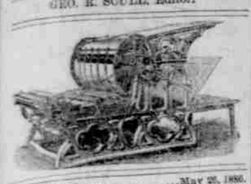
The Somerset Herald.

GEO. R. SCULL, Editor.



WEDNESDAY.....May 26, 1886.

RAILROAD TIME TABLES.

Under the summer arrangement, which went into effect on the Balto. and Ohio Railroad on Sunday, May 2, 1886, trains will run over the Somerset and Cambria Branch as follows;

NORTH BOUND TRAINS.

	Johnst'n Express	Mail	Somerset Acc.
Lv. Rockwood.....	7.00	12.15	5.15
" SOMERSET...	6.25	12.40	5.45
" Coleman's.....	7.43	1.00	P. M.
" Stoystown....	7.56	1.12	
" Hooversville....	8.10	1.25	
" Bethel.....	8.25	1.40	
At Johnstown.....	9.00 A. M.	2.15	P. M.

SOUTH BOUND TRAINS.

	Somerset Acc.	Balto. Mail	Acc.	Rockw'd Acc.
Lv. Johnstown.....		9.30 A. M.	2.50 P.M.	
" Bethel.....		10.05	3.25	
" Hooversville....		10.16	3.40	
" Stoystown....		10.30	3.52	
" Coleman's.....	A.M.	10.48	4.05	
" SOMERSET..	9.00	10.55	4.20	6.00 P.M
At Rockwood.....	9.20	11.30	4.50	6.35

PITTSBURGH DIV. B. & O.

WEST BOUND.

	Express	Mail	Cum'd Acc.
Lv. Rockwood.....	3.40 A. M.	4 P. M.	9.35 AM
At. Pittsburgh.....	7.00 "	7.35 "	2.30 "

EAST BOUND.

	Mail	Express	Cum'd Acc.
Lv. Pittsburgh.....	8.35 A. M.	9.20 P. M.	1.10 PM
At. Rockwood.....	12.07 P. M.	12.55 "	5.12 "

Lightning is the oldest striker.

All kinds of vegetation is booming.

Bargains in dress goods at Mrs. Uhl's.

Strawberry festivals are coming into vogue.

Go to Mrs. Uhl's for baby dresses and baby caps.

Go to Mrs. Uhl's for cheap goods of all kinds.

Silk umbrellas from $2.00 up, at Mrs. A. E. Uhl's.

If you want a croquet set, go to Fisher's Book Store.

If you want a fashion magazine or paper, go to Fisher's Book Store.

Cash paid for wool at

PARKER & PARKER.

Go to Mrs. A. E. Uhl's for latest styles of dress goods and millinery goods.

The highest market price paid for wool

PARKER & PARKER.

If you want a hammock to swing under the trees these hot days, go to Fisher's Book Store.

FOR SALE.—One new violin, one second hand violin, and one guitar. Inquire of C. N. Boyd.

If you want a baby carriage for the precious little infant, go to Fisher's Book Store and buy it.

Don't doff your flannels yet, unless you want to catch cold, or get acquainted with the rheumatism.

If you want any cheap or handsome books, or nice goods of any kind, go to Fisher's Book Store.

WANTED.—A girl to do general house work. Call at residence of J. F. Blymyer, on East Union street.

Never remove your heavy flannels until the locust trees are in full bloom, is a saying that will do to set down in memory.

WOOL

Taken in exchange for goods at

MRS. A. E. UHL'S.

Repairing of fine watches a specialty. Jewelry neatly repaired at the "Old Reliable"

HERR BROS.

For a safe investment, insure in the U. B. of Lebanon.

E. COVER, Agent,

Stoystown, Pa.

The place to buy Sunday-school Tickets, Reward Cards, Testaments, small and large Bibles, and Gospel Hymns, is at Fisher's Book Store.

FOR SALE.—One second hand Columbia Bicycle, 50 inch, full nickel, in good condition. Will be sold for less than one half original cost. Inquire of C. N. Boyd.

A western editor, absent on a trip to Washington, writes home that he has been all through the National capital, and considerable of his own.

WANTED.—3000 pounds of tub washed wool at

PARKER & PARKER.

Millinery goods are cheapest at MRS. A. E. UHL'S, because she can afford to divide profits with her customers, on account of the large amount of dry goods, etc., she sells, besides millinery goods.

"That man," said Dr. Talmage in a recent sermon, "who neither takes nor reads a newspaper, is a curiosity. The newspaper is the great educator of the day. It is book, pulpit platform, and forum—all in one.

Farmers, Mechanics, Merchants, and Professional men, bring your watches and clocks to the "Old Reliable" and have them put in first class orders. Remember the place, only a few doors west of the diamond.

HERR BROS.

Messrs. Herr Bros. have removed from West Main street and opened up in their New store room opposite the old Central Hotel, a full line of fine watches, clocks, watch chains, jewelry, etc., where they will be pleased to supply the citizens of Somerset and vicinity with anything in their line at prices to suit the times.

