## Circulation Over 5,000 .- Largest in Centre County.

TURNPIKE ACT

According to the Opinion Rendered by Judge Orvis.

VARIOUS REASONS ARE GIVEN

This County Need not Maintain Condemned Turnpikes--Unequal Taxation--Is Class Legislation -- County Commissioners are Vindicated.

Our readers will recall that, in the past year, attention was frequently called to contention over the maintenance of the turnpike in Pennsvalley, from the Old Fort eastward to the Union county line. Citizens living in the townships of Potter, Gregg, Penn and Haines desired to take advantage of a recent act of assembly which appeared to them authority for demanding that the commised turnpikes in the county would have come under the same supervision and maintenance if their position could have been established. The only dispute in the case was for legalinter pretation, and a test case was submitted to the court.

Hon. John G. Love argued the case in behalf of Haines township; while W. D. Zerby of the firm of Gettig, Bower & Zerby, solicitors for the county, argued the case in behalf of the county commissioners, maintaining that for numerous reasons the act was unconstitutional. and inoperative. The opinion of the court practically affirms all the leading points offered by Mr. Zerby, in which he displayed careful research and marked ability in presenting same to the court.

The following is the opinion as filed:

SUPERVISORS OF THE TOWNSHIP OF HAINES

No. 20 November Term, 1906. COMMISSIONERS OF CENTRE COUNTY

## OPINION AND DECREE.

The above is a case stated arising under the provisions of the Act of April 20. 1905 P. L 237 The Bellefonte, Aarons-burg and Youngmanstown 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 Town-ships of Potter, Gregg. Penn and the Borough of Millheim aforesaid and about twelve miles thereof in the township of Haines aforesaid, was duly condemned

burden is imposed upon the County of reported safe with the prospect of an Centre. The Act is very crude and average at least. As to peaches, even evidently not carefully considered. It with favorable weather, there would merely provides for such turnpikes or likely not be much of a crop, as the parts thereof as have or shall be appro-priated or condemned, requiring that they shall be properly repaired and by the yellows. This section does not maintained at the expense of the county. city or borough in which said turnpike peach growing. Within the past ten or part thereof lies. The Act provides years, during which many hundreds of 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 muni-Immediately east of the cipality. Borough of Millheim the said turnpike would again become a county road for Mr. McKinley from taking it home twelve miles. The defendants rely upon several positions in attacking the constitutional-ity 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 tion raised by the defendant is that the the best innocent amusement we have Act offends against Article IX of the had in the town. During the warm 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 the sum of the Mifflin-Bedford-Huntingdon Dis. skating. trict hws 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 contra distinction 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 mainentire county. While the taxpayers of the neighboring Borough of Millheim would not only have the burden of main-taining the whole of the said turnpike within its own borders, but would be halle also to whatever taxation would be necessary through the agency of the county for the field and dell. The active for main the field and dell. The active for main taken and her advises that aboard dellos have an hypers.

tion for the maintenance of this turnpike while the citizens of Haines Township IS UNCONSTITUTIONAL would be liable in only one capacity. This clearly offends against the constitu-

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

judgment is hereby directed to be en-tered against the plaintiff and in favor of the defendant,

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

## A PRIZE OFFERED.

The following article was published in Penrose's "Keystone Gazette," of this \$1. place, October, 11, 1906. To the person sending us for publication, the best comment, on the following article, limit-before any magistrate or alderman or before any magistrate or alderman or before

The Democratic candidates and State Treasurer Berry are going up and down the state maliciously Lying about the State Capitol, just as they deliberately Lied about the State Treasury and Enterprise bank failure last year. They know they are Lying for the purpose of deceiving the peo-

"The yellow journals are also maliciously Lying about the State Capitol as they did last year about the city of Philadelphia. State Treasury and the Enterprise bank failure.

"They know they are Lying, and the majority of the people know they are

'He (Berry) does not specify in his charges a single item in which the State has been cheated. He simply indulges in general charges and base insinuations of wrong-doing, hoping thereby to deceive the people and have them foolishly vote to injure themselves. These charges are false and they know it.

"Will the people allow themselves again to be deceived and fooled by yellow journals and political dema-gogues and LIARS?"

Competition will be open for one

## Fruit Predictions

have a climate favorable to profitable peach trees were planted, there have only been two seasons to produce fair crops, and within the past four years there has been a decline in the yield and the trees are showing up in an unhealthy state.

