

## GET HEARING IN SCHOOL CASE

### Taxpayers of South Canaan Against Building High School.

140 SIGN PETITION WHICH ATTORNEY HOMER GREENE PRESENTS TO COURT.

An action was recently instituted in the Common Pleas of Wayne, sitting in equity, at the suit of W. W. Kizer et al., residents and taxpayers of South Canaan, against the School Directors of the district of South Canaan, to restrain the latter from proceeding with the erection of a high school building on a lot purchased for that purpose by the district in March, 1909; and on Oct. 6 a preliminary injunction was issued by Judge Searle.

Last Saturday, a hearing took place before Judge Searle on the question of continuing the injunction; Homer Greene appearing as counsel for the plaintiffs, and H. Wilson and W. H. Lee for the defense.

The ground on which the injunction was prayed for, as set forth in the plaintiff's bill of complaint, was that at the township election held Feb. 15, 1910, the question of establishing a high school and centralizing the public schools of the township was submitted to a vote of the qualified electors, under the act of 25 April, 1901, and that at said election 75 votes were cast in favor of such school and 112 votes against it, but that notwithstanding such vote, the directors have officially resolved to proceed with the erection of a high school building and the centralization of the schools, and have contracted for the erection of such building.

Before the case was opened on the part of the plaintiffs, the counsel for the defendants presented a motion to dissolve the injunction and dismiss the bill. The grounds for this motion were a denial that the question of centralizing the schools was legally submitted at said election, in conformity with the act of 25 April, 1901, or that any votes were legally cast at said election against the centralization of the schools. In support of this contention, as matter of law, counsel for the directors cited the provisions of the act of 1901 for submitting the question of centralization to a vote; Section 2 providing that the directors "Upon the petition of a majority of the qualified electors, representing or owning property to the amount of one-fourth of the assessed valuation of such district, must submit such question to a vote of the qualified electors of such township district"; and section 3 providing that upon such vote "The ballots shall have printed thereon: For centralization—Yes. For centralization—No."

It was alleged, in the motion, that these provisions were not observed; that no petition, as required by the act, was presented to the directors, and that the ballots, instead of the printing required by the act, had printed thereon: "For high school—Yes. For high school—No." The motion further set forth that the chief matter in controversy at the election, was whether the proposed high school should have two rooms or three rooms; that the directors posted printed notices that they proposed to erect a high school building having two rooms, at a cost not exceeding \$5,500; that many of those who voted against a high school did so not because they were opposed to a high school of itself, or to centralization, but because they disapproved of a building of but two rooms; and that others who voted against it did so because they disapproved of the location selected, and wished to have the building erected near Varden, about three-quarters of a mile distant.

So far as shown by the evidence, no petition, such as the act of 1901 requires, was ever laid before the directors; and the ballots, instead of being in conformity with that act, were printed "For high school—Yes. For high school—No." The return of the election was "High schools: For, 75, against, 112."

On the part of the directors, it was contended that, as no petition for submitting the question of centralization had been presented to the directors, no election could legally be held on that question; and as there was no provision of law authorizing the submission of the question of a high school, there could be no legal election on that question; hence that the election had no legal effect in controlling the action of the directors on the subject. It was further shown that the proposed building was to have three rooms, while the vote at the election, even if effective, was only against a two-room building, which the directors had given notice of their intention to build, and had no application to a three-room building.

On the part of the plaintiffs, besides asserting the prohibitive effect of the vote, it was contended that the motion by the directors, at a meeting held in June, 1911, providing for the erection of the proposed building, was not legally adopted or put on record as required by law. Upon the hearing, four of the directors testified the full board was present, and that five directors voted in favor of the motion, and the sixth declined to vote. H. S. Megargel, Secretary of the Board, testified that but five direc-

## BOARD OF TRADE HOLDS MEETING

### Greater Honesdale is Discussed; New Company Coming Here.

NEW MEMBERS ELECTED AND BILLS ORDERED PAID; OTHER BUSINESS.