If you have any pictures, large or small, that you want to get framed, take them to Fisher's Book Store and Mr. Fisher will frame them handsomely and cheaply. Or, if you want to buy any picture moulding or frames, or picture cords, nails or knobs, or any nice pictures of any kind, you should go to Fisher's Book Store.

MEAT MARKET.—Main Street.—We have just added a large Refrigerator to our Meat Market in which all meats can be kept cool and clean. Mutton, Beef, Pork, &c., kept constantly on hand. Open daily. Parties buying meat can have it kept in the Refrigerator until wanted.

ROSS DAVIS & CO.

FOR SALE.—Three second-hand one-horse spring wagons.

One second-hand two-horse spring wagon, with pole and shafts.

One second-hand buckboard, with springs. Terms to suit the purchaser. Inquire at the Hardware Store.

JAMES B. HOLDERBAUM.

SPECIAL TO

SOMERSET COUNTY MERCHANTS.

Having secured the agencies for Lorillard's Tin Tag brands, and S. W. Venable & Co.'s Vinco Tobacco's, whereby you can purchase from us at prices, and on terms, the same as from city houses, we respectfully solicit your orders.

COOK & BERKITS.

SOMERSET, PA., April 14, 1886.

POLAND CHINA SWINE FOR SALE.—Farmers wishing to improve their stock will do well to write me for prices. My breeding stock is all thoroughbred, of the Magie Strain. Young pigs in May and June. Also, S. C. Brown Leghorn eggs for hatching.

ROSS F. DAVIS,

Somerset, Pa.

During the last week I have received a very cheap lot of dry goods, consisting of new style five cent prints, dark and light, of the best quality.

Five cent lawns.

Dress ginghams at 10 cents.

Batistes' light and dark patterns.

White dress goods.

15, 25, 40, and 50 cent cashmeres, ladies' cashmere scarfs, shawls and Jerseys.

All-wool homespun dress goods at 25 cents.

Lace curtain goods, and lace curtains by the pair and scrim.

Black silks, 20 inches wide, at 75 cents. Better at $1, $1.25, $1.50 and $2.00 a yard.

A fine lot of summer silks.

Also, the largest and cheapest line of millinery goods in the county.

MRS. A. E. UHL.

Republican primary June 26th.

The little German band was in Somerset again Monday.

The attendance at this week's term of court is rather slim.

Somerset is now not only the highest, but the dryest town in the State.

The grand jury recommended a new jail, and "Plumbago" smileth thereat.

Now that the license question is settled for the present, politics will once more come to the front.

For several days last week there was not a licensed hotel in Somerset county. There are several of them now.

Rev. C. B. Wakefield, formerly of this place preached in the Presbyterian church Sunday morning and evening.

The concert to be given at the new Opera House on the evening of the 29th promises to be an exceptionally fine one.

An unusually large number of ladies, mostly from Somerset, are in attendance at Court this week. Many of them are very unwilling witnesses.

Rev. C. B. Wakefield will hold services in the Presbyterian Church on Wednesday evening, May 26th. Will speak on special subject. All are invited.

On our second page to-day will be found a striking and instructive illustration of the comparative worth of the various kinds of baking powder now in the market.

Col. E. D. Yutzy spent several days of last week in Somerset, called here as a witness on behalf of the plaintiff, in the case of Cornelia Tissue vs. the Balto. & Ohio Railroad Company.

The Somerset & Cambria Railroad station at this place was again broken into by burglars Sunday night. The safe was rifled of a small amount of money and a number of tickets.

Mrs. Sallie Collins, wife of the well-known railroad contractor, Thomas Collins, died near Baltimore last Tuesday afternoon. The remains were taken to Harrisburg, where they were interred.

Some of the lady witnesses in Court Monday seemed to be rather averse to kissing the old bible that has done service for many a day. We would suggest that a revised edition be procured.

Aaron Zimmerman was last week convicted of robbing Mr. William Shafer's store in this borough, last fall. A motion for a new trial was filed and he will not be sentenced until it disposed of.

The Cambrian Choir numbering 75 people will sing in the Somerset Opera House, Saturday, May 29. Admission, 50 and 35 cts. Reserved seats on sale at P. L. Casebeer's Gents' Furnishing Store.

Storekeepers and dealers who have been in the habit of offering prizes of any sort to purchasers, should remember that the law forbidding lotteries goes into effect June 3rd, and that the penalties are severe.

The Independents who are advocating the nomination of the "old ticket," Blaine and Logan in 1884, but are opposing the nomination of the "old ticket," Beaver and Davies in 1886, are not very consistent.

It cost a good many of our people an effort to decide whether to attend the license entertainment at the Court House or the Bella Moore show at the Opera House several evenings last week. Both drew large houses.

The Republicans in this county who supported Beaver in 1882, are for him to a man this year. Never was the defeat of any candidate so keenly felt by Somerset county Republicans as was the defeat of General Beaver.

