise, namely, not to drink or let bar-tenders drink with their customers or at their own bar. We are compelled to certify as to the sobriety of the applicant and his agents. It is manifest that the landlord can maintain the peace and good order of his house and be much more free to act if not drinking with his customers. In view of the record, the total lack of evidence, and of the long-standing of the different licenses before us, we feel that we have no alternative but to grant the most of them, upon a renewal of the pledges made a year ago, with the additional one just above referred to. We have reserved our right to hold over two or three for further consideration and investigation.

By the Court,  
ELLIS L. ORVIS, P. J.

LOCALS

Scott Williams of Mill Hill spent a few days with his friend, Bruce Arney.

Emmet Brooks will start farming April 1st on the farm which Perry W. Breon recently sold to Chas. D. Bartholomew.

Blaine Bitner and Reuben Breon of Spring Mills attended the regular meeting of Centre Hall lodge, I. O. O. F., Saturday evening.

Clarence Long, the landlord of the Rebersburg hotel, purchased the team of grey driving horses which were the property of Rev. F. W. Barry, and

which were kept in charge by J. W. Mitterling for some time. Cleve Mitterling delivered the animals on Tuesday.

Mr. and Mrs. S. K. Emerick of Flemington were in Centre Hall for a few days after Thursday of last week. Both of them remained for the Odd Fellow's banquet on Saturday evening. Mr. Emerick is one of the three living charter members of the local order and one of the two who attended the festivities. While in town Mr. and Mrs. Emerick were entertained by the former's brother, M. L. Emerick.

**PENN HALL.**

Mr. and Mrs. Adam Heckman made a trip to Millheim on Tuesday.

Mr. and Mrs. John Musser and children from Millheim spent Friday at the James Condo home.

Miss Irma Shook spent a few days at the home of her uncle, Daniel Shook, near Coburn, last week.

Samuel Ulrich and Frank Musser hauled Mr. and Mrs. Harry Ulrich's household goods from Milesburg to Spring Mills on Friday, where they expect to begin housekeeping in the near future. Mr. Ulrich is going to work in the condensery.

Eva Kramer visited her friend, Cora McCormick, on Sunday.

Mrs. Harvey Smith and son William spent Sunday afternoon at the home of James McCool near Farmers Mills.

We have been having quite a bit of rain the last few weeks, which everybody was glad for, but now the people again wish for snow, as it is hard traveling either in buggies or sleighs.

Mr. and Mrs. Gross Shook returned from their wedding trip to Virginia on Thursday morning. When they arrived in Virginia Mr. Rice met them at the station with two mules, not knowing that Mr. Shook was bringing his wife along. It sure was a joke on both the parties. Horses were hired to convey the newlyweds to Mr. Rice's home.

Alta Sinkabine spent Sunday at the home of William Rishel.

Mrs. John Blair, who has been very sick for several weeks, isn't improving very much.

Mr. Farmer, if you have not yet listed your sale in the Reporter's sale register, do so soon. Notices are free when bills are printed here; to others the charge is the same whether notice appears once or a dozen times. 'Phone your sale date to us now.

Miss Pearl Arney is in Harrisburg as the guest of Dr. and Mrs. G. H. Widder and on Tuesday witnessed the inauguration ceremonies.

**Civil Service Examination.**

On February 20th, civil service examinations will be held throughout the United States for fourth-class postmasters. One of the points designated for examination is Bellefonte. Although there are forty-one vacancies to be filled in Pennsylvania, and all told about five hundred, none of them are in Centre or nearby counties. These are points where, after previous examinations, no eligibles were secured.

**Transfers of Real Estate.**

J. C. Nason et ux to Sarah Miles, cemetery lot in Hutton twp. \$10.

Samuel K. Hostetter et ux to Alvin C. Eisenhuth, tract of land in State College boro. \$4,000.

Moses Eby et al to James S. Weaver, tract of land in Haines twp. \$12,699.44.

David Noll to Mary A. Noll, tract of land in Spring twp. \$1.

Catherine Jennings heirs to Maurice Baum, tract of land in Spring twp. \$500.

Robert H. Way et ux to Darlington A. Way, 3 tracts of land in Half Moon twp. \$7,000.

William T. Rothrock's heirs to Catherine Funk, tract of land in Philipsburg boro. \$3,250.

Adam H. Krumrine et ux to Harriet L. Cowell, tract of land in Ferguson twp. \$1.

Irvin B. Showers et ux to Kate Horner, tract of land in Centre Hall boro. \$755.

Hannah M. Siltzer to Harry Monzel et ux, house and lot in Bellefonte boro. \$900.

Emanuel Wetzel to J. F. Wetzel, tract of land in Millheim boro. \$50.

Sadie Neff to Charles Wolf, tract of land in Potter twp. \$600.

