The Somerset Herald.

GEORGE R. SCULL, Editor.

SOMERSET, PA., August 31, 1892.

[illegible] & Father are opening their first arrivals of fall and winter goods.

[illegible] classes for old and young at Snyder's store.

[illegible] Yoder, one of the Cooley gang, was tried and jailed at Uniontown Friday. Other member of the gang was captured and escaped.

[illegible] pension agency in Topeka is the largest in the country. It pays out annually $[illegible] to the veterans of Kansas, Missouri and Colorado.

[illegible] you think of attending school this fall? [illegible] a postal to Chas. W. Dean, Indianapolis.

[illegible] biggest rattlesnake killed in Pennsylvania this season was slaughtered by C. C. [illegible] of The Grey's Run, Lycoming county. It was six feet long and had 30 rattles.

[illegible] readers of the HERALD should not forget that J. N. Snyder, the druggist, can fit their eyes with glasses as well as any optician. He has had five or six years experience in the office of Dr. King's.

[illegible] Daugherty, the celebrated lawyer and orator, is lying in a very critical condition at his home in Philadelphia. The attending physicians say there is hardly a possibility of his recovery.

[illegible] victim of the great flood was unearthed in Johnstown on Wednesday. [illegible] could be ascertained the remains were those of a young woman. Two rings were found which may possibly lead to identification.

[illegible] Democratic voters of Dauphin county have issued a petition to B. F. Meyers, of Harrisburg, urging him to be a candidate for congress in the Dauphin-Lebanon-Perry district. Mr. Meyers has refused to become a candidate.

[illegible] never have a really good complexion until the impurity is cleansed from your blood. What you need is a thorough course of Ayer's Sarsaparilla, which is absolutely free from all harmful ingredients, and therefore perfectly safe.

[illegible] year was picked off the ground at Dublin on Wednesday by Samuel Niverson, and when he bit into it a bee that had hid in the fruit stung the man's tongue. The tongue was almost instantly produced, and much is looked for.

[illegible] system is rendered malaria-proof when the blood is kept pure and vigorous by the use of Ayer's Sarsaparilla. At this time, all should have that admirable preparation on hand. Malarial poison is harmless where Ayer's Sarsaparilla is used.

[illegible] State League of Republican clubs will meet in convention at Williamsport, September 20th. It will be a much larger convention than last year. Congressman John Robinson will be a candidate for renomination as President of the State League.

[illegible] soldiers at Homestead are looking forward to the 1st of September, when they expect to be relieved. By that time they will have been in continuous service longer than at any time during the history of the place, having been in the field 60 days.

[illegible] West Pennsylvania Synod of the Evangelical Lutheran Church, representing about 20,000 members and more than 100 churches, will meet in York, October 12th. Different congregations of the denomination are preparing to give the clergymen a royal reception and a hearty welcome.

[illegible] Hiram C. White, of A. J. White & Co., Tailors and Clothiers of Chambersburg, Pa., will make his usual visit to Somerset with samples of Suitings, Overcoatings, etc., during the week of Sept. 12-17. Any orders left with him will be satisfactorily filled and perfect fit guaranteed.

[illegible] belonging to Peter Brookhacker, of Bath, Northampton county, was drinking from a spring in which there was a trout a foot long, the captive of the Brookhacker boys. The trout ran down the calf's throat and caused such awful distress that the owner killed it. When the carcass was opened the fish was found dead.

[illegible] McKeown, a retired physician of this New York, visited Washington Pa., Monday. McKeown asserts that he is a brother of the late millionaire, John McKeown, and is getting everything in readiness to push his claims. He says there is no doubt that he is the brother and justly entitled to a share of the big estate. Mr. McKeown is about 60 years old.

[illegible] are a great many believers in witchcraft in Lancaster city and county and they have late renewed confidence. Thirteen years ago Mrs. Schaler lost her speech and all efforts of the doctors to restore it were unsuccessful. She consulted a woman, who believed to be a witch, and she advised her to wear an amulet. She donned the amulet and is talking again.

[illegible] following letters remaining in the post office at Somerset will be sent to the Dead Letter Office if not called for within ten days from this date, Aug. 31, 1892:

Adams, Cora Jane; Berkey, Annie; Bell, William; Bickroe, Martha; Butts, Harry; Garthyman, N. B.; Clover, Kittie; Dean, Sadie; Friedline, Frank B.; Jeffreys, Mrs. Lena Sophia; Miller, Simon; Nichlo, Robert; Williams, Lucinda; Walker, Charles; Zimmerman, Abe.

JOHN KELLER, P. M.

[illegible] general orders No. 10, John Palmer, Commander-in-Chief of the G. A. R., utters a terrible protest: A political campaign button has been placed upon sale, an exact facsimile of the insignia of our Order, except that the photograph of the candidate is placed in the centre. The Commander-in-Chief not only urges every comrade not to wear the Order by placing the "thing" on his breast, but that he will appeal to any man who wears it to take it off, and to decree an indignity of loyalty, which is honored by every Union soldier, regardless of party.