The entertainment given by the "Boy Orator" in the Opera House, Thursday evening was attended by a very respectable and fair-sized audience. There seems to be a great diversity of opinion as to whether it was a good entertainment or not.

Prof. E. C. Heffley, of Berlin, will be in Somerset next Monday, May 31st, to organize a class for instruction on the piano and organ. Mr. Heffley has just completed a three years' course of music in Germany, and our people should avail themselves of his services.

During a severe thunder storm that passed over Jenner township, about four o'clock Saturday evening, the lightning struck a barn in Jennertown and also struck a tree on the farm of Prothonotary Critchfield under which a valuable young horse was standing. The horse, which was a handsome young Hambletonian, highly prized by his owner, was instantly killed.

Mr. Daniel Swerner, of Middlecreek township, when in our office to renew his subscription Saturday, showed us an old Spanish coin that his son, D. S. Swerner, had ploughed up in a field near Pinkerton tunnel, a few days since. The coin is one hundred and twenty-four years old, and as bright as a new dollar. How it came there, or how long it has been buried can only be surmised.

Six of the jurors in the Keiser contested will case swore by the uplifted hand, two by the book, and four affirmed. We never before saw so large a number of jurors take the oath in the proper form in any case in our court. If the rule of court were rigidly enforced in a short time the habit of affirming would be entirely broken up, excepting among those who really have conscientious scruples against taking an oath.

By reference to our announcement column it will be seen that the names of several more candidates have been added to the list since our last issue. As the rules require that all announcements be placed in the hands of the chairman twenty days before the primary it is likely that all who propose being candidates will hand their name in by next week. The list is not yet completed. There are more to follow.

No less than a half dozen of the constabulary force of the county were fined two dollars each last week by Judge Baer for not being present in Court to make their returns when the Clerk called the list. The Court was cognizant of the fact that they were in town, but were neglectful of their duty in not being in court, so imposed a small fine as a gentle reminder. A member of the traverse jury was also fined a like amount for not being present when his name was called.

Cur Uncle John Cessna arrived in Somerset Saturday evening to be here in time for this week's court. He is employed with H. L. Baer, Esq., as counsel for the defense in the Mrs. Elizabeth Keiser contested will case, which is now being tried. He brought his lungs along with him, and that they are still in good working order any one who was within a square of the Court house yesterday can testify. He is looking hale, hearty and young as he did forty years ago, a fact that is gladly noted by his many warm Somerset friends. No man in the district has more staunch friends in Somerset county than has our Uncle John.

The grand jury in their report, which will be found elsewhere in these columns, wisely recommend that a new jail be built, much to the disgust of the Meyersdale *Commercial*, which sneers at and abuses that august body in its accustomed fish-monger style. By next week we expect it will be threatening them with "prosecutions that will not cost the county one dollar." The last grand jury, composed as it was of a number of the best citizens of the county, with the venerable and respected ex-Judge Stuff for its foreman, will not likely loose much sleep on account of the *Commercial's* vile and unwarranted abuse. Its action meets with the hearty approval of every intelligent taxpayer of the county, and with this it can well rest content.

Strawberries are in the market at fifteen cents per quart.

WANTED.—A good girl to do general house work. Liberal wages will be paid. Apply at this office.

Newest summer shapes in hats and bonnets received to-day. Prices the lowest. at MRS. A. E. UHL'S.

FOR SALE.—Two second hand french plate glass show cases, 6 feet long. Will be sold cheap. Inquire of C. N. Boyd.

BARGAINS.—Go to MRS. A. E. UHL'S and see the all-silk black satin Rhadames at 75c. and $1 a yard. They do not cut or break.

The Johnstown *Tribune* claims that a quarter of a million dollars are squandered annually in that city and the surrounding boroughs for liquor.

S. J. MCMILLAN, DENTIST.—Artificial sets. Fine fillings in gold and the plastics. All pertaining to dentistry carefully executed.

Office Baer's Block, Somerset, Pa.

NOTICE.—I offer for sale one Holstein Bull calf, one week old and very large. I will sell him for a reasonable price.

H. G. CUNNINGHAM, Somerset, Pa.

The spirit of reciprocity between business men and merchants, tradesmen, laborers, farmers and manufacturers, results every time in making the town a satisfactory one to do business in.

The oldest inhabitant, so far as learned, has failed to remember an earlier spring than the present. If there is one found that does remember one, it is safe to say that he is on the road to the place where there is no winter.

The man now running, and assigning as a reason that "the' hain't no one of ar family never run for no office before," gave, in the opinion of the Philadelphia *Times*, a terse and satisfactory reason why he should be nominated.

The Forum is to continue its very interesting series of personal experience articles. In the June number Bishop Huntingdon will tell the story of his religious life, and Dr. Vincent, Chancellor of the Chautauqua Circle, will describe how he was educated.

EDITOR HERALD:—Please publish the following in your next issue:

The Ursina Stars challenge the Confluence club for a game of ball to be played Saturday, May 29th.

