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VOL. XXXVII

MEYERSDALE PA., THURSDAY, SEPTEMBER 21, 1916

END OF CRIMINAL COURT

Italian Sentenced to 15 Years in Penitentiary. Shade Township Divided for Election Purposes.

One of the cases that came for trial at the Somerset County court was that charging Christ Kooztz, a Somerset stonemason, with assault and battery, and he was convicted in about the same degree of haste that he had slapped J. W. Wilbur, the prosecutor. Kooztz and Wilbur were employed in building the foundation for the new Church of Christ on East South street, and the defendant failed to show up for work on the job one day. The following day, Wilbur, who was foreman of the job, demanded to know of Kooztz why he had failed to show up for work. Christ said that it was because there was not enough stone to keep him going, whereupon the foreman called him a liar. Feeling that the epithet was a libel on his reputation for truth, Kooztz slapped Wilbur for his impudence, believing that he had a right to do so. After Kooztz had admitted these facts, Judge Ruppel directed the jury to return a verdict of guilty. No man has a legal right to assault another for anything he might say.

District Attorney Saylor announced a continuance of the following cases: Commonwealth vs. Connelville & State Line Railway Co., maintaining a nuisance. George Saylor, Jr. a member of Company C. N. G. P., aggravated assault and battery. Lawrence Bowman, pros. Gilbert Tressler, carrying concealed weapons. George W. Burkholder, pros. Two cases against Emanuel Statler, charging misdemeanor and resisting an officer; Peter Siler and George W. Lybarger, prosecutors. John Peck assault and battery; Moss Hawk, prosecutor. M. L. Markie, assault and battery; Joe Vereb, prosecutor. Edward Snowberger, rape; Annie Miller, prosecutor. A number of cases charging offenses against morality were also continued, the defendants being fugitives in several cases, while the prospects of settlements being affected, were good in others.

Settlements were announced in the following cases; Christie Taylor, charged with larceny; Harry Horts-camp, charged with assault and battery; James H. Straub, pointing fire arms; Emery Burns, charge against morality. The case against John Woods, Elizabeth Goenner, Catherine Stibich, and Stella M. Simler, owners of a Johnstown brewery, which has been on the docket since February, 1915, ended with a plea of guilty to the charge of selling liquor without a license. This was one of a number of criminal cases instituted by the Somerset County Liquor Association against breweries from outside of the county who maintained agents in this county to solicit orders for beer. Sentence has not been pronounced.

A plea of guilty was entered by John Donohue to a charge of larceny by bailee, and Judge Ruppel sentenced him to undergo imprisonment in the Western Penitentiary for a period of from eighteen months to three years, dependent upon his behavior in that institution. Donohue hired a horse from George Hoke of Boswell to drive to Somerset, but instead of coming here he went to West Virginia. He denied that he had any intention of stealing the horse, but his admission to the Court that he has served time in a penal institution, added to the suspicion that he had no intention of returning the animal to its owner.

Failing his effort to secure a continuance of the case charging him with maintaining a nuisance, Wilson Trent of Somerset entered a plea of guilty. The case against Trent was brought by Policeman Seibert following complaints of the neighbors of Mr. Trent, who have reached the limit of endurance because of the filthy and unsanitary conditions about his premises because of the presence of from twenty-five to fifty dogs, chickens, sheep, horses, etc., which are permitted to run at large, destroying the pretty lawns and fine gardens in that neighborhood. Offal from slaughter houses, which the defendant fed to his dogs, has often been carried by the dogs to the properties in the neighborhood.

To Condemn Turnpike. Asserting that the condition of the old Benscreek turnpike, from Davidsville to Benscreek, is in such a bad

state of repair that it should be taken over by the State and repaired at an early period, State Highway Commissioner Black, by his attorneys Kooser and Kooser, presented a petition to the Court asking for the appointment of viewers to place a value on the property. Messrs. L. C. Colborn, W. P. Hay, Frank H. Meyers, R. C. Welfley, and J. E. Johnson were appointed.