[illegible] condition of Col. John P. Linton is such as to cause his family and friends the gravest alarm. As it will be known, he has been for a long time been in the best of health but an attack of pneumonia within the past few days has prostrated him to such an extent that on two or three occasions his death appeared imminent. Dr. J. C. Sheridan the attending physician and D. W. B. Kimmel has been called in consultation. The Meyersdale says that while his lung seems are pulling to treatment his other organs are such as to render his condition critical.—Johnstown Tribune.

[illegible] morning while a veterinary surgeon was performing an operation in the mouth of a colt belonging to Albert Beatty, of New Baltimore, upon the Beaver Falls News, the animal reared and the knife severed an artery in its throat. Every effort was made to stop the flow of blood, but the colt was fast bleeding to death, when some of the men recalled a Mrs. Hinkle, and old woman who had the reputation of stopping the flow of blood by charms, ran to her, and strange to say by making some queer gestures with her arms the flow of blood suddenly ceased. They say Mrs. Hinkle has made many wonderful cures, and some of the people of New Brighton have more faith in her than they have in physicians.

[illegible] Charles Ott died at her home in Connellsville at 5 o'clock Saturday morning, aged 56 years. On Monday and Tuesday of last week Mr. Ott had been in Jenner Cross Roads, where they made a number of purchases. Shortly after returning home on Tuesday evening Mrs. Ott became severely cramped, and she was given morphine to induce sleep by a local physician. From the time until her death she did not regain consciousness. Her maiden name was Mary Hoyle. She was born near Hooversville on Oct. 4, 1836. When sixteen years old she married Charles Ott, who survives her. The following children are: Joseph and Peter C., of Scalp Level; John, of Scalp Level; Lewis and David, who reside on the old homestead in Paint township, and Lizzie, wife of David Hershberger, also of Paint township.

[illegible] arrival of fall and winter goods at Baker & Parker's this week.

Mrs. Lewis W. Fogg, of Derry Station, is the guest of her sister, Mrs. Ed. B. Coffroth.

Dr. J. M. Louther will erect a handsome cottage on his Patriot street lot this fall.

Jenner council Jr. O. U. A. M. are making arrangements to observe Columbia day, October 21st.

We know of no town in the state where dwelling houses can be bought as cheap or where real estate is held as high as in Somerset.

Thomas Barnett has purchased the boot and shoe store of Frank Silvler, on Main Cross street, and will take possession September 1st.

One of the handsomest cottages in town will be that of the Walker brothers on South street, now receiving the finishing touches at the hands of carpenters.

The members of the Disciples' church will hold a meeting in the Putman Grove near Trent, on Sunday, the 4th day of September. All are cordially invited to attend.

Milton L. Baer, a former resident of this place, has been nominated by the Democrats of Seattle, Washington, for the office of Municipal Judge—the best office in the gift of the city.

An elegant new home nearing completion on south west street is the property of Mr. Charles Weimer. The "dickey birds" say that Charley will install a mistress in it later in the fall.

Mr. Hermanus Baer has accepted a clerkship in Benford's drug store. George W. Benford, Jr., will enter as a student in a school of Pharmacy at Philadelphia at the opening of the fall term.

Sunday evening Dr. George Brallier's bay horse, known as "old Tom," was stolen from his owners stable at Berlin. The Dr. offers a liberal reward for the return of the horse and the capture of the thief.

Lutheran reunion and pic nic at Friedens, Thursday, September 1st; Reformed reunion and pic nic at Rockwood, Friday, September 2d; Knights of the Mystic Chain pic nic at Stoystown, Saturday, September 3d.

Mr. William Armor, of Amboy, Ill., arrived in town Monday evening, and is the guest of his aunt, Mrs. A. J. Colborn. Although a native of Somerset this is Mr. Armor's first visit to the town of his birth in 48 years.

Mr. James McKelvey has returned from the Markleton Sanitarium. His health has been very much improved by the treatment he received while there. He expects to return for further treatment in the course of a week or two.

It is reported that Somerset is to have a new Democratic weekly paper. Major James B. Tredwell, one of the most versatile writers in local newspaperdom, and Mr. Will Kimmel, a newspaper man of experience, are to pilot the new craft.

The Congressional conference for this district will convene at Bedford, this, Tuesday evening. Mr. Scull and his conferees, Judge Geo. W. Pile, Hon. A. J. Colborn and John R. Scott, Scott, Esq., left for that place this morning.

Col. John P. Linton, of Johnstown, is critically ill at his home in that city. About ten days ago he contrated a severe cold which developed pneumonia. The Colonel insists that he will pull through all right, but his physicians have abandoned all hopes of his recovery.

Among other visitors in town the past week were Prof. R. F. Patterson, of the Pittsburgh High School, who was almost unrecognizable on account of a mustache he has cultivated during vacation, and Mr. J. Warren Scull, of Irwin, Westmoreland county.