BELLEFONTE, PA., THURSDAY, MAY 2, 1907.

The Centre Democrat.

#### THE STRIKE CAME. NEW SCALP LAW As stated last week, the local Carpen-**RECENTLY PASSED** ter's and Joiners Union gave warning to their employes that they would go out on a strike on the 1st of May, if they did ot get an increase of two cents an hour.

Places a Bounty on Certain Noxious When the time came around the Ardell Lumber Co. signed the scale, thus agree-Animals.

Wild Cat, \$4; Fox, \$2; Weasel or Mink, under the impression that was the final

In order to secure the bounty the per- the men are that Mr. Crider has not been sioners of Centre county should main-tain this highway in the future: and naturally other abandoned or condemnvit that he killed same, giving time and hand Mr. Crider claims that while he place; and in the presence of one elector gets a high price for his lumber and pro-of the county the officer must cut off the ducts, his profits are not any more than ears of the animal or pelt and burn when the price was much cheaper. This same.

by the county treasurer.

June the commissioners forward to the Auditor General a list of all such boun-ties, and the amount is paid by the State Treasury back to the county, out of an appropriation of \$50,000 provided to carry out the provisions of said act. Any person who shall wilfully or fraudulently collect, or attempt to collect.

month and the prize will be announced prisonment in the common jail of the county for a period of one day for each dollar of penalty imposed. John D. Meyer, superintendent of the Bellefonte public schools, assisted by the directors, have been successful in John D. Meyer, superintendent of the the House and are now at one stage or the directors, have been successful in obtaining Hon. Henry Houck, Secretary

ships of Potter, Gregg. Penn and the Borough of Millheim aforesaid and about twelve miles aforesaid was daily condemned for public use, free of tolls. The Supervis-of sol. Le plainting the said twelve miles of that by virtue of the said Act their Township is relieved from the burden of turnpike, and that instead the cost and turnpike, and that instead the cost and The above act was passed for the of Internal Affairs, as the man who will turnpike, and that instead the cost and amount to a total failure. Apples are aried game wardens and officers who literary treat. The annual custom has travel up and down the state persecut- been to hold the commencement on ing more people than prosecuting delib-erate offenders. Thursday but as Memorial Day comes on Thursday this year the commence-One good feature about this law is ment is one day earlier. The annual that the entire state pays the bounty assembly will take place in the Armory and not the counties where game is on Tuesday evening, and Monday evenfound, and outsiders come in and help to kill it. The bounties are sufficient to encour-Hall. On Sunday evening, May 26th, On Sunday evening, May 26th, age active work by trappers and hun- the baccalaureate sermon will be preached by Rev. James B. Stein. in the capturing such animals for the pelts and Methodist church. These services and entertainments are always interesting and productive of great good. Ten cents will be charged for the Reynolds Wednesday evening April 24, there contest, and in order to enjoy the social assembled at the home of Albert Thomp- festivities on Tuesday evening in the con's, a very enjoyable surprise party on Armory you will have to have an east Bishop street, Bellefonte, for Mrs. invitation. The other exercises are went on a visit to some friends, nearby. Her next door neighbors, Mrs. Bible and Harrisburg Diocese Convens May 14-15 In St. Matthew's Episcopal church, Mrs. Thompson returned home about 8 Sunbury, the annual convention of the o'clock. Guests were : Wm. Bartley, Episcopal church will be held May 14 of Clinton county, who protested against Mr. Bible, wife and daughter, James and 15. Delegates from all the parishes Bartley, wife and family, John C. Hoy in the diocese to the number of about and wife, Howard Bartley, wife and 200 will be in attendance. At the confamily, Miss Cora Sholl, Elmer Bartley vention Rt. Rev. J. H. Darlington visitand wife, Frank Bartley, and Rosetta Cooke. Quite a number of presents were received. The guests were well entertained until the ladies had prepared a table loaded with refreshments, of which the guests partook and relished nual dinner in the armory. Addresses very much They were also entertained by Miss Bible playing the piano. At a late hour the guests departed for their homes, wishing Mr. Thompson and The address will be made by Chief Bur-The address will be made by Chief Burwife many more returns of the happy gess Burrows, of Sunbury, Arrange-occasion. H. gess Burrows, of Sunbury, Arrange-



The Investigation Continues to at-

tract Attention.