B. F. HANNA,
Secretary.

Many persons think that corn is the best food for poultry. It is, if you do not wish eggs. For eggs, feed soft food, bran and meal, with a little salt, in the morning, and a little cayenne pepper added every other morning; corn, wheat or oats in the evening. A sole diet of corn produces too much fat.

The following curculio remedy is clipped from an exchange: Plant tansy at the roots of your plum trees, or hang branches of the plant on the limbs of your trees, and you will not be annoyed by curculio. An old and successful fruit grower furnishes the above, and says it is the most successful preventive he ever tried.

50,000 POUNDS WOOL WANTED AT MORGAN'S FACTORY.—Highest market prices paid in cash or trade. I have in stock a complete assortment of horse made woolen goods as well as all other goods usually kept in a country store which will be sold or traded at very reasonable prices.

I am also prepared to do roll carding and custom spinning.

WM. S. MORGAN,
Quemahoning, Pa.

SUDDEN DEATH.—Mr. Jefferson Rhoads died very suddenly at his residence in Somerset, Thursday morning from a stroke of paralysis. He was sitting on a chair with a little grand-child in his lap, when he suddenly fell over dead. His remains were interred in the burying ground at the Lichty church, Saturday morning. Mr. Rhoads had moved from his farm several miles east of here into the borough on the first of April. He was in the 74th year of his age and was liked and respected by all who knew him.

ADDITIONAL BOUNTY FOR SOLDIERS.—Second Controller Maynard has rendered an important decision under the additional bounty act of July 28, 1866. The decision is to the effect that every soldier who enlisted after April 14, 1861, for a period of not less than two years, and was honorably discharged after serving two years for the purpose of enabling him to accept a commission is entitled to the additional bounty of $50 authorized by the thirteenth section of that act, provided he was not entitled to any greater bounty than $100 under the laws existing at the date of the passage of the act, and provided his claim was filed in time.

The Supreme Court having decided that the tax law is constitutional except in a minor particular, which will not alter the amount received, Chief Clerk McCammont says as to the amount of revenue he will get under the law: "I can't tell how much the revenue will be increased, as the blanks have not been sent out yet. There are several counties in which the assessments are not completed yet. Scattering returns, however, indicate that there will be 500 per cent increase over the old law. This per cent will not be kept up. Under the old act the revenue was about $500,000. This may be increased now to $1,500,000 or $2,000,000, at least three times as much as heretofore." Cashier Livsey estimates the available revenue under the new act this year at about $1,000,000, owing to some of the counties receiving credit for unpaid tax in former years. For instance, Allegheny county this year will receive a credit of almost $300,000, leaving the amount turned into the Treasury very small. There are other counties that also have large sums to their credit.

The second week of court convened at 10 o'clock Monday morning. The bar list was called over and motions were made by the different attorneys. The Jury list was called over and twenty-three jurors answered to their names. It was decided not to call a jury until after the noon train would arrive in order to give the remaining jurors an opportunity to come in. The first case called in the afternoon was the Elizabeth Keiser contested will case. Mrs. Keiser was the wife of Mr. Hertz Keiser, late of this place. She died at Berlin in August last, leaving quite an estate. A short time before her death she made a will bequeathing her property to some of her relatives. Other of her relatives to whom she left nothing claim that for quite a long time before her death she did not have the testamentary capacity to make a will and that the one made was procured by fraud and undue influence. This they are now attempting to show and are endeavoring to have the will set aside. There are from seventy to eighty witnesses in the case and several days are likely to be consumed in its trial.

TO FARMERS AND HORSEMEN.

BLACK BEN, the famous Joe King Stallion, will be on his stands the remainder of the season as follows:

At New Lexington May 31, and June 1 and 2, 10, 11 and 12, 21, 22 and 23, and July 1, 2, 8 and 9.

At Jacob S. Barkman's June 3, 4, 14, 15, 24, 25, July 3d and 10th.

At Husband June 7, 8, 16, 17, 28, 16, and July 5th and 6th.

At Lavansville June 5 and 9, 18 and 19, 29 and 30, and July 7.

Parties wishing the services of this celebrated horse can find him on the stands as above stated with a certainty, as there will be no variation of the place or time.

After July 10th Black Ben can be found at all times at the owners' stable, one-fourth mile west of Lavansville, Pa.

Thanking the public for their liberal patronage during the first half of the season, we strive, by giving good stock, liberal terms and fair dealing, to merit a continuance of the same.

GEORGE F. COUNTRYMAN & BRO.
Lavansville, Pa., May 25, 1886.

The Hollidaysburg *Standard* says that the Sheriff of Chester county lately sold a $85 thresher and cleaner machine for two grains of corn. There was a dispute about the ownership of the machine. It was sold as the property of William Yearsley, but it had been sent to his brother, Morris Yearsley. The bid was one grain of corn and finally two grains were bid, when it was knocked down.

