

PROCEEDINGS IN MAY TERM OF COURT

THE USUAL GRIST OF COMMON-WEALTH CASES.

VERDICTS RENDERED BY JURY

A Number of Civil Cases Tried and Others Disposed—Prison Breakers Given Trial—Reported by S. D. Gettig, Esq.

Court convened on Monday morning at 10 o'clock for the regular May sessions of court, and after hearing a number of motions and petitions and taking the return of the several constables of this county, calling list of jurors and noting the list of the Grand Jury was called and sworn. James K. Barnhart, cashier of the First National Bank of Bellefonte, was selected as foreman. After being charged as to their various duties, they retired to the Grand Jury room for deliberation.

The civil list of cases was then gone over and the following disposed of for the present term:

Mary B. Stonebreaker vs. the former Commissioners of Centre county, being an appeal; continued.

John B. Stonebreaker vs. same, being an appeal; continued.

Charles Peters vs. Penna. Railroad Company, A. G. Price, agent, being an appeal; continued.

Clement Dale, executor of the Estate of Austin Swisher, vs. Pearl C. Gray, agent, being an appeal; continued.

The following cases on the second week's list were also disposed of:

David McCloskey, et al vs. J. F. Young, being an action in ejectment to recover land; continued.

Samuel Markowitz vs. the Penna. Railroad Company, being an action in ejectment; continued.

Isaac A. Harvey vs. John P. Harris, being an action in assumpsit; continued.

School District of Howard township vs. the Penna. Railroad Co., being an action in trespass; continued.

Same vs. same, being an action in trespass; continued.

Samuel F. Weaver vs. John G. Eby, being an action in trespass and slander; continued.

The first case taken up for trial was Christ Decker vs. Samuel Decker, being an appeal from decision, and grows out of a controversy in reference to a line fence in Walker township between the farms of the plaintiff and the defendant. The township auditors were called into the case, finding made by them, which was ignored by the defendant, and the plaintiff built the fence, and brought this action to recover the expenses of erecting the division fence.

The defendant relying on the fact that he had started to erect the division fence but was stopped by the plaintiff. On Tuesday morning the court directed a verdict for the plaintiff, with costs, \$23.55, subject to the question of evidence whether or not there is any evidence to sustain a verdict in favor of the plaintiff.

George W. Hoyt, of Williamsport, is acting as official stenographer during this week.

Commonwealth vs. Fred Landis, prosecutrix Mary Wands; charge, betrayal. Defendant waived the finding of the Grand Jury and plead guilty to the usual sentence imposed.

Comm. vs. Elias Breon, charged with assault and battery, prosecutrix Charles H. Bierly. Bill ignored and the prosecutor to pay the costs.

Comm. vs. Henry Haupt, charged with larceny of a dog, prosecutrix W. H. Miller. Defendant appeared in open court, waived the finding of the Grand Jury and plead guilty, whereupon the District Attorney asked that sentence be suspended on payment of costs. The court sentenced the defendant to pay the costs and return the money taken, and further sentence was suspended on the promise that the defendant would redeem himself and quit the drinking habit. Further facts in this case were noted in this paper at the time of the occurrence.

Comm. vs. Joseph Wade, Sr., charged with the larceny of a dog, prosecutrix Phillip Zindie. Bill ignored and prosecutor directed to pay the costs.

Comm. vs. Harry Meese, charged with breaking and escaping jail, prosecutrix A. B. Lee. Defendant appeared in open court, waived the finding of the Grand Jury and plead guilty to the charge, and when called before the court for sentence made the statement as to how he managed to escape from jail by another prisoner making a key out of a piece of wire which would throw the tumblers in the locks of the cell. He had taken up the floor and got into the cell on the north side of Verbeke street. He pulled a 32 Colt revolver and opened fire on the policemen. The officers jumped out of the machine and hid behind trees and the corners of houses until Hastings had emptied his gun. They returned the fire.

One of the policeman's bullets struck Hastings' arm. The arm dropped dead. Then he raised it. The policeman mistook it for a signal of surrender and started to charge him. When they were within range, Hastings made a few quick moves and before the bluecoats had made another step they were looking into another gun. Back they retreated. The automatic he had used on Mr. Hickok was leveled at them. A bullet whizzed by Policeman Cummings' ear.

Automatic Fails.

