

The Fulton County News.

VOLUME 8

McCONNELLSBURG, PA., SEPTEMBER 12, 1907.

NUMBER 51

JURORS GET \$2.50 A DAY.

Under Special Act of Assembly, Witnesses are Paid One Dollar a Day, and Mileage

MORE THAN MILE FROM COUNTY SEAT.

In an elaborate opinion, Hon. D. Watson Rowe, of Chambersburg, gives an interpretation of the Act of June 1, 1907, relating to the pay of jurors and witnesses, and finds that under the late act jurors in Franklin county will receive \$2.50 per day and mileage while witnesses will continue to receive but seventy five cents per day and mileage, under a local law approved February 2, 1897.

Judge Rowe cites the local laws passed for Franklin county, regulating the pay of jurors and witnesses, and shows clearly that the local law in reference to the pay of witnesses is still in force, and is not affected by the act of 1907. After stating the object of local laws, and the law in reference to the interpretation of statutes as to their repeal, Judge Rowe says:

I shall first consider separately the of pay of

JURORS.

The Act of 14 April, 1837, section 137-138 (P. L. 366) fixes the fees of jurors attending court at one dollar per diem and six and a quarter cents a mile.

(a) Act of 27 March 1866, (P. L. 344)

This act fixes the fees of jurors and witnesses in Franklin, Schuylkill and two other counties. The act reads as follows:

An Act increasing the fees of jurors and witnesses, in and for the counties of Armstrong, Franklin, Schuylkill and Westmoreland.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same. That from and after the passage of this act, the compensation of jurors in attendance upon the several courts of the counties of Franklin, Armstrong, Westmoreland and Schuylkill, shall be two dollars per diem; and the compensation of witnesses, in attendance upon the several courts of said counties, shall be one dollar and fifty cents per diem: Provided, that such witnesses who reside in, or within one mile of the boroughs of Chambersburg, Greensburg, Pottsville and Kittanning, shall only be entitled to seventy five cents per diem, while in attendance upon the several courts aforesaid.

This was followed by the general act of 28 Feb. 1873, (P. L. 37; Purdon 1641), as follows:

"An act to increase the pay of jurors in this commonwealth.

Section 1. Be it enacted, &c., that from and after the passage of this act, the jurors in this commonwealth shall be two dollars a day, with mileage as now allowed by law: Provided, that the provisions of this act shall not apply where the pay of jurors is now fixed by law at more than two dollars per day."

When this act was passed, nearly all the counties of the state had special acts of their own increasing the pay of jurors: some to one dollar and fifty cents, others to two dollars as will be seen by reference to the note to Purdon's Dig. Edition of 1872: four counties only paying two dollars and fifty cents.

It is manifest, therefore, that this act was intended to repeal all local acts except in counties where the pay of jurors was then fixed at more than two dollars per day. In Franklin, County the pay of jurors was not more than two dollars per day at that time and therefore this general act repealed our local act of 1866, above quoted, (a).

(c) The Act of 1st day of June, 1907, is next in order, as follows:

An Act to increase the pay of

jurors and witnesses in this commonwealth.

Section 1. Be it enacted, &c., That from and after the first day of July, Anno Domini, one thousand nine hundred and seven, the pay of jurors in this commonwealth shall be two dollars and fifty cents and the pay of witnesses shall be one dollar and fifty cents per diem, together with mileage as is now provided for by law.

Section 2. All acts, or parts of acts inconsistent herewith, are hereby repealed.

This act supplied and repealed the Act of 28 Feb. 1873, above quoted, which repealed our local act, as we have seen. But the repeal of the act of 1873 did not revive the local law of 1866, above recited (a). It would not have done so at any time, but Article 111 Sec. 7 of the new constitution forbids the enactment of local or special legislation regulating the affairs of counties, &c., and therefore our local act could not have been revived by direct enactment since 1874: a fortiori, it could not be done indirectly.

Durr v. Com. 3 Pa. C. C. 525.

While the act of June 1, 1907, would not of itself repeal the local act yet it having been repealed by the act of 1873, which this act of 1907 supplies, the latter act must regulate the fees of jurors in Franklin County.