Mum--The Probe Going Deeper--

Rascals Skipping the Country.

The Machine in control of legislation has thrown off the reform mask. Two

measures promised in the party plat-

form last year were enacted into laws

and Representative Creasy is enjoying

the satisfaction that, to that extent, work

FACT, FUN AND FANCY. Bright, Sparkling Paragraphs--Selected

and Original.

Vol. 29. No.18.

GETTING INFORMATION OUT OF PA.

My pa, he didn't go to town Last evening after tea But got a book and settled down As com'fy as could be. I'll tell you I was offul glad To have my pa about To answer all the things I had. Been twich the bod out Been tryin' to find out

And so I asked him why the world Is round, instead of square And why the piggies' talks are curled And why don't fish breathe air ? And why the moon don't hit a star And why the dark is black. And just how many stars there are, And will the wind come back.

And why does water stay in wells, And why does water stay in weils, And why do June bugs hum, And what's the roar I hear in shells, And will Christmas come? And why the grass is always green, Instead of sometimes blue. And why a bean will grow a bean, And not an apple, too?

And why a horse can't learn to moo.

And why a horse can't learn to moo. And why a cow can't neigh And do the fairies live on dew And what makes hair grow gray -And then my pa got up an'gee. The offul word's he said. I hadn't done a thing, but he Just sent me off to bed.

Its a big mistake to act small.

It's a big mistake to act small.

The dentist's work is surely an awful

Many a dark secret never comes to entirely destroy its usefulness. But frail and faulty as the measures are they are about all that will be achieved light

The minister usually marries for money. in the nature of reform legislation this

When a man is short he hopes it wont year. It is an open secret that the Rail-road commission bill is to be killed in be for long

the Railroad committee of the Senate. Many a self-made man marries a tailor The story is that the railroad magnates made woman.

> In the fat women's dress a good deal of material goes to waist.

Some fellows can't stand prosperity, and others never get a chance.

A woman is seldom as successful in concealing her rage as her age.

Strange as it may seem, it is when a fellow is used up that he is down and out. The fellow who apes his betters only succeeds in making a monkey of himself. gether sins of omission, either. In addition to killing reform legislation sighted, although it always wears

> Strange as it may seem, ice cream has been known to kindle a flame in a girl's heart.

> The fellow who always has his hand out dosen't always know enough to grasp an opportunity.

A little change in the weather is desir-When the House, a couple of weeks able, but not nearly so much as a little

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out the provisions of the Act--Pen- tion for an increase of wages. alties Provided for False Claims -- | der told the committee that before he

The officer will then issue a certificate sides. The employes of the sucker-stick to the party making the affidavit, set-ting forth these facts, which must be strike, and thus this part of the mill was presented to the county commissioners running as usual Wednesday morning, of same county, who will issue an order Mr. Crider arrived home Tuesday even on the county treaurer for the payment ing and up until going to press they had of the bounty or reward. The party reached no amicable settlement. With making the affidavit must pay the offi-cial for issuing the certificate, that amount is included in the bill pre-sented to the county commissioners and paid

On the 1st of January and the 1st of is now a contractor, signed the scale. une the commissioners forward to the W. L. Steele refused to sign the scale

any reward or bounty, or aid or abet, or assist in any capacity officially or other-wise to defraud the state under this act will net their deference of the state under this act will net the truth was known this was intrue. The strike caused a number of gether sins of omission, either. In addition to killing reform legislation will get their differences so adjusted there are signs of a purpose to enact specks. Shall be guilty of a misdemeanor, and that both employer and employes will be some vicious measures. Under existing Stran pon conviction thereof shall be sentenc- satisfied. ed to pay a penalty of not less than \$100 or more than \$500, or suffer an im-

ing to pay the advance. About two Act would at least be cleared from any appearance of inequality and would be consistent with the present road laws of the state. In the case of either con-struction, 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 en-judgment is hereby directed to be en-judgment is hereby directed to be en-subjected to be en-tered entities ent

Much interest is centered in the new Scalp or Bounty Act, passed April 10th, 1907. The following are the important features of the act. The bounty is:

wind-up of the matter. The claims of is about the basis of argument on both

have engaged to promote Senator Pen-rose's ambition for re-election in considhatchet and saw. Charles Wetzel, who eration of that service of the machine. There are those who say that it is not an agreeable work for the magnates. rose is an expensive luxury and Elkins would have been preferred. But Penrose, had them on the hip and forced the issue.