Then the automatic refused to work and the policeman pounced upon the fighting man.

All this fusillade took place in sight of scores of persons, who, if they did not see the policeman, arrived on the jump, heard the firing, the "put-put" of bullets against dead walls and board fences. Balconies of nearby houses were filled with curious women while others less brave, peeked from behind closed shutters to see the battle.

The little Knisely girl was in full view. Suddenly she began to cry when she found she was hurt and her father, Daniel Knisely ran out and carried her into the house. A doctor, who arrived, told the parents that the little girl must go to the hospital.

Comm. vs. David Custer; charge, (Continued on page 4.)

MAJ. W. H. HASTINGS SHOOTS NEPHEW

MAKES A MURDEROUS ATTACK ON ROSS A. HICKOK.

OCCURRED ON FRIDAY EVENING

Thrown From House He is Pursued by Police and Thrilling Gun Fight Ensues—Little Girl Injured by Stray Bullet—Hastings Shot.

The many friends in Bellefonte of Ross A. Hickok were shocked to hear of the shooting affray which occurred at his residence 119 State street, Harrisburg, Friday evening at six o'clock, when William H. Hastings, aged brother of the late Governor Hastings, an uncle of Mrs. Hickok, whipped out a gun and shot him in the groin. Seven other shots failed. He had called Mr. Hickok to the front door to discuss a fancied financial grievance.

Chased to Verbeke and Penn streets, the 73 year old man put up a gun battle with the police that lasted a quarter of an hour and resulted in his being shot in the arm, a little girl spectator shot in the leg, and the narrow escape from injury of a score of witnesses.

Mr. Hickok saved himself from death by his remarkable strength and agility in putting the old man into the street, though remaining a target for the assailant for some minutes. Hastings surrendered in the street battle only after he had emptied his two guns and his arm hung limp by his side.

Throughout the battle was spectacular. Policemen used trees and house corners as barricades from which they ran to take a shot at the old man. Emptying their guns, they hunted for cover only to renew the battle later. It was in this fusillade that little Louisa Knisely, 206 Verbeke street, was shot in the leg, and Mrs. R. W. Miller, 1229 North Second street, shot through the dress.

The little girl was taken to the hospital. Hastings is now in jail. Mr. Hickok is at his home. None of the wounds are regarded as fatal.

Wonderful Courage.

Mr. Hickok's courage was remarkable. Thinking only of his family in the house, he rushed to the street, closing the front door and remained in the street, a target for bullets. He stood on the pavement in front of his residence talking to his friend and neighbor, J. Austin Brandt, when the police arrived. Blood stained his face, yet he stayed to urge the police to get his assailant. He remained even when Dr. George B. Kunkel and Dr. Harvey Smith arrived to treat him. Only then did he consent to be put to bed.

The first shot entered Mr. Hickok's groin, penetrated the pelvic bone and spent itself in his right thigh, just under the skin. After the first shot was fired, Mr. Hickok rushed to the old man and in the scuffle, Hastings fired three more shots. All of them went wild and lodged in the door. Mr. Hickok then succeeded in pushing Hastings out on the sidewalk. He picked him up and pulled the outside door after him.

Hastings then opened fire again and sent four shots at Mr. Hickok. Two of these lodged in the door, about five inches from where he was standing. The others went against the stonework on his other side.

Family Came Out.

By this time the family in the house was alarmed and Mrs. Hickok opened the door and grabbed her husband at the same time telling him to come inside. Mr. Hickok did so and said:

"I guess it was foolish standing out there and making a target out of myself."

Hastings Getaway.

Mr. Hickok went back into the house and Hastings walked up State street, passing a policeman at the corner of State and Second streets.

Meanwhile little Jane Hickok, the woman's daughter ran to the telephone in her home and called up the police. She told them to send officers to 119 State street in a hurry.

Four policemen ran out of the station house and called a passing automobile, and they were taken to the Hickok residence.

As soon as Mr. Hickok saw them he said:

"Don't bother with me, get that man."

They got back in the machine and when Hastings saw the man run on out State street to Second, Third and North and out North to Third and to Broad, where at Penn street they saw their man.

When Hastings saw the blue coats coming he made for a big tree on the north side of Verbeke street. He pulled a 32 Colt revolver and opened fire on the policemen. The officers jumped out of the machine and hid behind trees and the corners of houses until Hastings had emptied his gun. They returned the fire.