Greater Honesdale was the chief topic of conversation at the Board of Trade meeting of last Friday evening. Representatives from Texas township were present. After some discussion as to what advantages would be derived by annexing Texas to Honesdale borough, L. Blumenthal made a motion that Attorney C. A. McCarty, Carl Prosch and Superintendent of Schools J. J. Kehler be appointed as a committee in charge of extending the borough limits. At the call of Chairman C. A. McCarty a mass meeting will soon be held in the court house when it is expected all interested parties will attend. The matter of annexation will then be discussed pro and con.

The Board of Trade meeting opened at 8:15 with President F. W. Kretzner in the chair. Minutes of the last regular and special meeting were read and approved. Treasurer Edward Deitzer gave the following report: Balance on hand last meeting \$189.80; amount of bills paid last session, \$28.20; leaving a net balance of \$161.60; received from E. B. Callaway, dues, since September 8, \$119.70; total, \$281.30.

Application for a site was received from an out-of-town company already doing a good business. The concern, it is stated, would erect a \$5,000 building and would only ask a factory site. The company, it is claimed would employ 50 hands. On by L. Blumenthal, it was carried that motion of C. A. McCarty, seconded the matter be referred to the soliciting and site committee.

Special committee on sale of stock for the Honesdale Union Stamp Shoe company reported having sold several shares of stock since last meeting. The report was accepted and the committee continued.

The committee on site for the Gurney Electrical Elevator company reported progress.

C. J. Dibble, C. E. Sandercock and Herman Myer were elected new members, and one new name was presented for nomination. A communication was read from the operating department of the Delaware & Hudson railroad in answer to a letter written by the special committee appointed by the Business Men's association and recommended by the Board of Trade. C. E. Bates, division passenger and freight agent for that company, assured the committee the hearty cooperation in every way possible for the betterment of Honesdale.

Communications were also read from the passenger and industrial departments of the Erie railroad. Bills amounting to \$19.16 were ordered paid.

tors were present, and that only three voted for the motion. Later, however, this vote appeared to have been cast on a motion at a meeting in December, 1909.

Homer Greene, Esq., attorney for the plaintiff, immediately interposed an objection claiming that this was simply an ex parte hearing for the presentation of oral testimony to satisfy the conscience of the Court in continuing the injunction. The Court, however, decided to admit evidence on both sides, and the taking of testimony began.

Prothonotary Hanlan identified a return sheet showing that at a township election held February 15, 1910, the question of whether there should be a high school or not was voted upon by the qualified electors of South Canaan township and that the majority of electors voted against it, 75 votes being cast in favor of the proposed new building and 112 against a high school.

H. L. Megargel, secretary of the South Canaan township school board, for the purpose of showing that official action was taken by the South Canaan school board for the erection of a school building, identified the minute book, the pages of which were not numbered. The minute book showed that a meeting of the school board was held December 14, 1909, with all the members present, when it was resolved that a building be erected at a cost not to exceed \$5,200 to be paid for with the issuance of bonds par value \$50, to bear interest at 5 per cent, and to give the necessary legal notice for submission of the proposition to the voters of South Canaan at the February election next.

The testimony brought out the fact that the question of bonding the district was never submitted to the voters, the only vote ever held being for a high school or not, 75 voting for and 112 against that proposition. Attorney Greene offered in evidence the entry on the minute book under date of June 5, 1911, reading as follows:

"On motion it was decided to build a high school in South Canaan according to the blue prints from Dreher township and also to advertise for bids. Carried. H. L. Megargel and E. D. Spangenberg were appointed a committee to buy the blue prints or get a copy of them. The entry of August 9, 1911, also offered in evidence, stated that the

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## NAUGHTY BOYS ALL PAROLED

### Wanted to Play "Wild West" in Peaceful Honesdale.

SENTENCE SUSPENDED AS LONG AS THEY'RE GOOD AND OBEY THEIR PARENTS.

"Now, boys, it looks to me as if this was done more as a boyish prank than anything else. You were going into the 'Wild West' business. We might send you to the Reformatory. I think your parents can take better care of you than down there. If I send you down there it might put a blot on your lives forever."