The sins of the Legislature in the imconditions this will be an easy matter.

# High School Commencement.

of bill have been put on the calendar of another in process of completion.

A COUPLE OF FUNNY INCIDENTS.

for which he has been contending for many years has been partially accom-plished. That is to say the two cent a mile passenger rate bill and the trolly freight bill have been signed by the Governor. They are not the real thing it must be admitted, but they are better than no legislation on the subjects. The two cent fare bill is of doubtful constitutionality, it is said by all capable lawyers who have examined it and the trolley grind freight bill has a string to it that may

# Killed A Large Bald Eagle.

Bert McKinley, who resides at Pleas-ant View, Wednesday of last week, saw a large eagle flying through the air. He ran into the house to get his gun but when he returned he found the bird had taken a northward course, to Milesburg, and was soaring much higher. He pulled up his gun and fired when the bird-fell. On going up to it he found it to be a fine specimen of a Bald Eagle, and that he had shot it through the wing. It also made a desperate fight to prevent where the young markesman tried to heal up the wound. It weighed 20 pounds and measured nine feet across the wings. Of course, Mr. McKinley does not know exactly how high the bird was when he shot it but he believes it to have been about 90 feet, which shows him to be a pretty good marksman.

#### The Rink Will Remain Open.

Every Wednesday afternoon and even-ing and Saturday afternoon and evening the skating rink will open to all those wishing to skate. The orchestra will be present during the evenings. This will-Bellefonte as the rink has really been the best innocent amusement we have day morning about 6 o'clock and lasted had in the town. During the warm until 10 o'clock that night. The hicevenings the large doors can be thrown open and let in the cool air. Mr. Taylor will give quite a few dances during the summer in connection with the

# Oil For Street Sprinkling.

The Sunbury borough council is about proven a success in many other places, alleviate her sufferings. including South Bethlehem, where it has been in vogue only a short time. The Sunbury authorities have been informed that one sprinkling will suffice for a whole season.

## Everybody Eat Dandelion.

to kill it.

ters who practically make a livelihood of the reward.

#### A Surprise Party.

Thompson, it being her birthday. Mrs. as free as the air you breathe. daughter Elsie, received the guests ;

#### Strange Case of Hiccoughs.

Miss Annie Webber, of Boalsburg, for sometime past has been ill and practically an invalid, one of the distressing causes of illness is the frequent attack of hiccoughing which has frequently made her lease a whole lot of the young folks in very weak. Perhaps the most violent coughing was constant, and at an average rate of forty-one times a minute. The case baffled the skill of the local physicians and it was the opinion of her friends that she would die, but fortunately she survived the trying ordeal. Since then she has had a couple slight attack's, but nothing compared with that of Sunday. She is a fine lady, and the to adopt a new method of street sprink- distressing circumstance has awakened ling. It will sprinkle streets with oil instead of water. It is said that this plan originated in Kansas City and has

# Both Legs Cut Off.

"Now I'll show you how easy it is to jump a freight train." said Harry Swartwood on Monday, to his wife and mother as the three were walking along the Pennsylvania railroad tracks near

Denecessary through the agency of the county for maintaining the same turn-pike 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 taxa-

#### Lutheran General Synod.

The General Synod will meet this month, May 22nd, at Sunbury, Pa. It will be entertained by the congregation of which Rev. James H. Weber, D. D. is paster, the other congregations assisting. This congregation is one of the largest in the General Synod. Its Sunday school is also one of the largest. Both church and Sunday school have grown wonderfully under the leadership of Dr. Weber. The present officers of the General Synod are: Rev. D. H. Bauslin, D. D., of Springfield, Ohio, President; Rev. H. K. Fenner, D. D., of Louisville Ky., Secretary; G. H. Knollen-berg, Esq., of Richmond, Ind., Treasur-

#### Seven Miners Rescued.

After one of the most harrowing experiences in the mining annals of the state, the seven men who had been imprisoned by a flood in mine 38 of the Berwind-White operations at Foustwell, near Johnstown, Pa., since last Satur-

emotional of the lot offered a resolution declaring the Legislature in favor of the third term unequivocally, but he run up where they wished. The old man looked against the surprise of his life. Mean- at the paper, saw it was lawful, walked time Penrose must have taken a few of away in silence. He went to the barn his most servile followers into the wood- and turned a savage red buil into the shed for a conference for the vote on the field. The bull made for the men, the resolution was nearly as unanimous men fled at top speed, and the farmer against, the second time as it was in fav- shouted after them: "Show him your or the first time. Roosevelt got little paper! comfort from the second vote, though it

CONFUSION BREEDS BAD WORK.