One of the policeman's bullets struck Hastings' arm. The arm dropped dead. Then he raised it. The policeman mistook it for a signal of surrender and started to charge him. When they were within range, Hastings made a few quick moves and before the bluecoats had made another step they were looking into another gun. Back they retreated. The automatic he had used on Mr. Hickok was leveled at them. A bullet whizzed by Policeman Cummings' ear.

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Comm. vs. David Custer; charge, (Continued on page 2.)

Bryan Defines Democracy.

In his address before the Pennsylvania legislature last week Secretary of State Bryan clearly defined the fundamental difference between the two great political parties in this country. The sentiment he expressed will be appreciated by every true Democrat, as it draws the distinction plainly between the real Democrat and the man who only professes to be a Democrat. Too often the label "Democracy" is only visible, and the goods are misbranded. The following shows how Secretary Bryan defines true Democracy, and he is absolutely right:

Two Natural Parties.

"A century ago Thomas Jefferson said that there were only two natural parties to be found everywhere, the party of the aristocrats and the party of the democrats," said Mr. Bryan. "The aristocrat is the man who does not believe in the people and is unwilling to trust them. The democrat is the man who does believe in the people and is willing to trust them. This is the only line which permanently separates the man who at heart is a democrat and the man who at heart is an aristocrat."

"You will find these two ideas manifesting themselves everywhere, in every land where there is a representative form of government. Everywhere you will find the struggle between those who want to bring the government nearer to the people and those who do not."

"The aristocratic idea of representative government is that the people elect men to think for them, men of superior intellect. The democratic idea of representative government is that the people think for themselves and elect representatives to do for them what they could. The votes of several representatives of the people are hard to explain unless you learn the representatives' views on these two ideas."

"I know of no man who ran for office on the strength of the aristocratic view, but I do know of men who have run for office on the democratic view, and after their election have changed to the aristocratic. Now, the democratic view is the popular view. That is why we have party platforms. If the aristocratic view was the popular one, there would be no need for consulting the wishes of the people and embodying them in party platforms."

Pledge Breakers Criminals.

"Party platforms are constructed strictly in accordance with the democratic view that representatives are elected to do what their constituents want them to do. The people vote for their representatives according to their party platform because they believe the platform is binding on those who stand on it."

"In this connection, I desire to announce that the party platform is binding on every honest man who runs for office on it. I have heard it said of a man that he could not conscientiously support some plank in his platform. I certainly would have no man violate his conscience. But his conscience ought to commence working before his election."

Note carefully the above distinction, first as to the name and then the principles: The "Aristocratic" party would elect men to think for them; the "Democratic" idea of representative government is, that the people think for themselves and elect men to carry out the wishes of the people. Platforms contain the pledges to the people. According to this clearly defined distinction, Democracy means that the wishes of the people must prevail—and should be respected as well.

This definition of "Democracy" by Bryan is in complete harmony with the doctrine advocated for many years by "The Centre Democrat," not only in national affairs, but also in our local party organization. All men will admit that in a representative form of government the majority should prevail, and when that has been fairly and clearly ascertained, every loyal Democrat will not only submit thereto, but the will of the majority will be respected, as well.

Democracy Misbranded.

Make a local application: We have in this section pronounced "Democrats" who for years were the livery of the party and wallowed in its spoils continuously for over a half century. During former years the "organization" of our party did the thinking for the rank and file. Our delegates to state conventions were chosen invariably without regard to convictions, pledges or promises to the voters—simply chosen to take orders. County chairmen too often were the willing tools of those higher up, and passed the orders down along the line, and frequently dispensed only part of the grease extracted from big corporations, the whisky distillers and beer brewers, out to their select "privates" in the ranks. That was the system, notoriously known to all. It was Democracy misbranded for years.

An Aristocracy Did the Thinking.

When "The Centre Democrat" had guilty knowledge of these conditions, it was repugnant to conscience and inconsistent to convictions. It violated everything that was truly Democratic, because there was an "aristocracy" that did the thinking for the party.

If you will recall in the revolt that took place in recent years in the Democratic party in this state and county "The Centre Democrat" took a positive stand. There was a well defined issue before the party. The question was whether the "old organization" was in sympathy with the party; or whether a re-organization should be effected. The selection of county chairmen, delegates to state and national conventions, nominations also for assembly and congress, bore on this issue as the men chosen would have to face this issue in some form.

