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THE OPINION OF HON, WILLIAM ELWELL,

President Judge of the 26th Judicial Dis trict, filed March 29, 1881.

Re-Contested Election for Justice of the Peace in the Borough of Millheim, Centre county Pa., at the election in February, 1881.

Pa, at the election in February, 1881.

This case arises out of the election held in the borough of Millheim, in February, 1881, for the office of Justice of the Peace. The return of the officers of the election gives to F. P. Musser sixty-nine votes, and to J. H. Reifsnyder sixty-eight votes, and declared the former to be duly elected. In due time and the manner required by law this and the manner required by law, this election was contested, upon the ground that votes were received and counted for the respondent from persons who were not qualified to vote, and that the officers of the election refused and neglected to count a vote cast for the con-testant, by a qualified voter. The allegation on the part of the contestant is that of the legal votes cast, J. H. Reif-snyder and not F. P. Musser had a

majority.
On that question a large amount of testimony has been taken by an examitestimony has been taken by an examiner, but by the agreement of counsel the questions to be considered by the court have reference to the qualifications of five persons named, who voted for the respondent of one person who voted for the contestant, and also as to the qualifications of one person whose vote for the contestant was not counted by the election officers.

I proceed to consider first the five A proceed to consider hist the live votes cast for the respondent which are alleged to have been illegal. John H. Kreamer was permitted to vote upon a registry which is as follows: "John Kreamer, Inn keeper." There was no evidence given before the examiner in reference to this man except that he evidence given before the examiner in reference to this man except that he deducted from the number of votes re was twenty three years old, and a son of Jonathan Kreamer, proprietor of the National Hotel. There was no evidence that John H. Kreamer was not an Inn keeper, nor that Jonathan Kreamer resides in the borough of Milheim. It is objected against the vote of Michael Lamey counted for the contestant, that he was not a qualified voter. He was duly registered and resided in the vote of Michael Lamey, leaving the district in the years 1878 9 and 80, the vote of Michael Lamey, leaving the deducted from the number of votes returned for him, thus reducing his count to 67 votes.

It is objected against the vote of Michael Lamey should be counted for the contestant, which being added to the vote of wotes, from which is to be deducted from the number of votes returned for him, thus reducing his count facts, I conclude that the vote of Michael Lamey of the vote of Michael Lamey, leaving the vote of Michael Lamey leaving the vo sides in the borough of Millheim. If proof had been given that such were the facts this vote ought to be deducted from the count for the respondent. In the absence of such evidence we cannot say that the name as registered was not intended for the person whose vote was taken by the board on the evidence presented by the Register. It is objected that John F. Harter

was permitted to vote, being registered and no affidavits made. Upon inspec-

The votes of Solomon Confer and John A. Confer were received and counted for the respondent. These persons were not registered. They came into the district to reside on the 16th day of December, 1880. The election was held on the 15th day of February, 1881. It is objected that they had not resided in the district the required length of time to entitle them to vote. to entitle them to vote.

Article VIII of the constitution, in defining the qualifications of a voter, provides inter alia that, "He shall have

used in a statute or contract according to the uniform decisions of the courts, and the general understanding of the people, means a calendar month. The year being divided into twelve periods of unequal length, each period being a month designated by a name, and having a fixed number of days, it follows that the number of days embraced within any two months, back or forward of testifies that he intended to you for J.

A single bill dated on the 10th day of June, payable in two months, would fall due on the 10th day of August, a period of sixty-one days. Shaply vs. Garcy 6th, S. & R. 539. A bill dated the 10th day of July, at two months, would fall due the 10th day of September, a period of sixty-two days. A similar bill dated on the 10th day of January would fall due on the 10th day of March, a period thoritively decided in the case of Carrena does not contain the whole name, extrinsic evidence may be resorted to for the purpose of showing directly the intervence of of showing directly the interv

The Centre Jemocrat. of but fifty-nine days. And so it is in regard to statutes: When a statute requires a "months notice," a notice of thirty days given during a month which contains but thirty days is a compliance with the law. People vs. Ulrich 2d Abb N. Y. Pr. 28. But it would not be sufficient if given during a month which

contains thirty one days.

The English courts have established a rule upon this subject which is simple, uniform and easily understood. It is this, "In calculating a calendar month, if the computation commences during the course of a month, the right method is to proceed from a given day in one month to the day with a corresponding number in the ensuing month, Freeman number in the ensuing month, Freeman vs. Reed 10th Jurist, N. S. 149—8th, Law Times N. S. 458, and the same is the rule in this State, Commonwealth vs. Maknell, 3 Casey, 444.