Joseph Weyand, a highly esteemed citizen of Somerset township, died at his home near Will's Church, Thursday last, aged about 68 years. Mr. Weyand had been a sufferer for several years from partial paralysis and it was a third paralytic stroke which terminated his life.

Mr. Foster Walter, a well known B. & O. locomotive engineer, has been spending a few days at his father's home in this place. Mr. Walter is enjoying a well earned vacation of several weeks and proposes depopulating the woods round about Rockwood of squirrels and pheasants.

One of General Koontz's Holstein cows was deprived of her tail a few days ago. She was standing in the shadow cast by a board fence endeavoring to brush flies off her back when her tail caught fast between the boards. In her efforts to release her tail she tore it off within a few inches of her body.

The corner stone of the new Reformed church at Friedens will be laid with the customary ceremonies on Tuesday, the 6th of September. Services will begin at 2 o'clock, p. m., the sermon to be preached by Rev. Klug, of Somerset. All are cordially invited to be present.

Rev. J. H. Sutherland, formerly pastor of the Presbyterian church of this place, has been spending the past week visiting among the many friends he made here at that time. He preached two sermons to that denomination Sunday. He is present in charge of a congregation at Ford City, Armstrong county.

Mr. George B. Baer, eldest son of our fellow townsman H. L. Baer, Esq., has recently been appointed official gauger of Sonoma county, one of the greatest wine producing districts in the State of California. Mr. Baer has been a resident of the Golden State for the past seven years and is the editor of the Cloverdale, Cal., *Sentinel*.

Mr. H. M. Hinebaugh, of Chalkvile, Ill., was a caller at this office Tuesday afternoon. Mr. Hinebaugh removed from Somerset county to Illinois about twenty-four years ago and has an excellent farm one hundred miles from Chicago. He will spend several weeks visiting among his friends in the southern part of this county.

Cadet Orlo Koepper returned to his home in this place Saturday from the Naval Academy at Annapolis, Md., and will spend a month with his parents. Young Mr. Koepper has recently returned from his first cruise, which was aboard the U. S. S. "Constellation," and spent the summer on the north Atlantic, with headquarters at New London, Conn.

Dr. S. D. Ort, of Springfield, Ohio, will preach in the Lutheran church, in this place, this Wednesday, evening, and will deliver an address at the Lutheran reunion and picnic at Friedens, Thursday. Dr. Ort is reputed to be one of the most learned and eloquent speakers in the ministry of that church, and he will doubtless attract large audiences on both occasions.

John McCumons, a charcoal burner employed by James McKelvey, was arrested and lodged in jail Saturday on a warrant from Centre county charging him with desertion. He was taken to Bellefonte, the county seat of that county, by policeman Gilbert yesterday. McCumons is said to have heartlessly deserted a most estimable woman for a loose character who lives along the railroad between here and Rockwood.

The figures furnished from the Collector of Internal Revenue's office for this district estimating the number of pounds of maple sugar produced in this county on which no bounty was claimed are very misleading. Bounty was paid on 225,872 pounds, and the Collector estimates that 112,936 pounds were manufactured by unlicensed producers. It is believed that Elk Lick township alone produced more than the entire amount on which bounty was paid and the number of estimated pounds. In 1889 the assessors of the county returned over 800,000 pounds of maple sugar produced the preceding year.

Bung Hole Economy.

The town council have already squandered about $500 of the tax fund of this borough in an effort to ascertain whether or not it is practicable for the borough corporation to construct and maintain a system of water works. There is no telling when this profligate (considering the resources of the borough) expenditure will cease unless the tax payers awaken to their interests and bring their representatives in the council up with a sharp turn. We understand that the council have employed one of the ablest attorneys at the bar as their legal adviser and we would suggest to them that before they throw away any more money, which is so badly needed for street and other improvements, they get an opinion from their lawyer as to whether or not they are empowered to issue and sell bonds for the purpose proposed. A prominent lawyer to whom the question referred to was submitted gives it as his opinion that the borough council have no right to issue bonds unless authorized to do so by a vote of the qualified electors of the borough, and that bonds issued by virtue of the recent election held on that question would not be worth the paper on which they were written and would be absolutely unsaleable.

It is true that the voters of the town have decided in favor of water works, but it is sheer madness on the part of the council to throw away money in a vain effort to accomplish a purpose which requires the approval of the people by ballot in accordance with the act of assembly. It is not our object to throw any stubling blocks in the way of the council while they are endeavoring to accomplish a public good, but we would admonish the members of that body to exercise the same prudence in conducting the borough's affairs as they would in their own private business.

Here We Are Again—Barb Wire a 2-1-4 Cents Per Pound.

The Johnstown flood wire is all sold, but we have received from the factory a lot of barb wire which will be sold at two twenty-five per hundred pounds. Guaranteed to stand stretching. This is a good bargain. Call and see it.

JAS. B. HOLDERBAUM.

Horse Thief Captured.