Guiseppi D'Orosio, of Harrison, was tried at Somerset Thursday for the murder of Linardo Gregorio, who was shot and killed on May 30, 1916.

Prosecutor is Assaulted. J. W. Bruner, of Somerset Township who was the prosecutor in a suit against Nevin Bowman, of the same township, was assaulted and seriously injured Wednesday on West Patriot street, near the opera house, by Mr. Bowman, who made his escape. Officers are searching for Bowman. Mr. Bruner alleged that Bowman had wronged his daughter. Some morning in court a settlement was effected. Soon after leaving the courthouse, the prosecutor and defendant met. Bruner was carrying a 50-pound sack of flour. Bowman, he alleges, assaulted him, breaking his jaw, kicking him in the stomach, and otherwise doing him bodily harm.

Frank Ball and Peter Makinski pleaded guilty to assault and battery with intent to kill and settlements were effected in the cases, Mrs. Fred Baker, Louis Ball, and Joe Pitek, similarly accused.

Frank Procosky was found guilty and Adam Lehosky not guilty of assault and battery with intent to kill.

Settlements were announced in the following cases: J. S. Picking; James H. Straub, disorderly conduct, Mrs. Ida Walker; James H. Straub, pointing firearms, John Walker. Harrison Leonard, charged with assault and battery and threats, by Jane Leonard, is a fugitive.

Milton Critchfield was found guilty of pointing firearms and surety, as charged by David W. Snyder. Mr. Critchfield was recently released from the Somerset hospital for the insane. John M. Fresh, charged with larceny and assault and battery, by K. Hersh, is a fugitive.

Criminal Court closed Saturday, when sentences were imposed on a number of prisoners, included Wesley Pebley, of Shade Township, near Cairnbrook, who was convicted on a charge of violation of the liquor laws. Mr. Pebley was sentenced to serve three months in jail and pay a fine of \$500 and the costs of prosecution. Guiseppi D' Rosi was sentenced to the Western Penitentiary for not less than 12 years nor more than 15 years, after the trial had proceeded and all testimony taken, the Commonwealth permitted the defendant to change his plea of not guilty to one of guilty of murder in the second degree. He was charged with killing Linardo Gregorio, of Harrison. The defendant and all of the witnesses of the homicide were Italians. The witnesses refused to give evidence on which the jury would be justified in rendering a first degree verdict and the Commonwealth deemed it wise to permit the prisoner to change his plea.

Nevin Bowman has been arrested and held for court in the sum of \$500 ball on a charge of assaulting J. W. Bruner. Mr. Bruner had prosecuted Mr. Bowman for an alleged offense committed against his daughter. The case was settled. Messrs. Bruner and Bowman met a short time later in Somerset and Mr. Bruner was attacked. Bowman escaped, but was captured later.

S. G. Slater was sentenced to pay the costs and \$10 fine and serve six months in jail on a charge of abduction.

Christ Kooztz was sentenced to pay \$10 and costs on a charge of assault and battery.

Judge Ruppel on Friday made an order dividing Shade township into two districts for election purposes. The division that will be known as East Shade comprises the Cairnbrook and Central City developments, while West Shade includes the Hooversville mining region. The court appointed the following election officers for the new districts:

East Shade—Judge of Election, Stewart Wagner; majority inspector, Jonas Lohr; minority inspector, Cyrus S. Berkebile; registering assessor, Henry Johnson.

West Shade—Judge of Election, B. F. Lambert; majority inspector, A. Glenn Ling; minority inspector, Willis Menges; registering assessor, Ellsworth Ling.

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KILLED AT R. R. CROSSING

H. Dalton Cook of This Place Meets Death in Auto Near Hyndman. Large Funeral On Sunday.



H. DALTON COOK

The death of H. Dalton Cook, of this place, by being run down by a passenger train on the Pennsylvania railroad one mile south of Bard at 10:30 a. m. on Friday made many hearts sad, and caused almost unbearable anguish to his wife and five little children and to his parents Mr. and Mrs. J. M. Cook, the latter thus being bereft of their only son, their only child.

