

# DANVILLE INTELLIGENCER.

VOLUME 78.

DANVILLE, MONTOUR COUNTY, PA., FRIDAY, SEPTEMBER 28, 1906.

NO 1

PUBLISHED BUT TO TRUTH, TO LIBERTY AND LAW—NO FAVOR SWAYS US AND NO FEAR SHALL AWE.

## DEMOCRATIC HEADQUARTERS

County Chairman John G. Waite has made arrangements to open Democratic headquarters in this city, which will be maintained in the interests of that party until after the fall election.

Room 3 in the opera house block, directly over Moore's hardware store, has been chosen for the headquarters, which will be opened the first of next week. Party literature will be kept at the rooms for any to read who may care to come.

It is the intention to have a phone installed at once and on the evening of election day returns will be received and posted.

### Arranged for Larceny of Scrap.

Frank Lynn, Joseph Reed, Charles Ashton and William McCann, who pleaded guilty to the larceny of iron, were arraigned before court yesterday, but in the case of each sentence was suspended.

Joseph Fahey, a detective of the D. L. & W. railroad company, who caused the arrest of the men, was present and explained to the court all the circumstances of the case. On the night of June 3rd, last, he said, the defendants entered a car of the D. L. & W. company on a siding here and relieved it of a large quantity of scrap consigned to Curry & company. The men he said had pleaded guilty and the goods had been recovered.

Some of the men had large families, while others previously have good reputations, in view of which it had been arranged to ask that sentence be suspended. The district attorney offered no objection to this but stated that he believed that the ends of justice would be fully subserved by suspending sentence.

Judge Evans told the men that he could send each of them to the penitentiary for three years, but that he had decided to act upon suggestion and suspend sentence. He reminded each, however, that the matter was not settled finally, but if either of them should be guilty of misconduct the district attorney could bring him into court on a bench warrant, when the penalty for the present offense would be imposed on them.

### To Ask Aid From Governor.

A number of the more prominent foreigners and residents at West Berwick are determined to have the lawlessness and murderous reign in that section at least mitigated, and now demand that lights be put up at all street crossings, and that there be employed additional police officers who will not be afraid to deal with the lawless and murderous element.

They assert that if their demands are not immediately complied with, they will take the matter to the governor of the State, and ask him to institute military government in place of the civil government now existing in the borough of West Berwick. In view of past records, prompt action, they say is necessary to prevent the probable farther spilling of human blood.

There is no development in the murder of Dominick Caluso. In explaining why he was outdoors at 3 o'clock in the morning, when he was killed, some say that he went to work at the car shops at 4 o'clock and that the murderers knew this and lay in wait. This, however, does not explain why he was in his backyard with only his night shirt on so long ahead of work time.

### TENDERED HIS RESIGNATION.

A Lock Haven janitor handed in his resignation the other day, says an upriver exchange. When asked what was the trouble, he said: "I'm honest and won't stand being slurred. If I find a pencil or handkerchief about the school I hang it up. Every little while the teacher or some one that is too cowardly to face me, gives me a slap." "In what way?" asked the officer. "Why, a little while ago I saw written on the board, 'Brid the common multiple.' Well, I looked from the collar to garter, and I wouldn't know the thing if I met it on the street. What made me quit my job? Last night in big writing on the black board, it said, 'find the greatest common divisor.' Well, I says to myself, both of them darn things are lost, now I'll be blamed for swiping 'em, so I'll quit."

### Arranging for Harrisburg Trip.

Company F. N. G. P., of this city, is already making arrangements for the trip to the dedication of the new State capitol at Harrisburg.

Yesterday Captain Gearhart issued the following company order: "You are hereby notified to report at the armory on Friday evening, Sept. 28. It was a valuable time piece and, assisted by fellow workmen, he searched high and low for it. Some time toward evening the attention of the men was attracted by an object dangling from a telephone wire high above the bridge. It proved to be the watch, the face of which had caught in the wire as the man was climbing over it, which had the result of pulling it out of his pocket.

### Trolley Sale Confirmed.

The sheriff's sale of the Danville & Sunbury street railway has been confirmed during the present term of court. The street railway was sold by the sheriff on the 6th of July last, Simon Krebs becoming the purchaser. No exceptions having been filed the sale was confirmed before Thomas G. Vianout, Prothonotary, on Monday morning.