A few days ago a young man, a stranger, rode into New Centreville and offered to sell the horse he was riding, together with the saddle and bridle, for forty-five dollars. As the horse was a young one and worth double that amount he was bought by a local horse dealer. The young man left for Rockwood immediately. He had only been on the road a few minutes, however, until a Rockwood butcher arrived at New Centreville and hearing of the sale that had just been made went to look at the horse. He recognized it immediately as one he had traded off in the morning and at once arrived at the conclusion that the one he had gotten in the trade had been stolen. He started in pursuit of the young man but did not come up with him. At Rockwood he learned that the young man was at the railroad station waiting to take an east bound train. Sheriff Good happened to be in the town at the time and at the request of the butcher he placed the suspected man under arrest. At this juncture Constable Dapont remembered that he had a telegram in his pocket from the Sheriff of Westmoreland county requesting him to arrest a horse thief, and giving a description of the, thief and of the stolen horse. As both horse and thief answered the description the prisoner was handed over to the Constable and a message was sent to Sheriff Clawsen telling him of the arrest. The forty-five dollars received from the sale of the horse at New Centreville was returned to the owner and the horse recovered and the recovered horse was exchanged with the butcher for the stolen one. Sheriff Clawsen came to Rockwood and took the prisoner back to Greensburg with him and the stolen horse was returned to its owner, who lives near Donegal.

Wanted!

An enterprising man in each township. Must have a little capital and can make money. Sure thing. Address

CHAS. A. ROSS & CO.,
Somerset, Pa.

Teachers Elected.

The following named teachers have been elected to teach the public schools in the townships named. Paint townships: Weaver, William K. Heckler; Border, M. A. Livingston; Ashtola, Sem Kaufman; Caster, Lydia M. Swank; Flat Rock, W. S. Hammer; Berkey, W. S. Rose; Morningland; J. C. Schrock; Bethel, S. Holsapple; Clear Spring, Araminta Holsapple; Hoffman, Jewry Kauffman. Wages from $30.00 to $52.00.

Conemaugh township:—Davidsville, U. D. Miller; Rash, M. H. Meyers; Blough, S. D. Yoder; Hochstetler, Ed Border; Saylor, A. L. Yoder; Wertz, John J. Forrest; Livingston, H. A. Walker; Keifer, Harvey Livington; Tire Hill, S. G. Shetler; Miller, J. J. Stahl; Thomas' Mills, J. S. Zimmerman; Kaffman, not supplied. Wages from $30.00 to $34.000.

Lincoln township:—Sipesville, A. E. Fritz; $37.75; Edie, N. B. Miller, $33.75; Casebeer, E. F. Bittner, $32.50; Mountain, Annis Berkey, $30.50; Knepper, John Bell, $30.75; Beitab, S. J. Fitt, $32.75; Maust, A. B. Hoffman, $25.25.

For Sale!

A fine family, blood bay, Hamiltonean mare, 7 years old, perfectly sound and gentle; any child can drive her; a good all day traveler; will be sold cheap, address

BAX 75, Hooversville, Pa.

Squire Seese Dead.

One week ago Phillip Seese, an aged citizen of Paint township, died and was buried on Saturday. Late Tuesday evening his brother John, who resides near Scalp Level, in the same township died from dropsy.

"Squire" John Seese, as he was commonly called, was born in Paint township, about a mile beyond Scalp Level, in 1818, and was married to Miss Hannah Custer about 55 years ago. Six children was the result of the union. Joseph lives at home, as does also one of their daughters. Miss Hannah. Another of the sons, Emanuel, lives in Johnstown while two of the daughters are the wives of farmers living in Paint township. Another daughter is dead.

Good Housekeepers.

Some of the best housekeepers in Somerset and vicinity use the Cinderella Stoves and Ranges and pronounce them perfect bakers. Sold by James B. Holderbaum, Somerset, Pa.

Frost's Coming Late.

Prof. Foster, the Missouri weather prophet, in his last report gave the forecasts of a storm wave to cross the continent from September 2 to 6, but he says the next wave will reach the Pacific coast about t September 6, cross the western mountains about one day later and reach the central valley from the 8th to the 10th, striking the eastern States about the 11th. Prophet Foster predicts this a very dangerous storm west of the Mississippi river and tornadoes and hail may be expected. "This disturbance," he goes on to say, "will cause general rains and all fear of droughts will disappear. In Dakota and the northern states frost may be expected. The cool wave will strike the central valley about the 11th and the eastern states about the 13th. The cool waves usually cause showers and will give us an average temperature through September. Frosts will be late, but not severe. Corn crops will have abundant time to mature and the September top cotton will be better than that which matures in August."

Took the Rope Route.

William Moore, a prominent and wealthy citizen of Harrison City Westmoreland county, committed suicide Friday afternoon by hanging himself to the bedpost in his room. He was aged about 50 years and had been in poor health for several years. He was unmarried and made his home with his mother.

Meyersdale School Board Contest.