Mr. Cook who is a member of the well-known candy manufacturing company, J. M. Cook and Son Company, was out in his auto soliciting orders and had left Bard a few minutes ahead of the time the passenger train was due going South. He had come to that part of the highway which for a mile or more is parallel to the railroad and very close to it. At the railroad crossing there is a bank about 6 feet in height which prevents one on the public road from seeing the approach of trains from the north. Mr. Cook there being no warning whistle nor of bell, was crossing the railroad when the engine struck the machine and hurled its occupant about forty feet, fracturing his head and mutilating the body badly causing instant death. The remains were taken on to Hyndman and given in charge of Undertaker Sides. The automobile was completely demolished.

The father of the unfortunate man and his cousin Ralph D. Pfahler, went to Hyndman on Friday afternoon and on Saturday morning on the early train started to bring home the lifeless form. Owing to a wrecked train in the Sand Patch tunnel, the remains were hauled by wagon around the tunnel to a train waiting on this side and on arrival in Meyersdale were taken to the home of his parents on Broadway.

H. Dalton Cook was aged 38 years, 10 months and 13 days. He was a man of more than ordinary attainments, and of a cheery disposition. He was held in the highest esteem by all who knew him. Just lately the writer had business dealings with him and was impressed with the geniality of his character. All of his mature life he has been a consistent member of the Lutheran Church.

For a number of years he was engaged in the lumber business, but of late he was associated with his father in the wholesale candy business.

He was married to Miss Stella Peck a daughter of Lewis Peck of near this place. On the 10th anniversary of their return from the wedding trip was the fateful day that death robbed the wife of her husband. To them five children were born, the elder of whom is past line, and the youngest between two and three years. They are from eldest to youngest, Dalton, Edward Peck Cook, Mary Bell, Catherine Louise, James Lewis, and Howard. His mother whose health has been impaired is hardly able to sustain the awful blow, and the wife is almost prostrated with grief.

The funeral was held on Sunday afternoon, leaving the house at 2:30, interment being made in the Union cemetery after which services were held in the Lutheran church, conducted by Dr. L. P. Young, of Elk Lick. He was assisted by Dr. A. E. Truxal. Dr. Young chose as his theme: "Our Life is but a tale that is told," deduc-

SUPERINTENDENT SCHAEFFER ON PAYING TEACHERS

Whether or not school teachers will be paid for the period during which they are idle because of the State's infantile paralysis quarantine depends on two things:

First—The language of the contract under which the teacher is employed.

Second—The way the school directors feel about it.

If the employment contract provides a teacher is not to be paid when schools are closed because of epidemic, he (or she) has no legal claim. If the contract does not thus protect the district, the teacher is to be paid.

There is nothing of course, to prevent a board paying the idle teacher if it wishes.

State Superintendent of Public Instruction N. C. Schaeffer today answered many inquiries in the matter by circular letter. Section 1206 has given rise to a number of different conditions. This section reads:

"When a board of school directors is compelled to close any school or schools on account of contagious disease, unless otherwise provided in their contracts of employment, the school district shall be liable for the salaries of the teachers of said school or schools for the terms for which they are engaged."

Dr. Schaeffer thus views the different phases of the matter:

"Where the contract of employment specifies that teachers are not to receive pay for time lost on account of an epidemic, the directors are not obliged to pay the salaries of the teachers for the time lost on account of the epidemic.

"Where the contract with the board specifies that the schools are to be opened on a given date and where the contract does not mention time lost through an epidemic, the directors will be required to pay the teachers for the time lost on account of the epidemic.

"Where the contract does not specify any time for the opening of the schools, the directors can, no doubt, postpone the date for the opening of the schools without being obliged to pay the salaries of the teachers for the period during which the opening of the schools has been postponed, provided the date for opening the schools was not fixed prior to the making of the contract.

EVANGELICAL ASSOCIATION CONFERENCE.

The Annual Conference of the Evangelical Association met at New Paris in Bedford County on Thursday September 14th and adjourned on Sunday following at 4:30 p. m.

Bishop S. C. Bryogle, of Reading Pa., presided. Rev. C. Hauser, publisher, and Rev. Geo. Johnson, Missionary, Secretary, of Cleveland O., were present and addressed the conference.