"LOVERS FOUR AND MAIDENS FIVE: A Story of the Allegheny Mountains," is a charming little volume that will capture the novel-reading public this season. The fact that twenty-five thousand copies have been printed in the first edition shows the magnitude of the advance orders. Not only will the story be enjoyed for its own sake, but it will assuredly direct new attention to the prettiest and most accessible mountain resort in America, Cresson Springs. The splendid trains of the great trunk line of the Pennsylvania Railroad pass within full view of the broad verandas of the Mountain House. Into a pretty love story the writer, Julius Chambers, has woven all the lost tales of the Alleghenies, and descriptions of the beautiful walks and drives of the mountains. Nothing that can interest the visitor or the historian has been overlooked, and the pretty romance therefore acquires a permanent value that will cause it to be preserved for re-reading. We noted many epigrams and clever sayings by the young women who conduct the campaign against the Allegheny club. Many of them we would like to reproduce here. The serious fault that we have to find with the story is that it is not longer. It can be read at a sitting. Published by Porter & Coates, Philadelphia. Price 25 cents.

OPENING OF SOMERSET'S FIRST OPERA HOUSE.—The new Opera House, the first one ever erected in Somerset County, was opened last Tuesday evening by the Bella Moore Dramatic Company in the popular play "A Mountain Pink." The large audience that crowded the building was certainly flattering to the sprightly young actress, and very encouraging to the enterprising young gentlemen who own the house, which is a decided credit to the town. We gave a description of the building, stage, and scenery in a former issue. Over seven hundred people witnessed the performance of "A Mountain Pink," and quite as many were present Wednesday evening, when "The Danites" was played by the same company. "The Danites" requires the full strength of Miss Moore's company in its production. It is a most exciting and highly interesting play, and the audience was completely carried away with it. The "Judge" was most admirably personated by Mr. Hanna, while Mr. Louis Egan, as the "Heathen Chinee," called forth rounds of applause and peals of laughter whenever he appeared. Miss Moore most excellently rendeerd the characters of Nancy Williams and Billee Piper.

"A Mountain Pink" ran smoothly from beginning to end, and the different members of the troupe threw themselves into the plot with creditable force and energy. Both plays were well received, but Wednesday evening's performance was the more generously applauded and was generally conceded to be the better of the two. The managers are to be congratulated upon their successful "Opening."

COURT PROCEEDINGS.

Court convened on Monday morning, June 17, 1886, Judges Baer, Collins and Snyder presiding. The following cases were disposed of:

CRIMINAL LIST.

Commonwealth vs. Charles Coleman and Joseph Acheson; burglary, on information of Sarah Hay; grand jury return not a true bill.

Same vs. Daniel Manges; rape, on information of Alice Kelly; jury return a verdict of guilty, but recommend the prisoner to the mercy of the court. Motion for a new trial filed, to be argued at next term.

Same vs. Alexander C. Roberts; fornication and bastardy, on information of Annie E. Saylor; case continued

Same vs. Charles Berkey; larceny, on information of Daniel A. Weaver; defendant arraigned, and pleads guilty; sentence suspended until next argument court, the prisoner meanwhile in the custody of the sheriff.

Same vs. George Huffard; assault and battery with intent to commit a rape; grand jury return not a true bill, and the prosecutrix, Catharine Pebbly, to pay the costs of prosecution, except the jury fee.

Same vs. Aaron Zimmerman; statutory burglary, on information of Wm. B. Shafer; grand jury return a true bill on indictment for felony, partaking of the nature of a burglary; jury return a verdict of not guilty as to the first and second counts of the indictment, but guilty as to the third count, or that of larceny; motion for a new trial filed.

Same vs. J. E. and Mrs. J. E. Tau; selling liquor without license and to minors, on information of Mary E. Foyle; jury return a verdict of not guilty as to Mrs. J. E. Tau, and guilty as to J. E. Tau on first count of indictment; sentenced to pay a fine of $200 and costs of prosecution, and to be in the custody of the sheriff until the sentence is complied with.

Same vs. George Huston and Samuel Saylor; assault and battery, on information of Jeremiah Pletcher; verdict guilty, and defendants sentenced to pay the costs of prosecution, and undergo imprisonment in the county jail for a period of twenty days.

CIVIL LIST.

The following cases on the civil list were disposed of:

John P. Baker vs. Jacob H. Miller; appeal by plaintiff; verdict for defendant in the sum of $18.04.

Charles E. Weigle vs. Joseph Stull; appeal by defendant; verdict for plaintiff for $75 and interest; motion for a new trial filed by defendant.

George Laing, assignee of Patterson & Kuhn, vs. George F. Auman, Constable of Somerset township; trespass, vi et armis; plaintiff takes a non suit.

Same vs. John Winters, Sheriff of Somerset county; trespass vi et armis; plaintiff takes a non suit.

All other cases on the civil list were settled or continued.

ROAD VIEWS.

Petition of citizens of Northampton township for a public road from Paul Hoffman's, now Conrad Klidel, to Christ Warner's. Viewers, M. D. Miller, J. C. Reitz, Albert Hillegas.