The expressed will of a majority of the voters residing in the Meyersdale school district has been defeated by a legal technicality and as a consequence a Democratic board of directors, whom the voters clearly decided by their ballots they did not want, have been declared duly elected by the court. It is unfortunate in cases such as this that the court has no discretionary power, but such is the law and our Republican friends in Meyersdale must abide by it.

Following is the opinion and decree of the court:

In re contested election for School Directors in the Borough of Meyersdale.

In 1891, the Court, upon the petition of citizens of said borough removed the members of the school board and appointed a full board to succeed them until their successors to be chosen should be duly qualified. On the 16th of February, 1892, therefore, six directors were to be elected to fill the regular term and vacancies so occasioned, viz: two for the term of three years, two for two years and two for one year.

Many of the voters failed to designate upon their ballots the *term* which they desired the candidates of their choice should respectively fill; whilst others named the term as well as the candidate.

The election certificate, or return, shows that S. C. Hartly had 183 votes, Wm. Appel had 285 votes, Geo. W. Collins had 266 votes, S. S. Good had 189 votes, W. H. Habel had 177 votes, B. D. Morgan had 210 votes, Kennedy Price and Wm. Rupp for 3 years' term had 171 and 119 votes respectively, A. F. John and J. W. Young for 2 years' term had 193 and 110 votes respectively, J. F. Anthony and H. J. Ebbecka for one years' term had 145 and 133 votes respectively. Of the ballots cast for Hartley 165, of those for Appel 175, of those for Collins 193, of those for Good 158, of those for Habel 170 and of those for Morgan 189 had no designation of the term upon them or anything from which it could be inferred how long the voters intended they should serve.

A majority of the election officers did not undertake to pass upon the question raised by this failure to designate the term, but, after computing the vote returned those receiving the highest number of votes, viz.: Hartley, Appel, Collins, Good, Habel and Morgan, as having been elected. One of the inspectors did not sign the certificate.

In due time a petition of the required number of qualified electors of the school district was presented to the Court, contesting the election on the ground that the certificate, or return, was "undue, illegal and incorrect," because the votes cast for Hartley, Appel Collins, Good, Habel and Morgan were illegally cast and should not have been counted and that the election officers should have declared Kennedy Price and Wm. Rupp elected school directors for 3 years, A. F. John and J. W. Young for two years and J. F. Anthony and H. J. Ebbecka for one year.

The ground mainly relied upon by the contestants was the failure of nearly all of the supporters of the contestees to indicate upon their ballots the term of office; but it was also alleged that a few persons who voted for them were not properly qualified electors. As we regard the case upon the election return and the evidence taken by the commissioner it is not necessry to consider the alleged illegal votes. Whether the ballots which had nothing upon them to indicate the length of term should have been counted for the contestees is the controlling question in the case.

Judge Cooley in his "Principles of Constitional law," page 253, says: "In elections by ballot the voter must take care that his ballot shall be complete in itself, so that it shall express his intention without resort to extraneous evidence for explanation of apparent ambiguities. The general rules of law do not permit a written instrument to be varied or added to by parol; and in case of ballots, the parol evidence would be specially objectionable and dangerous, since public interest of the highest importance depend upon the elections, and the inducement to corruption and perjury would sometimes be enormous."

The same author in his work on Constitutional Limitations, page 611, says, "We think evidence of such facts as may be called the circumstances surrounding the election, such as who were the candidates brought forward by the nominating conventions; whether other persons of the same name resided in the district * * * and if so, whether they were eligible or had been named for the office; if the ballot was printed imperfectly, how it came to be so printed, and the like, is admissible for the purpose of showing that the imperfect ballot was meant for a particular candidate, unless the name is so different that to thus apply it would be to contradict the ballot itself; *or unless the ballot is so defective that it fails to show any intention whatever, in which case it is not admissible.*" These extracts sum up the rulings of numerous courts in Penn. and elsewhere. It must be observed, however, that the extraneous evidence which may be resorted to must relate to what appears upon the ballot for the purpose of arriving at the intention of the voter at the time of depositing it.

In the case at bar it is not pretended that the voters who neglected to specify upon their ballots the several terms of the candidates of their choice desired to do so.

On the contrary the proof before the commissioner is to the effect that on the evening preceding the election, at the meeting which placed the contestees in nomination, it was determined that the voters should express no preference upon that subject, but that the two who might receive the highest vote should serve for three years, the two next for two years and the two lowest for one year, in case they were elected. So the question was held in abeyance, to be determined by the result of the election.