## WASHINGTONVILLE MOURNS A. B. GAULT

At Washingtonville yesterday morning occurred the death of one of Montour county's best known and most popular men, A. B. Gault; a citizen honored for his upright, christian life; husband and father devoted to his family and a man, genial and gentlemanly, beloved by his fellowmen.

Mr. Gault had been in ill health for several years as the ravages of that dreaded disease, consumption, fastened upon his body. It was not, however, until about two weeks ago that he was compelled to retire from business. At that time he took to his bed, and steadily grew weaker until the end came at 5 o'clock yesterday morning.

The deceased was born in Ireland on the 27th of April, 1866, and came to America at the age of 21, settling with his parents, Mr. and Mrs. Archibald Gault, in Philadelphia. While employed at the Norrisdown hospital he met and later married Miss Millie Martz, daughter of Jacob Martz, of Washingtonville. Five years ago Mr. and Mrs. Gault moved to Washingtonville, where they have since resided.

Mr. Gault was an active member of the Washingtonville Presbyterian church. He was also a member of a Philadelphia lodge of Odd Fellows. He is survived beside his wife by two brothers, James and William, both of Philadelphia.

The funeral will take place Friday morning at 11:30 o'clock from the Washingtonville Presbyterian church. Interment in the Odd Fellows cemetery.

### Professor Taylor Married.

Professor J. W. Taylor, principal of the local high school, has taken unto himself a bride; more than this the interesting event took place last spring, so that during the vacation and since he has returned to Danville, although he has been looked upon as enjoying single blessedness, yet all the while he was firmly entrenched in the ranks of Benedicts.

On Friday evening Professor Taylor left for Eagles Mere, returning on Saturday evening with his bride. It was a great surprise to Danville people.

The bride before her marriage was Miss Ada A. Chase, daughter of Captain E. S. Chase, of Eagles Mere, a man very prominent in the affairs of that resort, being manager of the Eagles Mere boat company and treasurer of the Eagles Mere Land company. Mrs. Taylor comes from an old and distinguished family, her grand father being speaker of the House at the age of twenty-seven, and her great grandfather, an aide de camp to the great Napoleon. Mrs. Taylor was teacher in the public school of Eagles Mere. She is highly accomplished and is an athlete, being a skilled horsewoman, an expert swimmer, a canoeist and fond of mountain climbing.

Mr. and Mrs. Taylor will live at H. M. Trumbower's for the present. They were serenaded by students of the high school on Saturday evening.

The wedding took place on May 26th, last in New York City. Only a few intimate friends were present.

### Death of William Malaney.

Our readers will regret to learn of the death of William Malaney, which occurred at the Joseph Ratti hospital, Bloomsburg, Saturday morning. The deceased was a widely known and highly esteemed citizen of Danville. He was a rougher at the rolls at Howe & Sanne's mill and was liked and held in the highest regard by his fellow workmen as well as by our townspeople generally.

The deceased was stricken with appendicitis, which became complicated with peritonitis. Three weeks ago yesterday he was removed to the Joseph Ratti hospital at Bloomsburg. While at the hospital he was operated on twice. At times his condition seemed to promise recovery, but in each instance he became worse. He suffered intensely and toward the latter part of last week hope was abandoned. Death occurred at 8 p. m. Saturday.

The deceased was a single man, fifty-one years of age. Both parents are dead, but he is survived by two brothers and a sister: Thomas Malaney of Washington, this State; John Malaney of Bloomsburg and Miss Anna Malaney, who resided with the deceased at No. 524 East Front street.

### Lost Watch Oddly Recovered.

Ralph Knittle, an employe of the United Telephone and Telegraph company, had a unique experience the other day. While assisting to string the telephone wires over the top of the iron work of the river bridge he missed his watch, which in some way had gotten out of his pocket.

It was a valuable time piece and, assisted by fellow workmen, he searched high and low for it. Some time toward evening the attention of the men was attracted by an object dangling from a telephone wire high above the bridge. It proved to be the watch, the face of which had caught in the wire as the man was climbing over it, which had the result of pulling it out of his pocket.

Judge Staples, of Monroe county sentenced three young lads of Stroudsburg who were charged with robbing the residence of a citizen, to remain at their homes under the surveillance of a probation officer and to abandon the use of cigarettes.