Why Pledges Were Demanded.

For that reason "The Centre Democrat" sought these various candidates and from all solicited a statement or pledge as to what they would do if elected, so that the people could fairly and clearly express their wishes at the polls.

Do you recall how one class of "Democratic aristocrats" resented this course? Do you remember how some fellows bitterly complained, that after fighting Democratic battles for fifty years they should now be asked to make pledges to the people? Do you remember how others evaded and dodged making a frank statement to the people and tried to divert attention from a plain issue by representing "Harmony"? Do you recall how some others, more honorable, remained silent on the issue, and confined their canvass to the solicitation of complimentary votes?

On the other hand, do you recall how another body of candidates squarely faced the issue, and how they frankly told over their signatures that they could no longer follow the old leaders or worship their golden idols, and henceforth would support a re-organization movement? Certainly you can recall that.

For two years that issue was fully discussed by the public press and from the platforms in campaigns. There was time for full information and careful deliberation. It was the one great issue in the primary election one year ago. The voice of the party was heard at the polls, and in no unmistakable tones the Guffey-Hall-Donnelly-Meek-Ritter-Brennen crowd who had done the "thinking," in those many years, were repudiated by the party, because they were "aristocrats" and had manipulated the Democratic party in Pennsylvania for years as they wished, to advance their own selfish interests without regard to the wishes of the voters. These "aristocrats," as Bryan fittingly termed them, were the people who opposed the idea of instructing delegates to state and national conventions. These "aristocrats" wanted to think and do as they please, as they had done for years. This crowd even considered making pledges to the people an insult.

"Aristocrats" Repudiated.

What was the result? The Democracy of Pennsylvania spoke by an overwhelming majority—and these tory "aristocrats" were repudiated at the polls. That they are not real Democrats was shown prior to the election in refusing to frankly pledge to the voters what they would do. That they are not real Democrats now, is evident as since the election they refuse to submit to the will of the majority, after it was fairly expressed. The basis of all representative government is that the will of the majority must prevail; and all good citizens will respect it as well.

In conclusion: The Centre Democrat is confident in the ability of the people to rule, and, in the future, as well as in the past, will insist that no more "blind baggage" be imposed on the party. We believe, and will insist, that in every issue each candidate should frankly state his position, before he is entitled to the confidence or support of any true Democrat or good citizen.

RIGHT TO THE POINT.

Editor S. W. Smith recently made the following comment in the Centre Hall "Reporter" that will be read with interest by the Democrats throughout Centre county:

"In a few words it may be said that Democratic County Chairman A. B. Kimpfort is all right. He manipulated the machinery when Centre county won the greatest Democratic victory it had in many years, and he has since not become inefficient. It is a mistaken idea that because one man was forced to give up his position in the Democratic state headquarters to make room for one in closer

OSCEOLA SUFFERS A BIG FIRE LOSS

ON 38th ANNIVERSARY OF FORMER BIG CONFLAGRATION.

LOSS IS POSSIBLY \$150,000

The Fire Broke Out at 8 O'clock Tuesday Morning in Mercantile Establishment of Brown, Baird & Co.—Many Buildings Burned.

Just thirty-eight years ago on Tuesday the little town of Osceola was practically wiped out by fire, the circumstances of which are still fresh in the memory of many of her older citizens. It is a grim coincidence that the place was again fire swept, on the anniversary of the former fire, entailing a probable loss of \$150,000.

At about 8 o'clock Tuesday morning fire was discovered in the third story of Brown, Baird & Co.'s large mercantile establishment, of which C. H. Rowland, of Phillipsburg, is one of the principal stockholders, the origin of which is unknown. Fire had been started in their furnace prior to opening up for the day's business, but there was nothing to indicate that this was the cause of the trouble. It was soon apparent that the flames were getting beyond control of the local fire fighters and a call was sent to Phillipsburg for help. Chief of the Fire Department Frank Weber responded, taking with him on a special train a large contingent of the two fire companies.