Wm. H. Allen, who presided over that meeting, was called as a witness and testified as follows: "About 130 to 150 voters were present * * When we came to the nomination of school directors I said, 'the re are two to be elected for three years, two for two years and two for one year.' We had then considerable discussion, or debate, as to how we should fix this thing. One or two members produced the school laws, and it was discussed for a number of minutes, and it was agreed that the two receiving the highest votes should be elected for the three years term, and the next two receiving the next highest number of votes should be the two year term men, and the two receiving the least number of votes should be the one year term men. * * I don't think that there was a single man who voted that ticket that did not understand what the caucus agreed to." It was not, therefore, an accidental omission in preparing the tickets, but they expressed all that the voters intended they should. Did they express enough? How could it be ascertained from them who should serve for three years, who for two and who for one? We would much prefer to decide this question conformably to the evident wish of a majority of the voters who participated in the election, and permit the contestees to serve as school directors. But there is no authority of law, known to us, by which their respective terms could be settled and determined. It is not a matter which could be left for adjustment amongst themselves. The majority portion of the voters of the school district could not delegate such authority to them, if it was so intended. After the election the voters had no control over the matter; neither had the Court, for we could only give effect to that which was expressed, or intended to be expressed on the ballots. A voter's intention is to be inferred from a reasonable construction of his acts, and is not to be ascertained by evidence of his mental purposes in depositing his ballot, or his notions of the legal effect of what it contained or omitted. People v. Saxton, 22 N. Y., 309 S. C. 78 Am. Decis. 161.

While we might look into the action of a nominating caucus to learn who was in fact the nominee or candidate for an office, if his name were imperfectly written or printed upon the ticket, we could resort to its proceedings for information to supplement a ticket as to a matter on which it was wholly silent. It would introduce into the case a rule of practice which is an entire stranger to the law of election contests.

When several persons are to be elected to the same office, but for different terms, the tickets must designate the term for which each is voted for.

Sadsbury Twp. Election 6 L. Bar. 42.
Exparte Weir 34 L. Int. 214.
Am. & Eng. Encyc. Law, Tit. "Elections," Vol. 6, p. 315.
Milligan's appeal, 96 Pa. 222.
Gilliland's Case, 96 Pa. 224.

In Milligan's appeal, he and Miller were candidates for Councilmen in Phila. The Court below said, "the evidence before us shows that there were cast for the said Saml. P. Milligan, for the term commencing on the first Monday of April, 1867, 1170 votes; for the term commencing April, 1877, 164 votes; *without designating any term*, 238 *votes;* for Samuel Miller, for the term commencing April 1877, 1374 votes. If we discount the 238 votes cast for Milligan without designating for which of said terms they were cast. Miller has undoubtedly been elected * * How can we ascertain for which term they were cast, in the absence of designation or proof? It assuredly will not do for us to guess. The voter should so express his intention as to leave no doubt, when two persons are elected at the same time to like offices, but for different terms, for which term he casts his ballot. The omission is his, and he should not complain if from the impossibility of ascertaining his intention, his ballot is rejected."

The Supreme Court, on appeal, held that there was no error in this ruling, stating that "the action of the Court in rejecting the votes cast for Milligan for the office without designation of the term, we think was clearly right," and affirmed the judgment of the Court below.

Gilliland's case arose upon an election for school directors in Allegheny county, at which he and one Adam Ammon were candidates. Four directors were to be chosen, namely, two for three years, one for two years and one for one year. The tickets which were voted generally indicated the term, but some did not, and while Ammon had the larger number of votes, yet, if those which failed to name the term were deducted from each candidate, Gilliland had more than Ammon. The Court held that they should be counted and upon that theory declared Ammon elected, but the Supreme Court, on appeal, reversed the decree and seated Gilliland upon the ground that the ballots without designation of term should have been excluded, and also held that the 3d Sec. of the Act of 11th April 1862, had no application to the case. The Supreme Court in the latter case say "those tickets were undoubtedly intended to be voted for him (Ammon) as school director, but they stopped there. The electors voting then did not designate any specific term. For the Court to determine the length of term intended by the persons casting these votes, would be based on mere conjection. The intention of the voter, as a general rule, must be expressed by his written or printed ballot. It is true some inaccuracies in the name of a candidate, or in the manner of spelling it, may be proven by parol to give effect to the intention of the elector; that is not this case. Here the attempt is by mere inference to create a term which the voter did not attempt to declare. Where officers for the same office are to be chosen for different terms, the ballot must specify the term for which each person has voted for, unless the case comes under the Act of 11th April 1862."

The Act of 11th April, 1862, applies only when "the voters shall all neglect to designate on their tickets the term of office for which each person voted for is a candidate." In the case now under consideration they did not all so neglect to designate the term, and the rule furnished by the Act in such cases, giving the longest term to the candidate having the highest vote, does not apply. We see nothing in the reasons assigned in the motion to quash which would warrant us in entertaining it. We therefore make the following order:

And now, Aug. 24, 1892, after hearing the parties, their proofs and allegations, and the arguments of counsel, and after full consideration thereof, it is adjudged and decreed that Kennedy Price and Wm. Rupp were duly elected school directors for the term of three years at the election held on the 16th day of February 1892, in the school district of the borough of Meyersdale, and John W. Young and A. F. John were elected school directors at said election for the term of two years, and J. F. Anthony and Henry J. Ebbecks were duly elected as school directors at said election for the term of one year, instead of the contestees, S. C. Hartly, Wm. Appel, Geo. W. Collins, S. S. Good, W. H. Habel and R. D. Morgan.