## SECOND TRIAL OF PETER DIETRICH

Court convened at 9 o'clock Tuesday morning with his Honor Judge Evans and Associates Blee and Wagner on the bench. A communication was received from Dr. Patton, explaining that William Robinson, one of the jurors, was ill and should be permitted to remain in bed for a couple of hours. McClellan Diehl, tipstaff, was directed by the court to go to the hotel and to remain with the sick juror until he was able to return to court. Meanwhile the examination of jurors was resumed. At 9:45 o'clock the prothonotary announced that the panel was exhausted. By that time twelve additional men had been examined and challenged as follows: J. W. Vastine, Hugh Pursel, John Morrey, Adolf Boettinger, William Curry, M. V. Madden, Nicholas Hill, Thomas Perry, Wesley Frye, F. F. Dieffenbacher, Oscar Shutz and Daniel Moser. The number of jurors thus far accepted were eight.

Since by reason of sickness and challenges the regular panel had become exhausted Hon. H. M. Hinckley, quoting the law, moved that talesmen be summoned. To this the defense objected, urging as the principal reason the fact that it was the second trial. The objection, however, was overruled by the court.

Judge Evans accordingly made an order directing that a sufficient number of qualified men be selected from the audience or from the body of the county to furnish the number of jurors required to fill the box. In view of the fact that the sheriff of the county is subpoenaed as a witness in the case the court appointed E. M. Sidler and George M. Leighton as elisors, summon persons for the jury.

Business of court was suspended for one hour while the elisors were busy with their selections. At 11 o'clock they returned with a list of names.

Edward J. Rishel was the first talesman called. He stood the test and was accepted and sworn. He was the first juror obtained during the morning, making the entire number in the box nine.

George Freese, the next talesman, was challenged, as was Andrew J. Steinman, Grant Fenstermacher, J. F. Montague, Michael Breckbill and Samuel Fauser.

Edward V. Stroh, the eighth talesman, was accepted and sworn.

Charles W. Cook, the next man called, was challenged as was also Mattheus Sheep, W. B. Billheim, J. T. Oberdorf. At 11:45 none of the other persons selected by the elisors seemed to be of the caliber of the juror announced that court would adjourn until 2 p. m. and that meantime all those whose names had been selected should be waited upon personally and informed that they must be in the court room by 2 o'clock, otherwise the sheriff would be sent for them.

Upon the reconvening of court at 2 p. m. the calling of talesmen was resumed. E. D. Pentz, Edward L. Aten, Robert Blue, William A. DeGreen, and Lawrence P. Wagner were rejected in succession. George M. Brown was accepted and sworn.

Edward Yeager, R. M. Lyon were challenged, after which J. H. Fry was accepted and sworn. Mr. Fry's acceptance completed the panel and the twelve men were as follows:

William M. Robinson, John M. Robinson, John N. Price, Frank Schram, E. Bostian, Charles E. Shires, Sr., William S. Cluvin, Thomas Watts, Edward Rishel, Edward V. Stroh, G. M. Brown, J. H. Fry.

It was 3 o'clock when District Attorney P. Gearhart presented the case to the jury, outlining the Commonwealth's side.

The first witness called was Mrs. Jones, widow of James A. Jones, victim of the shooting. All the circumstances of the tragedy are fresh on the minds of our readers and probably less interest attached to the testimony than at the first trial, although the court room was full of spectators.

Mrs. Jones said the last she saw of her husband alive was when he left their home on East Front street at 25 minutes of 7 o'clock on the evening of February 23rd last. He was then in good health. When she next saw her husband he was dead, lying stretched out on a bench in Peter Dietrich's saloon. Below his left eye was a small hole through which the blood appeared and trickled down on the floor.