On their arrival the fire had practically destroyed the Brown, Baird & Co.'s building and all its contents and was raging in the adjoining buildings of Jacob Hirsch, dry goods merchant, whose property and stock were entirely consumed; the Barney McCann building, the first floor of which he used as a pool room and tobacco store, while the second floor was occupied by Dr. W. C. Pidgeon's dental parlor and the office of Michael McCarty, justice of the peace, and the Craig hotel, owned by Robert Craig, and conducted by Nelson Scollins. All these buildings fronted on Curtin street and in this direction the flames advanced at this point, except that the drug store of Dr. F. E. Reed, which only Monday evening was sold to George W. Schreffler, who was to have taken possession Tuesday morning, was badly damaged by fire and water. Dr. C. S. Harkins, formerly of Phillipsburg, had his dental parlor in the same building, but succeeded in saving most of his property. Arthur Baird's brick business block stood next and was damaged to some extent by water. Back of this, toward Hale street, stood another establishment owned by Mr. Baird and occupied by the Leader-Courier printing establishment, John B. McFadden, proprietor, which was totally destroyed, with all its contents.

Continuing its course toward Hale street, the flames next attacked the large stable of Mrs. Ida Jones, which was destroyed, and from there communicated with her beautiful brick residence on Lingle street, elegantly furnished, which was partly consumed. A large stable owned by Patrick Gallagher and containing a considerable quantity of grain, next became the prey of the flames, as also the stable of Samuel Isenberg. G. W. Mattern's commodious office building, also on Lingle street, was destroyed. The rear end of Dugan's stable, which was connected with the Osceola house owned by Dugan & Fulton, was also burned. Two dwellings in the rear of Brown, Laird & Co.'s store and facing on Pruner street, owned by G. W. Mattern, were a total loss.

A number of buildings adjacent to those consumed suffered more or less damage from the extreme heat and lavish use of water, among which were the Mountain house, Osceola house, Luxenberg building, etc. Samuel Irvin, the druggist, a former Phillipsburg boy, sustained some loss through damage by water.

The editor of the Daily Journal of Phillipsburg, who was at the scene of the conflagration, gathered from the owners of the property destroyed, those who were in position to give figures, that the loss, totally estimated at \$150,000, would be divided among the heavy sufferers about as follows:

Brown, Baird & Co., \$75,000; Jacob Hirsch, \$20,000; Craig hotel, \$15,000; Barney McCann, \$8,000; G. W. Mattern, \$6,000; J. B. McFadden, \$3,500; Arthur Baird, \$2,000; Reed's drug store, \$2,000; Mrs. Ida Jones, \$3,000; Patrick Gallagher, \$1,000.

COMMENCEMENT EXERCISES.

The annual commencement exercises of the Bellefonte High School for 1913 will open Sunday, June 1st, and continue during the week with the following events:

Sunday—June 1st, 7:30 p. m.: Baccalaureate sermon at the Presbyterian church.

Monday—June 2nd, 8:15 p. m.: Junior Declamatory Contest at the New High School.

Tuesday—June 3rd, 8:30 p. m.: Alumni reception in the Armory.

Wednesday—June 4th, 2:30 p. m.: Commencement at the New High School.

Wednesday—June 4th, 8:15 p. m.: Commencement address at the New High School.

A Narrow Escape.

J. E. Womer, engineer at the Penn Public Service Co.'s power house plant, at Phillipsburg, made a narrow escape from instant death on Saturday night. While working at the power plant his elbow accidentally came in contact with the "horn gap" of the arc light circuit, charged with 4500 voltage, throwing him violently backward, his head striking the cement floor. Physicians were summoned and he was removed to the Cottage hospital, where he was given proper attention and brought to full consciousness, and late advices indicate his early recovery.

The Mattern Reunion.

The Mattern Family Reunion Association, according to an announcement just made by its president, George W. Mattern, of Osceola, will be held at Tyrone on Saturday, August 2, 1913.

ELECTRIC LIGHT CO. SEEKS FRANCHISE

TO SUPPLY BELLEFONTE WITH ELECTRIC SERVICE.

APPLICATION MADE TO COUNCIL

Proposition of the "Moshannon Electric Light Co." Formally Presented—Will Pay Tax on Poles—Referred to Special Committee.