The costs of this proceeding to be paid by the school district. By the Court.

J. H. LONGENECKER,
President Judge.

Your Eyes tested free of charge by a practical Optician and glasses furnished from 25 cents to $10.00 per pair.

NEUE & CARRUTH,
Jewelers and Opticians,
Somerset, Pa.

Reformed Church Reunion.

The Reformed Church reunion next Friday at Rockwood is expected to be attended largely by the Reformed people of the county and their friends, and a very pleasant social time is expected. Refreshments for such as do not prefer to take baskets will be furnished on the grounds at reasonable rates. Foreign Missionary Moore will deliver an address on the work of the church in Japan.

Time or Temper.

No time or temper wasted when you use the Cinderella Range. Its large and high oven insures perfect baking and roasting sold and guaranteed by James B. Holderbaum, Somerset Pa.

School Age in Various States.

The age at which pupils are allowed to enter and to continue in the public schools differs greatly. Of the 49 States and Territories, 6 admit them at four years of age, 19 at five, 20 at six, 3 at seven, and 1 at eight.

The States admitting them at four are Maine, Connecticut, Florida and Montana. The schools of Alabama and North and South Dakota do not receive them till they are seven, and those of Texas exclude them till they are eight, and only allow them to attend till they are sixteen.

Twenty-five of the States and Territories allow Children in the puplic schools till they arrive at the age of twenty-one. Of the remainder the "school age" terminates at twenty in 7, at sixteen in 3, and at fifteen in 3.—*Chicago Journal.*

Willie Tillbrook
Son of

Mayor Tillbrook

of McKeesport, Pa., had a Scrofula bunch under one ear which the physician lanced and then it became a running sore, and was followed by erysipelas. Mrs. Tillbrook gave him

Hood's Sarsaparilla

the sore healed up, he became perfectly well and is now a lively, robust boy. Other parents whose children suffer from impure blood should profit by this example.

HOOD'S PILLS cure Habitual Constipation by restoring peristaltic action of the alimentary canal.

COURT PROCLAMATION.

WHEREAS, The Hon. JAMES H. LONGENECKER, President Judge of the several Courts of Common Pleas of the several counties composing the 24th Judicial District, and Justice of the Courts of Oyer and Terminer and of General Jail Delivery, for the trial of all capital and other offenders in the said District, and GEORGE W. FILEGER and NOAH BERKEBILE, Esq's., Judges of the Courts of Common Pleas and Justices of the Courts of Oyer and Terminer and General Jail Delivery for the trial of all capital and other offenders in the County of Somerset, have issued their precept, and to me directed, for holding a Court of Common Pleas and General Quarter Sessions of the Peace and General Jail Delivery, and Courts of Oyer and Terminer at Somerset, on

MONDAY, SEPT. 26, 1892.

NOTICE is hereby given to all the Justices of the Peace, the Coroner and Constables within the said County of Somerset, that they be then and there in their proper persons with their rolls, records, inquisitions, examinations and other remembrances, to do those things which to their office and in that behalf appertain to be done, and also they who will prosecute against the prisoners that are or shall be in the jail of Somerset County, to be then and there to prosecute against them as shall be just.

ISAIAH GOOD,
Sheriff.

SHERIFF'S SALE.

By virtue of sundry writs of Fieri Facias, Venditioni, Exponas and Levari Facias, issued out of the Court of Common Pleas of Somerset County, Pa., to me directed, there will be exposed to public sale at the Court House, in Somerset Borough, on

Friday, Sept 23, 1892,

at 1 o'clock P. M., the following described real estate, to wit:

All the right, title, interest and claim of Daniel Augustine, Jackson Hochday and Henry Smith, terre tenants, and to the following real estate situate in Addison township, Somerset county, Pa., described as follows: Beginning at stones on the line of said tract where Abraham Ringer and Joseph Custer land join, thence west three hundred and fourteen and five-tenth degrees to stones, thence north two hundred and thirty-six degrees to stones, thence east one hundred and forty-six degrees to stones, thence south fifty-three degrees to stones, thence east two hundred and thirty-six degrees to a post, thence south thirty degrees east twenty and six-tenth, south five and three-fourth degrees, east fifty-one and six-tenth, south eighty-three and one-fourth degrees, west ninety-eight perches, south one hundred degrees to stones, containing four hundred and forty-seven acres and one hundred and forty-three perches strict measure, being the same tract of land appraised in the partition of the real estate on inquisition of the Orphans' Court of Somerset county, Pa., as in No. 3, together with the hereditaments and appurtenances.

Taken in execution and to be sold as the property of Daniel Augustine, Jackson Holliday and Henry Smith, terre tenants, at the suit of Samuel Ringer, surviving administrator of Nicholas Kelm, dec'd.