John Woll was the next witness. He was acquainted with James A. Jones from a boy. Had known Peter Dietrich also from boyhood. Witness was with Jones on day of shooting, both had been drinking. Together they appeared at Dietrich's saloon about 10 o'clock on night of February 13, 1906. They found Andy Rogers outside; Dietrich was inside alone. Woll and Jones went in the saloon and had a glass of beer. While they were drinking Rogers came in and Woll called for beer, Rogers served the beer. Woll then said, "Fill them up again." Rogers again acted as bar tender. Dietrich drank alone, but took cider. Jones was talking about joining the Fraternal Order of Eagles and he wanted Woll to propose him. Somehow Dietrich got to talking about shooting when he was a cowboy, illustrating the various positions in which he used to hold the gun. Dietrich went into a small room and soon returned. Some time later Woll saw

chambers of which were empty. The chief of police arrested Dietrich and took him to jail. On the way Dietrich repeated that he was no murderer and that he shot in self defense. The revolver was offered in evidence and identified by the chief of police.

During the forenoon some other cases were disposed of. In the case of Commonwealth vs. John Bastian, charge perjury, a nol. pros. was entered by permission of the court.

In the case of Commonwealth vs. James Rosenhaus, charge larceny, the grand jury returned a true bill on first count. A true bill was also found in the case of Commonwealth vs. Harry Rosenhaus on the first count, which was larceny.

In regard to the two latter cases the district attorney stated that the two defendants, father and son, had pleaded guilty. Harry Rosenhaus, the boy, had been in jail for three months. Taking all the circumstances into consideration, the hospital authorities, he said, did not wish to press the prosecution and the district attorney himself thought justice would be done if sentence were suspended. Both Harry Rosenhaus and his father, James Rosenhaus, were in turn called before the court. They found the scrap, they said, lying along the road on the hospital ground and being in needy circumstances and not deeming that the old iron was of any value they carried it off and sold it. Judge Evans explained to each of the defendants that he might send them to the penitentiary for three years, but that he had decided to act upon the suggestion of the district attorney and suspend sentence. He explained to each just what was implied by this action of court and he hoped that it would serve as a solemn warning in the future.

In the case of the overseers of the poor of Limestone township vs. the overseers of the poor of West Hemlock township a rule was granted to show cause why costs, &c., should not be allowed and ordered to be paid.

In the case of Paul M. Smith vs. Colbert Smith et al. an interlocutory report of master was filed.

In the estate of Mary Lockhoff, dec'd, a petition for sale of real estate was ordered as prayed for.

### WEDNESDAY'S PROCEEDINGS.

Court convened at 9 o'clock and resumed the examination of witnesses in the case.

J. C. Minecroyer was recalled and asked to describe the condition of revolver which he got from Dietrich. It was a five-shooter. All the chambers were full, but two of the cartridges had been exploded. In this condition it was offered in evidence at first trial but after the trial it was found that while the chambers were still all filled the revolver showed that only one had been exploded. This discovery was made when the revolver was taken to the water works in compliance with orders to remove the charges. The officer could not say when or by whom cartridges were changed.

John Woll was recalled. He denied that as far as his knowledge went there was any dispute between Jones and Dietrich as to a book account. Andrew Rogers also recalled. He was asked whether on the night of the shooting he did not state to Dr. Patton that the revolver found behind the bar was not loaded, having been emptied the week before in shooting mark?

He stated that he did not make such a remark. Mr. Keeler objected to this question, advancing the same argument as on the day previous. The objection was overruled.

Lewis Byerly was sworn. He was with the chief-of-police when the arrest of Dietrich was made and his testimony confirmed the evidence of the officer.

John Doster was called. He was present at Dietrich's saloon on the night of February 13th. He accompanied Dr. Patton to the saloon after the shooting. He confirmed the previous testimony as to Dietrich's state of mind and his declarations at the time of arrest.

Dr. Patton was sworn and confirmed previous testimony.

Dr. W. R. Paules was called to the stand. He was the witness called to the saloon after the shooting. He made a post mortem examination the next morning and on the stand described the course of the bullet. A section of the skull was produced in court, which still contains the bullet. Dr. Paules described the wound produced by the shot, which caused a heavy hemorrhage. The effect was necessarily fatal and death was instantaneous. The physician confirmed the testimony of Chief Minecroyer and John Doster and stated that it was his impression that Dietrich said: "I shot and killed him in self defense. Take me—hang me or do with me what you please."

Dr. Paules swore that after Chief Minecroyer examined the revolver produced by Dietrich as the one with which he did the shooting, the officer handed the weapon to the doctor and told him to look at it. There were three full chambers and two empty shells. He previously saw another revolver, which he examined and found to be empty.