So said Judge Alonzo T. Searle, Monday morning, to a quartette of youthful lawbreakers, who pleaded guilty to being involved in the theft of revolvers from the store of John Erk, their names being Elmer Spry Gray, aged 13, Stanley Decker, aged 12, Edwin Conzelman, aged 13, Harrison Conzelman, aged 9, before paroling them in the custody of their parents and of Prof. Harry A. Oday.

"Sentence will be suspended," he continued, "and you will be put in charge of some one who will report on your conduct. As long as you behave yourselves there will be no trouble."

"I don't think you are bad boys. Perhaps you have been reading some trashy novels. Better not read those things. We shall expect you to obey your parents. Try to read and study evenings. Don't be around the streets, especially Winter evenings."

"You understand, boys, if Mr. Erk or any citizen should complain of you then your case will be brought up and sentence imposed. If you are good boys this will be the last of this."

"Boys stand up," commanded the Court, when District Attorney, M. E. Simons, informed Judge Searle, that he had an indictment charging the four boys with larceny.

"They used this little boy," explained the District Attorney, pointing out nine-year-old Harrison Conzelman, "to do the stealing for them. He sent him into Erk's store to steal revolvers."

"Speak up and tell the truth," insisted the Court to the four boys who had lined up in front of the bar, with the youngest culprit of them all, Harrison Conzelman, at the head of the juvenile class. Judge Searle questioned them closely as to their residence, whether they went to school or not, in whose room they were, etc., to all of which they made ready replies.

"How did you come to do this?" asked the Judge.

"We were going to play cow-boys," said little Harrison, whom the Judge excused "as not being conscious of crime" on account of his tender years.

John Erk was called upon to give an account of the missing revolvers. He told of how these boys made it a practice of hanging around his store. The little boy, he said, was used as a tool. He missed the revolvers, and Deputy Constable P. J. Moran told him he was on the track of the boys who took them.

Charles Gray, Elmer's foster father, said this was the first time the boy had been in trouble. He said he sent his boy to church and Sunday school, and said he would be responsible for his future good behavior.

Mr. Decker said he would try to look after his son. He goes to Sunday school every Sunday, he declared.

The Court then ordered that the boys be paroled in the custody of their parents, save in the case of the Conzelman brothers who were paroled in the care of Prof. Harry A. Oday.

The sentence of the Court seemed to meet with the general approval of the large number of spectators present at the morning session of argument court.

**MRS. IRA K. BISHOP IS DEAD.**  
Mrs. Ira K. Bishop died of complications of disease at her home at White Mills Monday after a lingering illness. Mrs. Bishop was 74 years of age and lived at Indian Orchard several years. She is survived by her husband and the following children: Mrs. George Slisby and Philip of White Mills; Mrs. Charles Carls and Mrs. May Richmond, of Indian Orchard and Mrs. Howard Bishop of Honesdale. No arrangements have been made for the funeral.

**INJURED AT SOUTH CANAAN.**  
Judson Cope, of Carbondale, is the victim of a distressing accident which happened while hunting at South Canaan, this county, on Saturday last.

Cope's gun exploded and one of his hands and arms were so badly shattered that it was necessary to amputate below the elbow. He is at the Emergency hospital, Carbondale.

**ALMOST TOO GOOD TO BE TRUE.**  
Sleeves, the girl with a small dress allowance will be glad to hear, are to be long and close. This is a sensible winter fashion, and will be jumped at by practical people.

The joy of long sleeves is that one can then wear short gloves, which means a remarkable saving of expense, both for buying and cleaning.

## LUCIANI FINED \$500 AND COSTS

### Gets Three Months' Imprisonment on Liquor Selling Charge.

FAMILY HEAR SENTENCE IMPOSED; DAUGHTER KISSES HIM GOOD-BYE.