The appointments in this section are as follows: Meyersdale, C. E. Miller; Paradise, M. B. McLaughlin; Pleasantville, A. F. Richards; L. B. Rittenhouse, Conference Evangelist, C. F. Hartung, Superannuated list, Fossilville and Preston, To be supplied.

NOTICE S. D. LIVENGOOD'S CREDITORS.

The Auditor's report distributing a final dividend of ten per cent in the S. D. Livengood assigned estate has been filed and confirmed. All creditors will please take notice that the undersigned assignee will be in Meyersdale on Thursday the 28th day of September, 1916, at the office of W. B. Cook, Esq., to pay the dividends allowed by the Auditor, at which time and place creditors are requested to call. Any creditor may receive his dividend at an earlier time by coming to Somerset and receiving the record. Chas. H. Ealy, Assignee.

ing the transitory state of life compared with eternity and gave many thoughts that were an especial comfort to the directly bereft as well as profitable instruction to all present. His discourse was a very able one. Dr. Truxal based his few remarks on "Not sorrowing as those who have no hope." His short address was very forceful.

Two selections were sung by Messrs. H. M. Cook, Paul D. Clutton, R. H. Philson, and W. H. Baldwin. The pall bearers were the above named gentlemen, and in addition Charles Phillips and Mr. Stark.

SCHOOL NOTICE

The schools of Meyersdale, Pa. will open on Monday, October second at eight-forty five A. M.

There will be a teachers' meeting on Friday, September twenty-ninth at nine A. M. in room No. 5.

The examination for high school students who were conditioned in their studies will be held in the study hall on Saturday, September thirtieth at nine A. M.

Pupils from other districts who wish to attend the high school during this term will bring their diplomas or certificates from the County Superintendent of schools to the Office of the Supervising Principal of Schools on Friday, September twenty-ninth at one-thirty P. M.

Parents or guardians of all pupils who wish to attend either the high school or the grades must make arrangements with Mr. J. M. Gnagey, Secretary of the Meyersdale schools district, before the opening of the schools.

W. H. Kretchman, Prin. of Schools.

MISS GNAGEY HURT IN AUTO COLLISION

Miss Leora Gnagey, daughter of Mr. and Mrs. Solomon Gnagey, of near Summit Mills, on Sunday evening was thrown from an auto not far from Somerset by coming into contact with another car and was pretty badly stunned.

The accident occurred at the Ed. Boy's farm Miss Gnagey was sitting on the front seat beside her brother, Marlin Gnagey who was driving the car, and there were in the rear seat a brother and a sister. A large touring car was approaching driven by Pierce Miller. When the contact occurred Miss Gnagey was thrown out. She was taken to the office of Dr. Loutner in Somerset and later taken to her home. None of the rest of either party was injured. The cars were badly damaged.

BERLIN HOTEL TO CHANGE HANDS

The National Hotel, of Berlin for the past two years conducted by Edward Burns, is to change hands in the near future. An application for a transfer of license has been made to the court and will be heard on Friday, September 2. The new proprietor, if the transfer is granted, will be Chas. S. Kifer of Hotel Sand Patch. The Burns family have conducted a good hostelry, everything being kept neat and clean and the table all that could be expected. As yet Mr. Burns has not definitely decided where he will locate.

AGED BERLIN CITIZEN STRICKEN

Abner Schrock, one of Berlin's oldest residents, suffered a paralytic stroke a few days ago and has been in a precarious condition since. He is unable to speak and can be given but very little nourishment. Mr. Schrock is 83 years of age and was born and passed almost his entire life in this vicinity. For a dozen or more years he has made his home at the Central Hotel, where he is being carefully looked after by Lauded and Mrs. A. B. Falkner.

Bruce, the 13 year old son of W. M. Shultz, living about three miles from town on the Pocahontas mountain road on Sept. 10 was hurried to the Frostburg hospital and quickly operated upon for appendicitis. The doctor performing the operation said that the malady would have proved fatal to the lad, had there been but a little longer delay. Bruce is doing well and will be brought home in a few days.