Later accompanied by Dr. Patton in compliance with a request from Dietrich's sister Dr. Paules, after midnight, visited the prison for the purpose of administering to Dietrich, who was in a highly wrought condition. He would not admit that Dietrich was wholly irrational, although he was very nervous. Dietrich made inquiries about Jones and was told that the man was dead. Dietrich said, "Where did I hit him?" and before the physician had time to respond, Dietrich added:

"Oh, I know—just below the eye, where I aimed at."

At 10:30 o'clock the Commonwealth rested. Mr. Keeler explained that the witnesses on the Commonwealth's side embraced all the eye witnesses of the shooting and that the testimony had been very fully presented. In view of this and the fact that the defendant was in such a nervous and highly wrought condition at the time of the shooting as to be hardly a competent witness the defense had resolved to offer no testimony in the case.

It was then 10:25 o'clock and the court after consulting with the attorneys, in order that the addresses to the jury might follow each other, without any interruption, decided to adjourn court and reconvene at 1 o'clock instead of at 2, the usual afternoon hour.

After court convened at 1 o'clock Hon. H. M. Hinckley for the Commonwealth went to the jury. The address, which lasted nearly an hour and a half, covered the ground in its entirety and ranked with the most effective efforts of Mr. Hinckley's life. He declared that the evidence clearly showed malice and motive—that when Dietrich brought out the revolver he intended to use it and that the theory of accident in the premises was not tenable. He claimed that the pistol did not go off accidentally, as before it could be discharged it was necessary to draw the hammer back to full position, which in itself showed that Dietrich intended to shoot. He emphasized this point very strongly. He quoted the evidence fully to show that Dietrich not only when he made damaging admissions, but also when he did the shooting was perfectly rational and knew what he was about. He held that all the evidence justified a verdict of murder in the first degree.

At 2:45 Hon. Fred Keeler went to the jury for the defense. Mr. Keeler's address was likewise a very able and eloquent effort. In beginning, he paid a fine tribute to the ability, eloquence and persuasive powers of Mr. Hinckley. In this case, he said, he was not afraid of the evidence, but he admitted he was "afraid of Judge Hinckley." He dwelt upon the distinctions to be made in the killing of a human being and he said he had advanced beyond the old Mosaic principle of an eye for an eye, a tooth for a tooth. He defined murder as when a man in the blackness of his heart, with malice aforethought and with a set determination lies in wait for a human being to take his life and denied that any of the elements are present in Dietrich's case. He held that there was no murder in any of its degrees nor even manslaughter in the case on trial. He held that Dietrich was on the verge of delirium tremens and reviewed the evidence dwelling upon his excited state to show that he was wholly irrational both when he did the shooting and when he made the admissions in jail. Mr. Keeler held that if Dietrich is guilty at all he is guilty only of involuntary manslaughter, which in his case would imply a careless and reckless use of a weapon. He denounced the indictment, which permits only murder in one of its degrees or voluntary manslaughter. Many in the audience were moved to tears, while Mr. Keeler with the wonderful eloquence at his command drew a graphic and pathetic picture to show how the prisoner has suffered in his varied experiences since the tragedy, and that he has already been punished sufficiently for the slight degree in which he was guilty. Mr. Keeler spoke for an hour and a half.

Judge Evans immediately followed with his charge to the jury. He explained the law applicable to the case very fully and his charge was very favorably commented on. Judge Evans defined murder in the first degree, murder in the second degree and voluntary manslaughter. To constitute murder in the first degree the killing must be with malice, which means any attempt to kill or do any great bodily harm. It must be shown that the attempt to take life was wilful and deliberate following previously formed intent. In second degree murder felonious homicide is committed, but without any deliberate attempt to take life. Manslaughter is a still lesser degree where there is unlawful and felonious killing of another without malice expressed or implied. Should the jury be in doubt whether the defendant is guilty of murder in the first or the second degree he is to have the benefit of that doubt and the verdict must be the lower of the two degrees.

Intoxication is no excuse for murder in the first degree. Intoxication, however, may becloud the mind, precluding malice and design, bringing the crime in some cases down to second degree murder. When a person, however, becomes intoxicated for the purpose of committing murder and the killing of another follows it is murder in the first degree. If the jury believes that the defendant was intoxicated when he killed Jones it is for them to determine whether he was intoxicated to the extent that he could not form a design or plan deliberately to commit the act. If he was not so deeply intoxicated, then his intoxication must go for naught.