By stenuous efforts an enormous number

is safe to say that there were more affirma. tive votes in the House on that occasion than there will be for his nomination in the Pennsylvania delegation in the next Republican National convention.

Another funny result was on a motion during the same session of the House to remove the heads of Quay and other political crooks from the pronze doors of the capitol. The motion was made by a Republican member who has become disgusted with the revelations of capitol graft. Strangely enough the only objection to the consideration of the resoluwasting the time in the House with such trifles. But only a few outside of the Democrats voted on the question, and though the vote was almost unanimously in the affirmative the Speaker declared the resolution was lost becauseless than a majority of a quorum had voted. That was technically a correct ruling but if the Speaker nad been for instead of against the resolution the point would not have been raised and at least one of the disgraceful incidents of the new capitol would have been removed.

The graft investigation has gone from bad to worse and it is only a question of a \$20,000,000 then there must be some-ting doing. Filmere and How have which of the conspirators will go to the penitentiary and for hew long a term. Every pretense of Pennypacker has been exposed and refuted and even his friends are beginning to speculate spon the re-sult of his trial in the criminal courts. That he is culpable hardly admits of doubt but whether criminally liable or not is a question. But it is certain that the State was robbed of five millions of dollars for the benefit of his friends and in consequence of his delinquency, and justice requires a criminal prosecution to vindicate the law.

During the sitting of last week all sorts of surprising things were brought into view. It was shown conclusively,

and subsequently admitted, that Payne & Co. had padded bills of sub-contractor and collected vast sums from the State in that way; that a contract for upward of \$300,000 was left without advertising as the law requires and that no requisitions were made by the heads of the departments for any of the metal furniture and filing cases for which Congressman Cassell's company charged more than \$2,000,000. In the light of these facts all the money spent by the Board of Pub-lic Grounds and Buildings was unlawfully taken from the treasury and ought to be recovered from the delinquent, if not actually criminal, members of the

G. D. H.

# Ellmore's Fuel Co,

Charles Ellmore, who startled the world with his magic solution for burn-

ing ashes and recently gave a demon-stration of his invention in Bellefonte, together with Dr. H. K. Hoy, his counselor and righthand-man, have taken the preliminary steps toward the organization of an immense company for the manufacture and sale of Elimore's compound. The company will be known as the Ellmore United States Fuel Co., incorporated under the laws of the territory of Arizona, capitalized at \$20,000,000. Shares will be sold for \$100 the business to be done through the Real Estate Title & Trust Co., of Altoona. Persons wishing this stock will make drafts to John .Eilmore or Dr. H. K. Hoy. The solicitor for the company is Charles Geesey, of Altoona. As will be seen, this is a high capitalization and it seems that there is a big lot of work before the gentlemen who have the scheme on hand. If Ellmore has proven beyond a shadow of a doubt that his solution will do the work claimed, there might he a possibility of rais-

THE GRAFT INVESTIGATION. thing doing. Elimore and Hoy have visions of wonderful gain and profit in their invention, and there is nobody who would like more to see Dr. Hoy living in a brownstone-front, and cob-bler John Ellmore riding in a \$10,000 automobile than we. They are live, industrious men and deserve success.

> The excitement over the ash-burning sensation has abated, as quickly as it was aroused. No longer is the wonderful discovery discussed in the pa-pers. The demand for oxalic acid has dropped to the normal, and coal dealers are as happy as ever. This means that the formulae published in the papers is without any merit.

As to Elimore's preparation there is much doubt, and in fact has become the object of general ridicule. The test made at the electric light station in Bellefonte, is questioned seriously by persons who pretend to know. This week John Krebs, employed at the plant, announced in the papers that instead of there being only one wheelbarrow load of "clinkers," he took out six the next day, which brings the report of this test into question.

#### Getting Ready for their Anniversary.

The members of the Epworth League society of the Methodist church are getting ready to celebrate their 18th Anni-