In construing a constitution the words used are not to be stretched beyond their fair sense, but within that range

the rule of interpretation must be taken which best follows out the apparent in-tention. D. Warris on Stat. 659.

tention. D. Warris on Stat. 659.

That intention is to be gathered from the words used and the purposes in tended to be accomplished. In fixing the time of residence required by months instead of by days, the framers of the constitution manifestly intended that the words should be understood in that the words should be understood in respect to that matter, as they are un-derstood in respect to contracts and all other matters, and as they are held by the courts to mean. As a part of the history connected with the changes introduced by the constitutional convention of 1873, from a number of days residence to that of residence of months, quote from the debates all that relates

Mr. McCallister, chairman of the comabove quoted requiring two months residence. Mr. Collins moved to strike out
two months and insert sixty days, saying there is no telling what is meant by
two months but put it sixty days, and
every man can understand it.

Mr. Brakelow realized that the con-

Mr. Buckalew replied, that the com-mittee on suffrage on all occasions of computing time have used the word "month or months," and for the reason that the length of time or number of days in months vary, and will be simpler and more convenient to election officers to compute time from the same day in any month to the same day in succeedany months, without stopping to calculate how many days it will take for the same space of time. We have to carry these computations over different periods of the year, and we have uniformly used the term months as more simple for the people." no room.

The amendment was rejected. lst drawn.

tion, because the sixty-first day preceding the election in November is two months back from that day. The day in September to which the sixty one days reaches back, will be of the corresponding number of the day of election. But a miniar correspondence of dates are appropriately as a miniar correspondence of dates are not there being correctly written, or the full name not given, or by a similar correspondence of dates can not occur counting back sixty one days from any day in February. It is not two months from the 16th day of Decem-

and was assessed each year but did not sixty-eightvotes for John H. Reifsnyder, pay his tax. It is now contended that he may have paid within two years some old unpaid tax of former years. It is possible that this may have been so, but when it is shown that one offering to you have not possible that the may have been so, but when it is shown that one offering to you have not possible that this may have been so, but when it is shown that one offering to you have not possible that the may have been so, but when it is shown that one offering to you have not possible that this may have been so, but when it is shown that one offering to you have not possible that the may have been so, but when it is shown that one offering the form the possible that the may have been so, but when it is shown that one offering the form the possible that the may have been so, but when it is shown that one offering the form the possible that the may have been so, but when it is shown that one offering the form the possible that this may have been so, but when it is shown that one offering the form the possible that the may have been so, but when it is shown that one offering the form the possible that the

was permitted to vote, being registered and on affidavits made. Upon inspection of the records it appears that he was duly registered, and that lines in shape of a cross over two names above his extend down partly on his name. The two names above are erased, having been twice registered. The name of Dr. Harter is not erased and was rightly counted for the respondent. Michael Maize was duly registered. It is alleged that he had not paid taxes within two years before the election. It appears that he was assessed in Millheim, but did not pay his tax. He was assessed in Millhelm, but did not pay his tax. He was assessed in Millhelm, but did not pay his tax. He was assessed in Millhelm, but did not pay the tax for that year, prima facie he was entitled to vote at that election.

The vote of Michael Lamey must be deducted from the count returned in Nillhelm the 15th H. Reifst est numl didates for the several municipal officers of the borough. He was a duly registered and qualified voter. His baliot to counted by the officers of the election, and counted for all the officers was received by the officers of the election, and counted for all the officers of the borough. He was rejected and not counted, because no christian name nor counted, because no christian name nor in Millhelm that the had not.

The vote of Michael Lamey must be deducted from the count returned in He 15th H. Reifst est numl didates for the several municipal officers of the election, and counted for all the officers of the below to the borough. He was a duly registered. It is further that the cost of the benever and qualified voter. His baliot to counted, because no christian name nor counted, because no christian name nor metal to the ticket, as clearly shown by the evidence are, that when presented to Mr. Miller the ticket contained the name of the can didates for the several municipal officers of the election, and counted for all the officers of the election. The vote of the peace and the contained the name of the can didates for the several muni The votes of Solomon Confer and John the words "For Justice of the Peace for Reifsnyder instead of Musser, for Justice of the Peace, and thereupon George W. Cummings in his presence, erased the name of "F. P. Musser" and defining the quathean provides inter alia that, "He shall have resided in the election district where he shall offer to vote, at least, two months immediately preceding the election there were other persons having the surname of "Reifanyder" residing in the borough, one or two of hom were candidates for some other hom were candidates for some other hom were candidates for some other hands of Justice of

ing a fixed number of days, it follows that the number of days embraced with in any two months, back or forward of a given day, depends upon what month follows or precedes that day.