If the jury believes that Jones came to his death through the accidental discharge of a pistol in the hands of Dietrich it is then its duty to acquit him. To show whether the shooting was accidental or not the burden of proof must rest with the defendant.

The jury, therefore, may arrive at one of four verdicts: murder in the first degree, murder in the second degree, manslaughter or acquittal.

(Continued on Fourth Page.)

## WHO SHOULD PAY FOR VACCINATION

The school board is in possession of two important communications, which that body thinks should help to settle the mooted question of who should pay for the vaccination of school children when the parents are too poor to meet the expense.

It is apt to occur that children of indigent parents for the want of vaccination are deprived of schooling under the present law, unless either the school board, the poor board or the board of health makes itself responsible for the payment of bills incurred in this way.

It has always been a problem in Danville. A few years ago the school district made itself responsible and in the end found itself confronted with a bill of some \$27 for vaccination. It declined to repeat the experiment and appealed to the poor board as the body that should be logically expected to assume the cost. The poor board, however, gave notice that it would not pay the bill. There has been no provision made therefore for children of indigent parents and those who could get vaccinated did so and others who failed found themselves excluded from school under the present law.

To obtain decisive information on the subject at a recent meeting of the school board it was decided to address a letter to the department of public health at Harrisburg. Replies have been received from both sources, terse and to the point:

The first communication signed by Henry Honck, deputy superintendent of public instruction, addressed to W. H. Orth, secretary of the school board, says:

"In answer to your question which has been referred to me, I would state that there is no law authorizing school boards to pay for vaccination."

The second communication, signed by the commissioner of health, reads as follows: "W. H. Orth, secretary. Dear Sir: In boroughs I should think the board of health should pay for vaccination. The State has been assuming this expense in rural districts where there are no boards of health. Yours very truly,

SAMUEL G. DIXON, M. D.

### Meeting of School Board.

The school board held a regular meeting Monday evening. A couple of hours were spent in discussion relating to school matters, but very little actual business was done.

A communication was received from Miss Emma Youngman, tendering her resignation as pupil teacher, a position to which she was elected during last month. On motion of Mr. Fischer the resignation was accepted.

On motion Borough Superintendent Gorly was instructed to correspond with houses dealing in school supplies for the purpose of obtaining prices on tables for use in the laboratory if prices are at all reasonable he was instructed to act in conjunction with the supply committee and procure a table at once.

The school board is in receipt of a communication from the governor of the Commonwealth and the dedication commission inviting the board to be present at the dedication of the capitol at Harrisburg on Thursday, October 4th. On motion the invitation was accepted.

On motion of Mr. Fischer it was ordered that on Friday of each week the schools close at 3 p. m., and that recess in the afternoon be omitted. The following members were present: Burns, Orth, Pursel, Haring, Fish, Fischer, Lutz, Trumbower and Heiss.

The following bills were approved for payment:

S. J. Beaver	\$11.25
E. L. Aten & Co.	11.75
Trumbower & Werkheiser	9.17
John Bruder	2.35
Morning News	2.00
U. L. Gorly	11.25
N. C. Proutis	2.00
Robert Miller	2.50
Ginn & Co.	58.27
George W. Roat	1.50
Allen & Bateman	30.16
H. M. Schoch	25.67
Teachers & Janitors	1790.00

### Repainting Trolley Cars.

The Danville and Bloomsburg electric railway company is overhauling its closed cars. One of them has already been completed and, resplendent with new paint, has been in service since last Saturday, when it was first employed at a funeral. All the original colors of the car have been restored and a gloss and polish imparted that gives the car a more handsome appearance than when new.

The second car is now being overhauled and will be back into service in a short time. After which the third and last of the closed cars will be repainted. It is evident that General Manager Miller is not content with having the trolley track in first class condition, but he is determined that the rolling stock must show up in a way to correspond. It is a fine evidence of enterprise.

### Will Improve Church Property.

The congregation of the Reformed church at Strawberry Ridge is about to enter upon a system of repairs on its church property. A fine vestibule will be erected, the material being already on the ground and work will begin this week. New seats will also be installed and the interior of the edifice generally renovated.

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