Dominick Luciani, who was arrested Tuesday, August 29, at Gouldsboro, by County Detective N. B. Spencer, charged with selling liquor without a license, selling liquor to minors, and selling liquor on Sundays, was brought into argument Court Monday morning where he pleaded guilty to the three charges, and was sentenced by Judge A. T. Searle on the indictment of selling without a license, to pay a fine of \$500 to the Commonwealth of Pennsylvania, to pay the costs of prosecution and to undergo an imprisonment of three months in the county jail, the same to be computed from September 1. Sentence was suspended on the other two indictments.

His wife and six children, viz. Caterina, aged 14, Angelo, aged 12, Margherita, aged 11, Stella, aged 9, Luciano, aged 7, Maria, aged 5, were in the court room when sentence was imposed.

Judge Searle questioned the prisoner before imposing sentence. Luciani stated that he was in the store business in Old Forge before going to Gouldsboro. He gave that up because the business was light and he had sickness in the house. He used to work in Gouldsboro, and went to live there because living was so high in Scranton. He couldn't get a job, and so drifted into selling liquor.

District Attorney M. E. Simons stated that he had received several letters in regard to the character of the prisoner, all of which gave him a very good character. He went to Gouldsboro last November and commenced selling beer immediately, and a little later he sold whiskey too.

He worked up a large trade in spite of the fact that he was warned to desist. He was quite defiant when warned, and said that he had a government license, and paid a revenue license to the government.

To make matters doubly sure he organized what he called a club, of which he was president. He had a secretary and a treasurer for his organization. Every person over 21 years of age was eligible to become a member of this club on signing a paper said to be a list of the club members. He was then entitled to buy beer from Luciani. That expedient was resorted to after the matter of his illegal selling had been reported to the Court.

When questioned by the Court, Luciani claimed he sold beer in bottles, and that he got the idea of running a club from several similar organizations located in South Side, Scranton. His family, he stated, had removed from Gouldsboro, and were now living in South Side, Scranton.

"In consideration of the fact that you have pleaded guilty," said Judge Searle, "and of what the district attorney has said, that you supposed you had a right to sell, in consideration of the fact that you have a wife and six children, and that they have left the county, we shall sentence you on one indictment only. We cannot let you go without some punishment."

After hearing the sentence, Luciani wanted to know what was to become of his family. "My wife told me, she had nothing to eat in the house," he protested.

The Judge suggested that as she was in Lackawanna county she ought to have stayed there, and said, "I don't think that this is a case where we ought to suspend sentence in all counts."

Claiming that he had no money at all, Luciani was removed from the Court room by Sheriff M. Lee Braman to serve out his term, which will expire December 1.

Little Maria, his youngest daughter, a dear little girl, only five years of age, with curly flaxen hair streaming down her back, wearing a white sweater, came up and kissed her Papa as he sat before the bar awaiting his fate. His wife sat tearfully awaiting the Judge's decision with her children by her side, a very picture of unseparable woe.

Luciani, who has been in this country for 27 years, told a Citizen man that after he was released he would go back to Scranton and sell fruit. "I got a license for selling fruit," he said.

"Scranton for me, too dear," he told the reporter when asked why he went to Gouldsboro. "I be down there. I couldn't find no job at all. I got sick after 8 or 9 days. Then I started selling beer."

## COURT NOTES.

Judge A. T. Searle, Saturday morning, appointed Raymond J. Brown, as supervisor for Texas township to fill the vacancy caused by the resignation of his father, Samuel H. Brown, who retired on account of impaired health.

Dr. W. T. McConville, Homer Greene, Esq., and C. J. Brown were appointed, Saturday morning, by the Court to investigate the mental condition of William Malloy, Texas township.

—Send the Citizen Publishing Co. 25 cents and you will receive this paper from now until January 1 for that small amount.

REPUBLICAN TICKET.

Congressman, W. D. B. AINEY.  
President Judge, HON. ALONZO T. SEARLE.  
Sheriff, THOMAS Y. BOYD.  
Prothonotary, WALLACE J. BARNES.  
Register and Recorder, W. B. LESHNER.  
Commissioners, JOHN MALE, EARL ROCKWELL.  
District Attorney, M. E. SIMONS.  
Treasurer, W. W. WOOD.  
For Coroner, P. B. PETERSON.  
For Auditors, W. O. AVERY, LEROY GILPIN.