The second meeting of the Borough Council for May was held on Monday evening at 7:30 o'clock, in the council chamber on Howard street, with President Keller in the chair and the following members present: Selbert, Beezer, Judge, Cherry, Brockerhoff, Walker and Daggett. There was only one absentee, Sheffer. After the reading of the minutes, the president called for verbal communications, and Mr. A. A. Dale, Esq., arose and addressed the council on behalf of the Moshannon Electric Company, two of whose representatives, A. J. Musser, of Clearfield, and Mr. Thompson, of Phillipsburg, were present with him in council. He stated that this company had just been granted a charter by the state department at Harrisburg, and asked council to grant them a franchise to construct, operate and maintain poles, wires, cables and necessary fixtures along the streets and alleys of the borough, for the purpose of furnishing light, heat and power to places of business, works, manufacturing establishments, offices and houses of subscribers within the borough limits and adjacent thereto. The company will have their central plant at the Black Moshannon close to the coal fields. They expect to run a line from there and will light Unionville, Milesburg, Bellefonte, Pleasant Gap and State College. They will have all the modern improvements, alternate currents and will be able to furnish light for manufacturing purposes at reasonable rates. He submitted an ordinance for council's consideration drawn up in the usual form, in which they agree to replace the streets, highways, foot walks, lanes and alleys on which it may erect poles in a good condition as before. Poles shall be placed under direction of Street committee, etc. The only new feature and one not heretofore incorporated in franchises granted by this borough was "Section 4," which said that the Moshannon Electric Company shall pay a poll tax of twenty cents per pole per year to the Borough of Bellefonte, and the said Borough shall have the privilege of water in the crossings at the water and police purposes, on a reasonable basis. Mr. Dale did not ask for an exclusive franchise. In reference to the ordinance, President Keller said that it was not the custom of council to pass an ordinance at its first reading and so referred it to the Special Power committee for investigation and report.

The committee reported the ordinance of D. Judge, chairman, Paul Sheffer, S. T. Cherry, Dr. Joseph Brockerhoff and John S. Walker.

The street committee reported the repairing of the crossings at the Centre County Bank and at the crossing of Noll's laundry on South Water street and repairs made to Howard street. Linn street has been oiled from F. P. Green's residence to H. C. Quigley's.

The water committee reported several leaks repaired in different parts of borough and a new fire plug installed in front of Col. Taylor's residence on East Linn street. The 1913 water duplicate has been made up and amounts \$8,635.56. The meter bills for last quarter were \$78.35.

President Keller stated that the recent fire at Mrs. Gray's on East Linn street, showed the necessity of repairs and improvements at the water works.

Chairman Selbert on behalf of the water committee recommended that a loop be installed from Howard street in front of the cemetery gate to Wilson street, thence to east end of Linn street. This would give plenty of water in that section. There are about a dozen families who would be benefited on Howard and Linn streets, who do not have sufficient water now. The idea is to lay a six-inch pipe and the cost would be about \$1200. Another idea suggested was to put in a stand pipe at the reservoir, which was claimed would cost a comparatively small amount and would give sufficient water to the higher points in town. No action was taken.

Property owners on South Potter are to be notified to put down walks. This ended the business of council and after approving the bills council adjourned.

NOMINATIONS CONFIRMED.

The Pittsburg "Gazette-Times" on Wednesday contained the following item:

"WASHINGTON, May 20.—The nomination of George W. Guthrie of Pittsburg as ambassador to Japan was confirmed by the Senate this evening. The Senate also confirmed the nomination of Charles R. Kurtz of Bellefonte, Pa., to be surveyor of customs in Philadelphia."

Transportation to Gettysburg.

To the Survivors of the Civil War: Those in need of application blanks to secure transportation to Gettysburg can obtain them, or should, from any B. R. Post, whether they ever were members of a Post or not. Form "A" is used exclusively for men who were in service and are now residents of Pennsylvania. These forms can also be obtained from Col. Lewis E. Butler, Secretary, Battle of Gettysburg Commission, Harrisburg, Penna.

D. F. Fortney and Squire W. H. Musser, each have a few blanks on hand, and will be glad to furnish them to any soldier in need.

Jno. O. Keeler Wants Another Chance.

John O. Keeler will have his application for commutation of the death sentence to life imprisonment considered by the State Board of Pardons at its meeting at Harrisburg on Wednesday next. He has already been refused once.

A new time table on the P. R. R. will go into effect on May 25th.

Miss Maude Viedorfer, of Pine Glenn, is visiting her sister, Mrs. Laura Miller, of East Curtin street.