J. Blair Alexander et ux to Reuben I. Siltner, 2 tracts of land in Union twp. \$5,000.

Harriet Linn's Trustee & Co. to Robert F. Seebler, tract of land in Bellefonte boro. \$1,900.

Andrew Lytle et ux to J. S. Weaver, tract of land in College twp. \$135.

Harry Haag, et ux to M. C. Gephart, tract of land in Bellefonte. \$500.

**Deaths of Centre Countians.**

Mrs. Fieta Greninger, a former resident of State College, died at Danville, aged seventy-one years.

Morris W. Cowdrick, for many years a resident of Bellefonte, where he operated a black-yard and put up many brick structures, died at Niagara Falls at the age of eighty-two years.

Mrs. Catharine Harvey, wife of Oscar Harvey of State College, died at the White Haven sanatorium, aged thirty years.

George T. Miller, a native of Penns Valley, died at Fostoria, aged sixty years.

Irvin A. Bartges died at State College of tubercular meningitis, aged forty-four years. Funeral services were held at his mother's home in Coburn and interment made at Millheim.

**Get a Job at the P. O.**

The president's endorsement of some sort of federal employment bureau is to be translated into fact by the department of labor. It was originally suggested five years ago by T. V. Powderly, chief of the division of information of the bureau of immigration, in relation to the plans for the distribution of immigrant labor where it was most needed. The present idea, however, is to make it applicable to all. To this end the 200,000 field agents of the department of agriculture are to be employed as labor market reporters and the postoffices throughout the country, as information bureaus. The ideal aimed at, apparently, is that the unemployed can go to the nearest post-office and get a job, or at least information as to where he may be most likely to get one.

**Fine Berth for Cressy.**

"Farmer" William T. Cressy, of Catawissa, Democratic candidate for lieutenant governor, defeated at the recent election, and until lately master of the Pennsylvania State Grange, has accepted the tender of the directors of the National Dairy Union, of the secretaryship of the association. This organization is made up of dairy organizations from every state in the union. The greater part of Mr. Cressy's work will be done in Washington. He was elected in Chicago last week.

**The Record's Pictorial Magazine.**

The Philadelphia Record has begun the publication of a weekly Pictorial War Magazine. This magazine is published entirely separate from its newspaper. It is made up of highly interesting and exciting scenes of current events of the European War. The magazine consists of twenty-four pages and is printed by the new Rotogravure process. It will be obtainable on newsstands at 10c per copy. All persons interested in European War affairs will be kept well posted by the advice and scenes of battle obtained in this publication.

**Spring Mills.**

Mrs. C. E. Zeigler of State College was a visitor at the Thomas Decker home for a few days last week.

Mr. and Mrs. Jerry Rishel, Mr. and Mrs. John Confer of Green Briar, and Mr. and Mrs. Confer of Indiana, spent a day last week at the Ammon Decker home.

Edward Braucht and son of Coburn spent Sunday afternoon at the Dr. H. S. Braucht home.

George Genzeli spent Sunday in Nittany Valley.

Ward Emerick of Bellevue, Ohio, and sisters of Penn Hall, took dinner with their uncle, I. J. Zabler, on Thursday.

There will be considerable moving and changing about the spring.

The recent thaw has flooded quite a few cellars.

The Grange had an interesting meeting on Saturday.

**Tusseyville**

The next meeting of the W. C. T. U. will be held at the home of Mrs. John Black, Thursday of this week.

Dr. H. S. Braucht accompanied James McCool to the Pennsylvania hospital at Philadelphia where he expects to have an operation performed on his eyes.

The sledding is about all gone in this community.

The measles scare is abating.

George Harter and Miss Mae Frazier were married at the Reformed parsonage Saturday, January 9th, by Rev. R. R. Jones. After the ceremony the callithumpians from the south side took charge of the ceremonies.

The Fleisher Gap school is closed on account of the illness of the teacher, Miss Mary Slutterbeck, of this place.

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LADIES' COATS		LADIES' DRESSES		Men's Suits and Overcoats	
Redingote and Flare effects. All shades and materials.		New Velvet, Combination Velvet and Charmeuse, Serges, Covert Cloths; all colors and styles.		Every known material and model.	
PRICES WERE	SALE PRICE	PRICES WERE	SALE PRICE	PRICES WERE	SALE PRICE
\$ 5.00	\$ 2.75	\$ 5.00	\$ 2.98	\$ 7.50	\$ 4.98
10.00	5.75	7.50	3.98	10.00	6.98
15.00	8.75	10.00	5.98	12.00	7.98
20.00	12.75	12.50	7.98	15.00	9.98
28.50	14.75	18.50	8.98	18.00	12.98
				20.00	13.50
				25.00	14.98

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