Petition of citizens of Somerset township for a public road to lead from a point on a public road leading from Casebeer's church to Husband, at or near the tenant house of Adam S. Miller. Viewers, W. M. Schrock, Stonycreek, John H. Snyder, and Cyrus Rayman.

Petition of sundry citizens of Addison twp, to appoint viewers to lay out a public road to lead from a point on the public road from Fort Hill to Petersburg, on south side, where Turkeyfoot bridge crosses Casselman river at Fort Hill, in Addison township, to intersect with same public road at or near Fort Hill school house. Viewers, William Baker, Peter Sufall, William Eicher.

Petition of citizens of Allegheny and Stonycreek townships to vacate and supply road between Shanksville and New Baltimore. Viewers, H. D. Altfather, S. S. Forney, H. G. Kimmell.

REPORT OF THE GRAND JURY.

To the Honorable, the Judges of the several Courts of Somerset County:

We, the members of the Grand Jury, hereby report, through our foreman, that we have examined the jail and found it in bad condition, and recommend the building of a new jail. There has been several models exhibited to the Grand Jury and after examining the safety and convenience of them, we were of the opinion that it is useless to repair the old jail when a new one, at nearly the cost of repairing the old one, can be built. After being very favorably impressed on the revolving cell model, and the cost of its construction, and also cost of other models presented, we were led to the conclusion to spend more money on repairs would be a loss of money in the end.

We also recommend that the wood-shed and fences need repairing, and a new roof on the Court House is indispensible. Therefore we request the Commissioners to immediately put a new slate roof on the Court House. All of which is respectfully submitted to your Honors.

DANIEL STUFFT, Foreman.

HIGH AND DRY.

SOMERSET WITHOUT A LICENSED HOUSE.

THE AGONY OVER—OUT OF TWENTY-NINE CALLED, TWENTY-ONE ARE CHOSEN.

THE TEMPERANCE PEOPLE MEET AND GIVE THANKS TO HIM FROM WHOM ALL BLESSINGS FLOW.

The license question is settled in Somerset for at least one year to come. The intense excitement called forth by the agitation of this question for the past several months, has abated. The forces have met in a hand-to-hand struggle; both sides fought bravely and manfully, and both came off victorious—so they say. The liquor men were represented by the ablest counsel that could be procured, and the temperance people were no less ably represented.

In its last issue the HERALD gave an account of the opening of the fight Monday night, when arguments were made by W. H. Ruppel, Val Hay, A. H. Coffroth and Elder Peter Vogel on behalf of the remonstrants, and by H. L. Baer, Esq., on behalf of the petitioners. When court assembled Tuesday evening the usual crowd was in attendance, and the argument was continued on the side of the liquor men by Col. J. R. Edie, John H. Uhl, J. R. Scott, and Dennis Meyers, Esqr's.

There was no session of court held Wednesday evening. Thursday evening W. H. Koontz, Esq., continued the argument for the license applicants, and Col. Isaac Hugus closed the argument for that side. Messrs. Ruppel, Hay and Coffroth then concluded the argument on behalf of the temperance people.

The court gave the utmost liberty to both sides, patiently and attentively listened to all they had to say, and when they had finished took all the petitions, remonstrances and papers in the different cases, to give them a fair and impartial examination before making a decision.

The matter was again taken up at Friday evening's session of court, when Judge Baer made the same order that he had made in Bedford relative to all bar rooms being kept on the first floor, &c. Under this rule all applicants who are granted license, lift them with the understanding that they will be revoked if within thirty days their bars are not kept on the first floor, in a room opening on the street, and without screens or blind doors. They must also agree to close their bars not later than 10 o'clock P. M. The opinion of the court delivered at Bedford was published in the HERALD of week before last. At this session and the session of Saturday morning, the following rulings were made:

In the matter of the application for license:

There being no remonstrance against the application of F. J. Foller, at New Baltimore, George H. DeHaven, at Glencoe, Fred Durr, at Pocahontas, made by the citizens of the several towns and townships in which the applicants reside, and none but general remonstrances made by citizens of Wellersburg and Davidsville against licenses anywhere, and these not verified by oath under the rules of court, therefore licenses under the laws of the State, and subject to the rules of this Court, assented to by the applicants by lifting their license, are now granted to August Koehler, Davidsville; Frank J. Foller, New Baltimore; Fred Durr, Pocahontas; George H. DeHaven, Glencoe, and J. J. Kennell, of Wellersburg, to expire on third Monday of May term, 1887.

Fourteen citizens have certified and signed the petition of Samuel Custer, at Stoyestown; an additional petition of thirteen is also on file, and to both there are the affidavits of two persons as to the fitness of the applicant and place, and necessity of the house. Eighteen other citizens have signed and certified for Mr. John Hite, and four have made like affidavit of fitness and necessity. The sum of the citizens certifying and asking that license be granted is 46. Against this a remonstrance is on file denying the necessity, but not attacking the fitness of the applicants, or their houses, signed by 20 male citizens and 32 ladies. The petitions for and against are equally respectable, but the remonstrance is irregularly on file, not having been sworn to, and is in violation of the rule of court. Our plain duty is to grant the license, which we now do, to John Hite and Samuel Custer, as in the preceding ruling.