I am therefore of opinion, clearly, that the pay of jurors, attending court in Franklin County, is that fixed by the act of 1907, namely—two dollars and fifty cents per diem, with mileage.

WITNESSES.

The act of 22 Feb., 1821, Sec. 13 (7 Sm. L. 377.)

This act gave witnesses sixty-two and one half cents per diem for those residing away from the county seat, and fifty cents for others, with mileage of three cents for each mile circular.

The act of 27 March, 1866, (P. L. 344) above quoted (a), fixes the fees of witnesses in Franklin, Schuylkill, and two other counties, at one dollar and fifty cents per diem with seventy-five cents to those residing at the county seat.

(b) Act of 2 Feb., 1867. (P. L. 136), as follows:

A Supplement to an act increasing the fees of jurors and witnesses in and for the county of Armstrong, Franklin, Schuylkill, and Westmoreland, changing the fees to be paid witnesses in Franklin County.

Section 1. Be it enacted, &c., that the compensation for witnesses, in attendance upon the several courts of the county of Franklin, shall be seventy five cents per diem; provided, that such witnesses who reside in, or within one mile of, the borough of Chambersburg, shall only be entitled to fifty cents per diem, while in attendance upon the several courts aforesaid.

Section 2. All laws inconsistent herewith are hereby repealed.

Next comes the act of 23 Feb., 1869, Sec. 1 (P. L. 8; Purdon, 13 Ed. 1658).

This act gave witnesses one dollar per diem with three cents circular for mileage.

This act is to amend the 13 Sec. of the act of 22 Feb., 1821, above referred to—"an act increasing the compensation of witnesses attending court." It therefore applies only to those counties where the act of 1821 was in force at the time of the amendment.

We have seen that the act of 1821 was not in force at this time in Franklin County. It therefore did not repeal our local act of 1867, above quoted.

DeHaven v. Merath, 7 Pa. C. C. 388.

McDonald v. Coal Co., 8 Pa. C. C. 460.

Indeed, the last cited case is directly in point, being a decision on the act of 1866, above quoted (a) to which our act of 1867

(Continued on page five.)

EARTH'S POPULATION.

Texas Could Accommodate All the Inhabitants of the Globe.

The Bible places the date of creation at about 4000 B. C. Latter day geologists figure anywhere from 10,000 years, to 100,000 years, and John Fiske, one of the most eminent authorities, gives good reasons for supposing human beings to have existed for half a million years, says the New York World.

To-day we estimate the earth's population at 1,500,000,000—a very generous estimate. One-half of this population is female. Experience tables show that there are three generations in every century. From these slender data it is but a simple mathematical calculation in progression toward the year in which the first pair of human beings appeared on earth. Upon this hypothesis the year 50,000 B. C. brings us down to about 3,000,000 people. If we accept and from this point retrace our steps to the present day—say 1900 A. D.—we arrive at the conclusion that a total of 72,000,000 human beings have been born to date, of which number only about 1,500,000,000 are alive today.

Had every individual body been preserved in a casket measuring on an average 6x2x2 feet, all could have been buried in Oklahoma's area of 88,700 square miles, and a liberal allowance of space for paths and driveways been left. Or all the coffins could have been dropped into Lake Superior without endangering the inhabitants on its shores on account of a possible tidal wave. The present living population of 1,500,000,000 persons can find standing room on Staten Island, in New York harbor.

In the State of Texas you could place each man, woman and child, 70 feet apart, giving each 4900 square feet of land—room sufficient for house, cattle and vegetable garden.

Within the limits of these United States each living human being today could have 65,000 square feet, or they could be placed 355 linear feet apart.

The next time you hear anybody talking "over-population" you can shut him up by telling him that you can pack the whole lot—1,500,000,000 people—in a box measuring 2,000 feet each way.

ATTEMPT TO ROB.

Emory Snyder Held for Court for Attempting to Get into Heger & Myers' Store.

Emory Snyder, a well known character of Mercersburg, was discovered Monday morning shortly after 3 o'clock, crawling over the tin roof of the Heger & Myers store, in Mercersburg. Though he had not made an attempt to break into the building it is thought that he had intended to rob the store.