CARD OF THANKS.

Mrs. Ida V. Brant and family wish to thank their many friends for their kind assistance and sympathy in the recent loss of the husband and the father respectively.

BEATRICE FAIRFAX

The big sister of all true lovers, a series of wild feature dramas, based on the experiences of Beatrice Fairfax, Harry For as Jimmy Barton and Grace Darling as Beatrice Fairfax. You are missing something if you don't follow this series. Opening episode at the SummerGarden Sat. Sept. 23. Each episode a complete story of love and adventure, clean wholesome romance and hazardous thrilling adventure. That is the keynote of the Beatrice Fairfax series. What is true love? See Beatrice and find out!

MEYERSDALE FAIR IN SWING

Stock and Farm Exhibits. Those Occupying Booths. The Races Great Gala Time for All in Town.

The Meyersdale fair got into full swing on Tuesday afternoon when the first jockey race came off. There were four horses on the track, coming under the wire in the order named: Sidney Hileman, Kendrone, ridden by Meyers and owned by Jenkins off Hotel Somerset, this place; Memorles; and Louis de Orr. The distance was five-eighths of a mile and the time was 1 minute and 4 seconds.

A trip over the grounds has much to interest the spectator. For trotting races there is a fine line of horses. In the exhibits are to be found stock and poultry in a great variety, possessing many points of excellence; farm, garden and home have contributed to make a fine showing. Relch & Son, in their own building with ample space are displaying the Round Oak Range, having a representative of the manufacturers on hand; this firm is also displaying Edison phonographic music; J. C. Hostetler has the latest and the best in the agricultural line; A. H. Johnson, in artistic marble and monumental work turns one's thoughts to the last bitter end of human existence. When we need these things for our loved ones or they need them for us, he has the goods. Miller & Collins representing their big Depr. Store, have what might be denominated as chaste exhibit. The exhibit by the State is one that suggests to the thinking observer many queries and here the farmer can be instructed by experts.

By way of diversion, the midway consists of many things that will amuse you and make the time go so fast that you cannot get at the way round in one day at least.

Other attractive booths are those of T. W. Gurley, the sporting goods dealer; The Pfahler Co., flour and groceries; Meyersdale Hardware Co.; The Meyersdale Handle Factory.

The evenings in Meyersdale are one great howl; where all sorts of noise-making devices blend into a kind of music if you have an uncultivated ear not to appreciate it.

The Berlin band furnished the music at the fairground on Wednesday a large delegation was present from that enterprising burg.

The Wednesday Races

The first event of the afternoon was the 2:30 trot, Purse \$300. Lord Gay Talbot 1-1-1 Happy Hooligan 2-3-3 Pansy Zoelock 3-2-3 Margaret Wilkes 4-4-4. Time 2:29 1-4 each heat. Second Event 2:30 pace, \$300. Merry Maid 2 3 3 1 1 1 Roy Belleaire 1 2 2 2 2 2 Sunlight 3 4 1 3 4 3 Mary E. Brown 33 2 4 4 0 0 Dan O 4 5 5 Time 2:19 1-4 Purse \$300.

Third Event, Jockey Race

King Stalworth 1st Toison De Orq, Sec Carquette, Third Kedron 4th Time 1:02 1-2, Purse \$60, \$25, \$15. Some maliciously inclined persons or persons on Tuesday night about ten o'clock sent in a false alarm of fire.

On Wednesday afternoon, the home and store building of Grocer Bisel was found to be on fire from a defective flue. The alarm was sent in and the fire department rallied quickly and put out the flames without having to deluge the building with water.

THE LIFELESS FORM OF DALTON COOK ROBBED

While the body of Dalton Cook was being conveyed on the train from Bard where he was killed last Friday to Hyndman, some inhuman being despoiled his body of about \$100 which it was known he had with him before the accident. That there are persons so base as not to regard as almost sacred the remains of the departed seems hardly to be believed. There ought to be responsibility in the matter and some one made to account for this base act.

Pay your subscription to the Commercial during Fair week.