Thirty-seven persons, citizens of Addison, have certified and signed petitions for license to be granted to Charles A. Mitchell and Edward Nicklow, of whom four made affidavit of fitness and necessity. Additional petitions signed by a large number are on file, but irregularly so, and cannot be considered, and the testimony of seventeen persons (citizens) taken on rule, is on file. Against this appears special remonstrances signed by ten males, twenty-three females, and sworn to by four citizens, assailing the necessity only. In addition there is irregularly on file, against the rules of court, because not sworn to, petitions signed by 23 men and 67 ladies. On the case made, the court deciding judicially could not rule otherwise than to grant the licenses asked for, as petitioners and remonstrants are equally respectable. Licenses are now granted to Charles A. Mitchill and Edward Nicklow, as under the first ruling.

The applications at Confluence are in due form, and in compliance with the law. Besides the fact that the petitions are in form, and verified by the affidavits of two persons the affidavits of sixteen persons appear on file testifying to the fitness of applicants of two houses and the necessity of the public houses. A remonstrance is on file signed by 19 men and 22 ladies denying the necessity, but not verified under oath, and in conflict with the rule of court. To refuse the licenses would be an abuse of the judicial power. The licenses to Scott Sterner and R. T. Frazee are now granted, as under the first ruling. The application of Joseph Schrock is withheld, to be acted on at adjourned court, because of allegations both as to fitness of the place made by a member of the bar, and the propriety of granting more than two in the place.

The application of Lewis J. Esken, from Berlin, is in due form, and in compliance with the rules. It is made by an excellent citizen, and certified to by twelve reputable persons; it is supplemented by the affidavit of ten citizens. A special remonstrance signed by 20 reputable citizens and the facts alleged sworn to by twelve reputable citizens is on file. The remonstrance denies necessity, and alleges ample accommodations for the traveling public. The facts alleged by the remonstrants are established by a preponderance of evidence when, as we must, the petitions, remonstrances and evidence are duly construed and weighed. We do not rule this, or any case, on discretion, but on due consideration of the case made by all before us, and we have looked at nothing outside. We purposely declare that we base the judgment of the court on the case made by the papers on file: if we have erred, our action can possibly be reviewed, as the court above will have the same light and facts, precisely as we have had. The general remonstrance, large and respectable as it is, being that of eighty ladies and five men, we have not considered in our ruling in this case. The license is refused.

The licenses in Ursina are disposed of as follows: The applications being sufficiently formal and in accordance with legal requirements, and no remonstrance on file in accordance with the rules of court, licenses are now granted to John S. Lyons and A. A. Miller. The application of Mrs. E. C. Rush is suspended until the argument court, not because of any remonstrance, out of facts alleged and not denied, on argument as to the condition of the husband and its cause, and the fact that at the time of application she was not a *feme sole* trader.

In the matter of the application for license at Rockwood: Upon due consideration of all the petitions regularly on file, and the remonstrances and evidence also on file and heard, the court is of opinion the preponderance is with the applicants, Samuel Haines and Samuel Buckman, but that the special attack made on the house of Alex Rhodes, who not only permitted a young minor son to attend his bar, but failed to successfully answer the allegations sworn to by several reputable citizens, and alleged by nineteen special remonstrants, is sufficiently made out to warrant the court in refusing him license. The license to Buckman and Haines are granted; that of Alexander Rhodes is refused.

In the matter of the application for license at Meyersdale: Upon due consideration of all the petitions, remonstrances and evidence, the court is of opinion the preponderance is with the applicants, and determining the matter judicially on the cases made, we grant the licenses of Nathaniel Slicer, John Slicer, Eliza Baer, Robert Guthrie and E. C. Walker. This may be a large number, but there is nothing before us to warrant refusing either. And we think the weight of evidence is against the applicant at West Salisbury, and his license is refused.

In the matter of the applications of Mrs. Eliza Tayman and Wm. J. Higginbotham, for tavern licenses in Somerset borough, the Court, on careful examination and due consideration, find,

1st. That the petition of each of said applicants is in due form, and the fitness of the applicant and the house, and the necessity of the house, as a public house for the entertainment of strangers and travellers, is duly certified to by at least 12 reputable citizens on each petition.

2d. That the truth of the facts set forth are sworn to as required by the rules of Court, by two affiants to each petition and that the bond is in due form with ample securities.

In the absence of anything appearing to the contrary on this showing, each applicant was entitled to license under existing laws.

To these applications remonstrances were filed, as follows:

1st. General remonstrance by citizens of the town including ladies and gentlemen numbering 92 voters and 542 non-voters.