—ALSO—

All the right, title, interest and claim of George Lady, def't and Charles S. Vanmatr, terre tenant, of, in and to all the following tract of land situate in Jenner township, Somerset county, Pa., containing three hundred and seventy-one (371) acres and twelve (12) perches more or less, marked in the Sheriff's inquisition in the estate of Frederick Biesecker, dec'd., as No. 3, adjoining lands of John Reed, Henry S. Picking and others, being the same land which Henry Lady, true owner for the sale of the real estate of Frederick Biesecker, dec'd., by deed dated the — day of — 1871, conveyed to Noah Gobin, who on the same day conveyed the same to Frederick Biesecker, together with the hereditaments and appurtenances.

Taken in execution and to be sold as the property of George Lady, def't and Charles S. Vanmatr, terre tenant, at the suit of Catharine E. Vanmatr's use.

—ALSO—

All the right, title, interest and claim of Thomas P. Morgan and Caroline W. Morgan, his wife, of, in and to the one-third (⅓) of all minerals underlying a tract of land in Summit township, Somerset county, in the State of Pennsylvania, containing two hundred (200) acres, more or less, adjoining lands of John J. Saylor, Christian Livingood, J. P. Roman and others, sold and conveyed by one David Saylor to James Smith and others by deed bearing date April 30, 1864, and recorded in Vol. 35, pages 270, etc., together with the hereditaments and appurtenances.

Taken in execution and to be sold as the property of Thomas P. Morgan and Caroline W. Morgan, his wife, at the suit of Henry P. Gilbert, Smith Pettit and James Dripps, co-partners trading as Pettit & Dripps, George J. Johnson and Joseph Libbey.

—ALSO—

All the right, title, interest and claim of Elias Saylor, of, in and to all that certain lot of ground situate in the Borough of Somerset, county of Somerset, and State of Pennsylvania, fronting on Race Street on the south and Beagle's Court alley on the west, lot of J. F. Beachy on the north, and a private alley on the east, containing one-fourth of an acre more or less, having thereon erected a one and a half-story dwelling house, with the appurtenances.

Taken in execution and to be sold as the property of Elias Saylor, at the suit of Oliver P. Sleppy and Annie E. Frease, administrators of Wm. R. Frease, dec'd.

—ALSO—

All the right, title, interest and claim of Sarah A. Lehman and Josiah D. Lehman, of, in and to all that certain piece or parcel of land situate, lying and being in the township of Jenner, county of Somerset and State of Pennsylvania, beginning at a post, thence by land of Thomas Hay's estate south 85½ degrees east eighteen and five-tenth perches to a post, thence by the same north 78 degrees east thirty-two and two-tenth perches to stones, thence south 29 degrees east eight perches to stones, thence by Jonathan Shaffer north 79 degrees east twenty-nine and six-tenth perches to stone at a beech, thence north sixty-three and one-half degrees west twenty and eight-tenth perches to a small poplar, thence north 16 degrees west 18 perches to a small beech, thence by Ephraim Seese north 80 degrees west 48 and two-tenth perches to stones, thence south 84 degrees west forty-one and eight-tenth perches to stones, thence south 74 degrees west fifty and one-tenth perches to post, the place of beginning, containing fifteen (15) acres, being the same tract of land which Jeremiah Shaffer and Polly, his wife, by their deed dated the fourth day of September, 1888, to her granted, conveyed to Sarah A. Lehman, as by reference thereto, had will more fully and at large appear, excepting and reserving therefrom:

Taken in execution and to be sold as the property of Sarah A. Lehman and Josiah D. Lehman, at the suit of the Johnstown Building and Loan Association.

—ALSO—

All the right, title, interest and claim of A. W. Walter, of, in and to the undivided one-ninth (⅑) part of a certain farm or tract of land situate in Upper Turkeyfoot township, Somerset county, Pa., adjoining lands of Samuel Mettler, Daniel Dumbaugh and others, containing two hundred (200) acres more or less, of which about 50 acres are clear, balance fine timber, having thereon erected a one story log house, barn and other outbuildings, with an excellent sugar camp, land in a good state of cultivation, with the appurtenances.

Taken in execution and to be sold as the property of A. W. Walter, at the suit of Jacob Tenkins, administrator of Mary A. Ringner, dec'd., formerly Mary A. Harned, use of John F. Harnsh, administrator of Wm. S. Harnsh, dec'd.

—ALSO—

All the right, title, interest and claim of William Engle, of, in and to all that certain lot or parcel of land situate in Somerset township, Somerset county, Pa., and bounded by the public road leading from Meyersdale to Salisbury, Forstenzer corner, lot of Elias Pifer, Jr., containing one acre more or less, having thereon erected a two-story frame dwelling house, stable and other outbuildings, with the appurtenances.

Taken in execution and to be sold as the property of William Engle, at the suit of George W. Gaseman use of Valentine Hay.

—ALSO—

All the right, title, interest and claim of Jonas Fedrow, of, in and to all that certain tract of land situate in Milford township, Somerset county, and state of Pennsylvania, adjoining lands of Dennis Walker, Amos Christner, Perry Schrock, Sol