Eckert Miller who lives in the adjoining building was awakened by his wife, who told him that she heard some one on the roof. He got up quietly and opened the window. There he found Snyder bending over the roof. Mr. Miller called to him to throw up his hands or he would shoot. Snyder held up both hands and Miller went out and caught him.

When he asked Snyder what he was doing on the roof he replied that he was fixing the spout. Miller, who did not have a revolver about him, pointed a finger at the would-be burglar. Snyder thought it was a revolver and made no resistance. Later he was taken to the lock up by a police man. He was given a hearing Monday afternoon in Mercersburg and held for court.

Mrs. Elizabeth Clugston and Mrs. Margaret Knable and daughter Nannie took dinner at the home of Mrs. Anna Cooper last Sunday, and Elijah Knable spent the day with his brother Newton in the Meadowgrounds.

AN ITINERARY.

Rev. S. B. Houston, of the Cove, Tells of His Trip Home from Canada.

MR. EDITOR:—Two months having been spent in Chesley, Ontario, the writer went to Toronto. This city, of 325,000, is beautifully situated on lake Ontario. This place was reached on Labor Day, which was being fittingly observed with public ceremonies. All business was suspended and the day was given up to sight-seeing and pleasure. The annual Provincial Exposition had been opened the week before, and hence a large concourse of people was present.

A strange epidemic broke out on that day. Few women were attacked, and no children were seen to have been seized by it; men, usually young and strong, were overcome by something like a sleepy sickness. Sometimes this was accompanied with great nausea and violent paroxysms of vomiting. No deaths, however, were known to have occurred. It is supposed to have resulted either from something eaten or drunk. Something of a similar nature has been observed at times in our American cities and towns.

Toronto is noted for its manufacturing, its churches, colleges, and schools of various kinds. The University buildings are numerous and large, with fine lawns around them, and many of the lawns are beautified with artistically arranged flower beds. The Parliament buildings present a stately grandeur, but being closed, their interior could not be seen.

The Exposition was visited in the evening. In the Art Gallery one of the finest paintings, the writer ever saw, was on exhibition. It represented the English soldiers, just returned from the Boer war, passing in review before London's city officials. Every figure stood out in bold relief.

A half day spent in the new Capitol of Pennsylvania, gave an opportunity to see something of the magnificence of architectural design and finish secured through the munificent appropriation made by our liberal-hearted—but not extremely conscientious—representatives of the people. There are persons, you know, who feel that they can afford to be liberal with what is not their own. No claim is made to superior judgment in regard to architecture and richness of internal adornment and furnishings, but it is a question if the New York state capitol does not in some important particulars exceed that of Pennsylvania, although it did not cost more than half as much.

A day on Gettysburg battlefield, with Mr. Pitzer as guide, sent the patriotic blood leaping through the veins. A night of sweet repose on Pen Mar where the ozone atmosphere put renewed energy into our weary frame, helped us complete our homeward trip with joy.

S. B. HOUSTON.

HUSTONTOWN.

Mrs. A. J. Lamberson left for Chambersburg on Monday, where she will spend several days visiting friends.

Theodore Stroup, who has been spending the past few weeks in this place, left for his home in Philadelphia last Saturday.

Wm. Ranck has been looking pleasant since the arrival of a new boy at his home.

Charles Rotz and family of Tod township spent Saturday and Sunday at Mrs. Emaline Chestnuts.

Mrs. Stroup and lady friend of Philadelphia are visiting in the home of the former's brother, Rev. Harry Daniels.

Quite a number of teachers attended the Institute held at this place last Saturday.

Samuel McEhaney, Dublin township's well known stock dealer, was in town Monday on business.

SOLDIERS' REUNION.

Day Pleasant and Crowd Large. To be Held Up at McIlvaine's Next Year.

The Weather Man always does the square thing with the old soldier, and the weather last Friday was all that the most exacting could wish. At an early hour the Reunion Grounds near J. Wesley Hoop's near Harrisonville began to show signs of activity, and by noon it was literally filled with people and conveyances.

The Reunion to Fulton county people is an old home week on a smaller scale, for to these annual gatherings people go from far and near to meet the friends that they seldom see at any other time.