A single bill dated on the 10th day of

penter vs. Ely 4th Wis. 420, Brightly's

penter vs. Eig 4th Wis. 429, Brightly's contested election cases 258.

It was there held that "when there is a doubt as to the person intended to be voted for, by reason of a misspelling of the surname or of the addition of a different or erroneous christian name, facts and circumstances of public notariety without the helders connected with the dehors the ballots connected with the election, and the different candidates, are competent evidence to ascertain for are competent evidence to ascertain for whom the ballots were intended to be cast." The facts to which this doctrine was applied by an able court, were these: Matthew H. Carpenter and George B. Ely were candidates for the office of District Attorney. In a contest it appeared that votes were cast for D. M. Carpenter, M. D. Carpenter, M. T. Carpenter and for "Carpenter," and for Mr. Ely by several erroneous initials and by the surname "Ely." It was shown that these candidates were the only persons by those surnames in the county competent to hold the office, and from that fact it was held that it might be that fact it was held that it might be inferred that the votes having on them only the surname Carpenter or Ely, were intended to be cast for Matthew H. Carpenter and George B. Ely, and the votes were so counted.

the votes were so counted.

In the contested election of Simon Marburger 5th Weekly Notes of Cases 399, evidence was held to be admissible to show that Simon Marburger was well known by the name of Samuel. On such proof votes cast for Samuel were credited to Simon Marburger. The evidence in each of these cases raised a reasonable presumption in respect to the intention of the voter.

It is not necessary to bring another case within the principle enunciated in these, that the facts should be the same or similar, each case must depend upon its own surrounding circumstances. If mittee on suffrage, reported the article above quoted requiring two months residence. Mr. Collins moved to strike out violating any rules of evidence, or en-

clude that every one of the one hundred and forty four persons who cast a wote in the borough of Millheim, on the 15th day of February, 1881, knew that the contest for the office of Justice of the Peace was between F. P. Musser and I. H. Reifender In the abscessed J. H. Reifsnyder. In the absence of any evidence tending to show that any vote cast for Musser or Reifsnyder was intended for any other person having the same surname, the inference is rea-sonable, that votes for either of those surnames was intended for the candidate of that name, and when that in-ference is backed by the testimony of and convenient for election boards and the person who cast the vote, there is no room for doubt that it is correctly

Debates of Convention 628.

It is argued by counsel for respondent that by the registration act of 1874, it is implied that a residence of sixty-one days is sufficient to entitle one to vote.

No doubt that is so at the general electric department of the relief of the

reason of there being other persons of the same name in whole or in part, there ought not to be, and I hold there there ought not to be, and I hold there two months from the 16th day of December to the 15th day of February. I conclude, therefore, that the votes cast by Solomon Confer and John A. Confer and counted for the respondent, ought to be deducted from the number of votes returned for him, thus reducing his count to 67 yets.

so, but when it is shown that one offering to vote has paid no tax assessed in the three preceeding years the burden of proof is thrown upon him to show affirmatively, that he had paid a tax. The presumption is that he had not.

The vote of Michael Lamey must be deducted from the count returned in favor of the contestant.

David Miller cast ballot No. 109, which constraints the process of the process of the contestant. it is further ordered and decreed that the costs in the case be paid by the borough of Millheim, in the county of

A Back-set for the Readjusters.

RICHMOND, Va., March 30.—The Read-isters received a severe check to-day in the defeat in the Senate of one of their chief partisan measures, that is, the bill reducing the judical circuits of the State from eighteen to twelve, which would from eighteen to twelve, which would have turned out all the present circuit judges and necessitated the election of new ones. The vote on the passage of the bill was seventeen yeas to twenty nays, three Readjusters voting with the Democrats. The bill had previously passed in the House by a large majority. The Democrats are greatly elated over their victory, and express the belief that the other extreme measures of the that the other extreme mesures of the Readjusters will share the same fate in in the Senate. The effects upon the Readjusters was to make them call a caucus. The caucus was in session but a short time, and took no action in re-lation to any of the important measures. They are greatly chagrined at their defeat this afternoon.