This remonstrance was against granting license any where in the county, and alleges that there is no necessity for such license. Like petitions from all parts of the county, are on file. As a rule these were general, and were in no case considered as a factor in determining the question.

2d. A special remonstrance, signed by 121 citizens of the town, all of them, or nearly so, voters, and embracing many of the most reputable citizens of the town, alleging

1st. That neither of the applicants has met all the requirements of the law in the matter of the petitions, in this that they are not certified to by at least 12 reputable citizens.

2d. That one of the applicants is not of good repute for temperance.

3d. That one of the affiants to petition is not of good repute for Temperance.

4th That the houses are not necessary for the accommodation of the public and entertainment of travelers.

This remonstrance was verified by the oaths of two prominent gentlemen of the town, who testify that the facts set forth are true, and was supplemented by evidence taken on rule and the depositions filed and read on the hearing.

The evidence was in the main against the proprietor of one of the houses, and involved the violation of the law and applicants fitness and though depositions were taken in reply and filed and read, the case made was not successfully answered.

But one witness testified to any violation of law by the other house, and that was not sufficient even if true, to warrant a refusal of license, in the light of all the facts.

There was also evidence of an attempted combination to compel or induce the Court to change its ruling at a former term, by closing their doors and turning out all the guests, including one of the Associate Judges during a full attendance at court; this however is not considered in the determination of these cases. They could so close and turn out their guests after they claimed to keep a public house and could with impunity even curse the court if that afforded any special gratification. But that certainly is no excuse for the courts violating its duties in the determination of the present applications. If by such folly they arrayed a community against themselves, it's a matter of their own invitation; as against the 27 citizens certifying to the necessity for licensed houses, 121 of their fellow citizens of the highest respectability, allege that there is no necessity; and in the testimony produced; show that though there has been no license since January Term the public, and travellers and strangers have been quite well entertained. A mere allegation of no necessity, based on merely temperance views of the question, even when made by 121 against 27, might not avail to prevent license, under existing laws, but when the *allegata* and *probata* are made to concur, the Court can't close its eyes to the effect the proof makes on the case, even though some of the members of the court might personally differ in their views of necessity.

To avoid the danger of deciding on arbitrary discretion, the Court looks only to the case made by the petitions, remonstrances and evidence as required by the Act of 1875, and previous Acts, and though the town of Somerset may have in all 300 votes, if the one-half of these purposely remain inactive, and take no side, neither asking for a license or remonstrating against, the Court cannot be expected to assume that they are either for or against, and therefore, as it views its duty when it looks at, and duly considers the petitions, remonstrances and evidence filed in the cases, and heard at the hearing, and decide the matter judicially or the case as made, it will have done its whole duty under the law, as it understands it. In this light and the light of the rulings of the Supreme Court, we are clearly of opinion the weight of evidence is largely with the remonstrants, and though the duty is unpleasant to the court, it must under the law refuse the license of both applicants.

Complaint has been and will be made that private interests are struck down by Courts refusing to grant license; if this is so, how easily it can be remedied. Let all the people join in demanding a plain legislative expression and we will be relieved of Judge made law. If our ruling arouses the people of the county, so that they demand a legislative expression, it will have subserved a good purpose, but in any event, we have determined these cases on the petitions, remonstrance and evidence, and have put ourselves on the record, so that our ruling may be reviewed, and hence are conscious that we performed our whole duty under laws which we do not make but administer. *Per curiam.*

As soon as the above rulings were read the large crowd in the court room sought the open air, where they could better give vent to their feelings some in denouncing the court and his rulings, and others in praising him and upholding his opinions. The one question that seemed most generally to puzzle the average layman was, why Somerset should not need a single licensed house, while her neighbor, Meyersdale, had an actual necessity for five. It was produced in evidence before the court that during the year ending January 1st, 1886, over 17,000 guests had been entertained at the two Somerset hotels, the Somerset and Glade House. It was estimated that at least 4,000 had been entertained at the Central, making a total of over 21,000 persons entertained at the Somerset hotels within a single year, likely more than had been entertained by all the other hotels in the county during the same period.

On Sunday evening the temperance people met in the Disciple Church to return thanks for the victory that had perched upon their banners. Speeches were made by Revs. Bash, Wakefield, Weakly, Vogel and Hon. John Cessna. The liquor men all predict that there will be a wholesale liquor establishment in Somerset within a fortnight.

About a year ago mention was made in these columns of the arrest and trial of Graham Pearre, a son of the late Judge Pearre, of Cumberland, the charge against him being that he entered the bed-room of Mrs. Kirkland at the Albion hotel, Baltimore, and attempted to commit an assault upon her. The jury found him guilty, and the case was then taken to the court of appeals. That court on Tuesday affirmed the decision below and the verdict stands.

PROGRAM OF CEREMONIES AND LINE OF MARCH FOR MEMORIAL DAY AT SOMERSET.

The procession will form at 10 a. m. on Union Street, the right of column resting on Main cross St. as follows:

Sunday Schools, L. C. Colborn, Marshall.
Somerset