The order this year was unusually good, and everything passed off most pleasantly and successfully. There was the usual speaking and recitations, but most people go to a gathering of that kind to have a "good time," and while the audience is one that is easily moved, the speakers find it laborious and rather unsatisfactory work to address them.

There is, perhaps, no one thing that everybody enters into with such genuine unanimity as the eating of the lunch. During the noon hour, scores of groups are seated here and there in the woods throughout the grounds, each member industriously devouring cold chicken, cold ham, light rolls, butter, and jelly, with abundance of black coffee, and sweet cake galore.

It is to the Reunion that the fathers take the children, the young man takes his girl, and everybody has a good time.

At a business meeting held by the managers on the grounds, last Friday, it was decided to hold the Reunion next year on top of Siding Hill mountain or at McIlvaine's so that the opportunity would be afforded to the Bedford county people to unite more fully with us. This may have its advantages, but the people in the eastern and southern portion of the county are not much stuck on the change.

MAY'S CHAPEL.

Listen for Wedding Bells! There will be preaching at Mays Chapel Christian church Sept. 15th in the afternoon by Rev. Logue.

R. L. Booth and son Nile Omet, of Cumberland, Md. were visiting Mr. Booth's parents Mr. and Mrs. James Booth last week.

Miss Olive Bishop, of Cumberland, is spending her vacation with her parents Mr. and Mrs. T. R. Bishop.

Mrs. Dennis Hull has been quite sick the past week.

Mr. Wm. Hiles and family spent Sabbath afternoon with Mr. Crist's.

Miss Augusta Dorrier has returned to her home in Washington, D. C., after having spent her vacation with her mother, Mrs. Matilda Dorrier.

Miss Mollie Hendershot is visiting relatives and friends in this vicinity.

H. B. Hill, wife and daughter Ella May, spent last Sunday with S. O. Deneen and family.

Jacob Shultz and family spent Sunday with P. O. Crist and family.

James Booth's house is almost ready for the plasterers.

The Sabbath School at this place will hold a basket picnic and festival at night on Saturday, September 28th. Come and enjoy your baskets, and enjoy a day out.

SALVIA.

Our farmers are busy getting ready for seeding.

The Soldiers' Reunion was well attended everything went off nicely with the exception of a few toughs who tried to make some disturbance.

Mr. Garret Burns and Charles Eagan and wife of Midland are staying a few days at the home of Uncle John Hann.

LIFE SENTENCE.

For Murderer of Van Goshen, the Hancock Telegraph Operator.

The trial of Charles T. Jones, for the murder of Maurice Van Goshen, the young telegraph operator at Hancock Station, was held in Berkeley Springs, Morgan county, Thursday, and the case was given to the jury in the evening. The jury, after being out but a short time, returned a verdict of guilty of murder in the first degree, and the sentence of life imprisonment was imposed.

The trial was one of the shortest ever known in that vicinity for murder. Prosecuting Attorney H. W. Bayer was assisted by J. H. Siler, of Berkeley Springs, and S. W. Walker, of Martinsburg, while Judge Faulkner had previously appointed A. C. McIntire, of Berkeley Springs, to defend the prisoner.

Barring a few who opposed capital punishment, the jury was sworn in less than an hour after court convened. Several witnesses swore that after shooting Van Goshen, Jones admitted that he had killed him, but by mistake, he intending to kill Tilden Barnes, who was especially attentive to his 16 year old wife, and about whom Barnes and Jones had considerable trouble in coming home from a picnic at Lovers' Leap.

Teachers' Meeting.

The teachers' preliminary meeting for Thompson, Bethel and Union townships, was held at Warfordsburg, Wednesday, September 4th. The teachers were not all present on account of rainy weather.

Supt. B. C. Lamberson was elected chairman, after which "Preliminary work prior to the opening of school and the first day of school," was taken up and discussed. The following points were emphasized: Study the term report. Have your work prepared. Have a program. Visit the house before the opening of school.

"The temporary and permanent program" was taken up, and some of the important points were: "Do not over-crowd your program. Arrange branches where you can get the most good out of them. Study your program each day, and make changes where you can better your work."

The teachers then adjourned until 1 o'clock, when the subjects of "When to begin teaching Algebra, and how to teach Algebra," were taken up and discussed.