## Republican Success What It Means to You and Wayne County.

(1) It means that the entire county will be represented, a fact of the utmost importance. The Republicans have nominated a splendid ticket that includes, as far as possible, a candidate from every corner of Wayne county. For instance, choosing them at random, there is Barnes of Berlin; Leshner of Sterlin; Male of Cherry Ridge; Avery of Bethany; Boyd of Damascus; Rockwell of Lake; Wood of Honesdale and Gilpin of Dreher, each of them representing a different township or borough of the county. Judge Searle, our candidate for Judge, is necessarily of Honesdale, as all the attorneys are located at the county seat. Now look at the Democratic slate. Excluding Simons and Peterson who are the nominees of the Republican party also there is only one exception, Voigt, who doesn't call the center of the county his home. Which of these two is the logical ticket if you are going to get a representation of the entire county? There is only one answer and that is—the Republican ticket.

(2) It means that you will receive an honest and conscientious administration of every office, without favor or prejudice.

(3) It means that you will have a personal knowledge of and a personal pride and interest in every office for which the Republican candidates are striving, because every one of these candidates is almost as well known throughout the county as he is in his own home town.

(4) It means that you will get the most efficient service from every office, in your power to give, because, taken man for man, and office for office, the Republican ticket includes the men best qualified for the positions, and the men whose ability to conduct those positions, courteously, honestly and efficiently is well known to every voter in the county.

(5) It means that as, in a number of cases, these men have already been tested and have proven their admirable qualifications, you will make no mistake in their re-election.

(6) It means that you will get an administration conducted on up-to-date business methods by up-to-date business men; who will do all in their power to lighten your burden of taxation and increase the revenues of the county.

(7) It means that for all time to come until the next election you can rest assured that your money—the money you pay in taxes—is being spent as economically, prudently and wisely as possible. There will be no waste, no foolish expenditures, no careless mismanagement.

(8) It means that every desirable and necessary improvement will be made with the good of the entire county in mind. There will be no discrimination in favor of one section over another, because, as pointed out above, the Republican ticket is representative of the whole county and not a small, self-centered section.

(9) It means that you hold the personal pledge of every candidate on the ticket, publicly expressed in these columns, that no effort will be spared to make each office a success in every particular, to the end that fair play, honest administration, and efficient conduct of the county business may bring prosperity to the county, and every voter who lives therein.

Finally, it means that the success of the Republican party now means success in 1912.

**FIREMEN'S DAY PROCLAMATION**

Asks the People of Honesdale to Observe This Day.

WHEREAS, the Town Council of the Borough of Honesdale, have by resolution adopted at its last regular meeting designated Oct. 20, 1911, be observed by the people of Honesdale as Firemen's Day. Now, therefore, I, John Kubbach, Burgess of the Borough of Honesdale, in accordance with the said resolution do hereby designate and appoint Friday, Oct. 20, 1911, as Firemen's Day, and all persons within the Borough of Honesdale are hereby requested to observe the said day as far as they can conveniently do so, to refrain from business, to decorate their places of business and to display the national colors throughout the town to the end that the said day may be fittingly observed as Firemen's Day.

JOHN KUBBACH,  
Burgess of the Borough of Honesdale.

The line of march for the parade will be as follows:  
Form on Main street, between 9th and 11th, at 1:30 p. m., march to State Bridge, to Church street, down Church street, to 4th, to Main, up Main street to Park, Park to West, to North Park, to Main street, down Main street, to City Hall and disband.

The parade will form as follows:  
Police.  
Flag.  
Burgess and President of Town Council.  
Town Council.  
Retired and Honorary Members of Engine Co. No. 3.  
Band.  
Hose Company No. 1.  
Texas Fire Company No. 4.  
Seelyville Fire Company.  
Drum Corps.  
Alert Fire Company.  
Protection Engine Co. No. 3.