Ar the faintest pain PERUNA should be

Thornas Jefferson Jones and wife, of Pottstown, are each 82 years old, and have lived together for sixty-one years. THE nearest infallible remedy is Pa-

LYDIA E. PINKHAM'S Vegetable Com-LYDIA E. FINKHAM'S Vegetable Compound revives the drooping spirits; invigorates and harmonizes the organic function; gives elasticity and firmness to the step, restores the natural lustre to tne eye, and plants on the pale cheek of beauty the fresh roses of life's spring and early number time. and early summer time.

ACRES. PER

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ATTORNEY AT LAW,
BELLEFONTE, PA.
Special attention given to the collection of claim
office adjoining Brockerhoff House.
4-

THOMAS J. McCULLOUGH, ATTORNEY AT LAW,
Office in Albert Owen's building, in the room form
erly occupied by the Philipcburg Banking Company.
4-ly.

Dissolution of Partnership. NOTICE is hereby given that the partnership heretofore existing between 8. T. Shugert and R. H. Forster, in the publication of the Centrae Dimocrast, under the firm name of Shugert Serit, R. H. Forster retiring from said firm. The books and subscription list of the late firm will remain at the office of the Centrae Dimocrast, where all accounts will be presented for settlement.

8. T. SHUGERT,

is office in the presented for season ill be presented for season for license in the Office of the Clerk of Quarter deposition of the present of the present

do. do. do. do. do. do. do. Eating House do. do. Salcon.

Treasurer's Sale

UNSEATED LANDS FOR TAXES FOR 1880 AND 1881, AND PREVIOUS YEARS.

OTICE is hereby given that in pursuance of an Act of Assembly, passed the 12th day of June, A. D., 1315, entitled "An Act to amend an Act directing the mode of selling unseated lands in Centre county," and the several supplements thereto, there will be exposed at public sale or outery, County Court (OS 7AXES. 175 175 205 205 205 205 4 10 150 4 205 4 2

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	453	164	Jonathan Harvey	***
n	233	163	Joseph Higby	
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e	451	40	Moses Hood	***
	150		Sarah Lane	
e	133	163	David Lewis	
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Peter Dehaven...
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Henry Donald...
Cadwalader Evans.
William Elliott...
Eather Eddy...
William Gray...
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William Glilert ...
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James Irwin
Joseph Kelso
Rebecca Kelso
Mary Lane
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John Schooler
John McGuley
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William P. Micchell
John P. Micchell
William P. Micchell
Lilia L. Orriso
Jun W. Backer
J. W. Backer

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Jasper Brooks (owner), J. Gordon (owner,) W SHOE TOWNSHI

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Centre.
D. F. Fortney, Adam Hoy, J. L.
Spangler, Attorneys for Contestant.
Alexander & Bower, James A. Beaver,
Attorneys for Respondent.

ONE OF THEIR MOST IMPORTANT MEASURES BEATEN. Gentlemen-Your Hop Bitters have

Gentlemen—Your Hop Bitters have been of great value to me. I was laid up with typhoid fever for over two months and could get no relief until I tried your Hop Bitters. To those suffering from debility or any one in feeble health, I cordially reaommend them.

J. C. STORYZEI.
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J. W. Packer	TAXES.	43
J. W. Packer	2 03 3 ⁻ 15 63	43 43
William M. Pacl.er	5 28 1 44	
Peter Smith	12 00 41 55	40 43 43
Mary Talimai	20 85 4 80	4.3
Richard Tonis	3 84	36
Fishburn Wharton	10 43 10 43	43
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Samuel Scott, Robert Taggart,	1 37	123
Abraham Scott, Samuel Scott, Robert Taggart, Henry Toland, Wharton Moor; David Williams,	6 39	180
David Williams,	6 39	180
PATTON TOWNSHIP.	5 56	141
PENN TOWNSHIP. Adam Bolinder.	2 98	210
POTTER TOWNSHIP.	11 19	100
William P. Brady	4 31	128
Mary Bound, Alexander Cameron,	3 02 80	119
H. B. Folmer.	1 50 2 00	100
Edward Garigus, William Garigus,	3 02	100
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Shires & Fullmer, S. & A. Scott,	3 30	398
SPRING TOWNSHIP, William McClure,	20 38	337

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WORTH TOWNSHIP.

Robert Campbell

J B Gray

Widow Morris

Wm Shippen, Jr.

WARRANTEE BAMES.