Mr. Lamberson stated that he found a weakness in the teaching of Algebra, and urged the teachers to qualify themselves better and teach it better.

"How to teach grammar," was taken up and briefly discussed. Stick to the good plain English. Composition work—plenty of diagraming.

A few minutes were spent on discussing the vaccination situation, when it was stated that a health inspector had already been appointed for each township, whose duty it is to see if the law was obeyed, and report.

The different townships then arranged for the organization of Local Institutes, after which Mr. Lamberson made a few closing remarks in which he urged the teachers to study the Reading Course, attend the local institutes, and do their duty in the school room, and that the success of the schools in the county depends upon each and every teacher.

The meeting was then adjourned and the teachers returned home all feeling benefited by being present.

GILBERT B. MELLOTT,
Secretary.

Miss Mayo Sheets who had been spending the summer months in the home of her parents Mr. and Mrs. John Sheets has gone to Defiance Bedford County to teach during the coming winter.

ABOUT PEOPLE YOU KNOW

Snapshots at Their Comings and Goings Here for a Vacation, or Away for a Restful-Outing.

NAMES OF VISITORS AND VISITED

Mr. E. B. Morton, of Pittsburg, is visiting his parents Hon. and Mrs. Peter Morton.

Mrs. W. E. Litton, of Webster Mills, was a guest of Mr. and Mrs. G. B. Mellott, Tuesday.

John T. Laley and Dr. J. B. Mellott of Belfast township, were in town Wednesday of last week.

Miss Nora Fisher, of this place is spending this week visiting in Shippensburg and Hagerstown.

John H. Reiser is spending a short time at his home here preparatory to going away to school.

Samuel and Calla Cooper returned home last Sunday and Russell is also visiting friends in the Cove.

Mr. Nat Wishart of Pittsburg, Pa., is visiting his parents, Dr. and Mrs. H. S. Wishart of this place.

Mr. and Mrs. J. N. Mellott, of Indianapolis, Ind., is visiting the family of Hon. Peter Morton of this place.

Clarence L. Sipes, a popular druggist of Bellvue Pa., is visiting his parents Mr. and Mrs. J. Nelson Sipes of this place.

N. H. Stevens, near Hustontown, was in McConnellsburg on Tuesday to meet his cousin Dr. J. C. Stevens, of Harrisburg.

Miss Ada Rexroth left last Saturday morning for another year's work as teacher in the public schools at Newtown, Bucks county.

Miss Bessie L. will have gone to Holland, Pa., where she will be engaged during the current year teaching in the public schools of that town.

Mrs. Henrietta Graves, of Oregon, Illinois, is visiting her parents, Mr. and Mrs. Samuel Bender, and other friends in town and the Cove.

Mr. Emory N. Pittman, conductor on one of the street car lines in Pittsburg, has been spending a week among his Fulton county friends.

Porter Hann, of Clearfield, Pa., is visiting among his Fulton county relatives and friends. He was in town Tuesday with his brother Squire Bert Hann.

Miss Jessie Wishart of the United States Pension Office Pittsburg, is spending part of her annual vacation with her parents, Dr. and Mrs. H. S. Wishart, East Water street.

Miss Mary Hoke, after having spent six weeks visiting friends in Lewistown, Latrobe, Pittsburg, Saxton, and other places, returned home last Saturday evening. Mary says she "just had the time of her life."

Mrs. T. W. Rausbeck and daughter Miss Zola, who had been spending sometime with the former's parents Mr. and Mrs. Thos. B. Stevens and other relatives in the county, returned to their home in Erie, Pa., last Saturday.

Mr. C. M. Lodge spent a day or two during the past week in the home of his sister Mrs. S. W. Kirk in this place. Charlie has just completed a three years' course at the Seminary in Williamsport, Pa., and in a few days will enter Dickinson college at Carlisle for a course of four years more.

Miss Frances Litton of Peabody Kansas, after having visited the Jamestown Exposition, Washington, and Atlantic City, is spending a few weeks with friends and relatives in this county. Her parents Richmond Litton and wife, nee Mary Heas, were natives of Thompson township, and went to Kansas about 28 years ago, where the father since died.