

COURT SUSTAINS VERDICT OF \$200 FOR BOY'S DEATH

Motion for New Trial Filed by Parents of Drowning Victim Overruled

In an opinion handed down by Judge John H. McCann Monday in the case of *John J. Miller and Martha Miller vs. Everett Davis, of Nant-y-Glo*, in which the plaintiff's sought to obtain a new trial, the Court overruled the motion.

The case came before the Court during the December term, 1932, and a verdict was returned in favor of the plaintiff in the sum of \$200, which amount the plaintiffs held to be inadequate. A motion was then made for a new trial.

The case grew out of the death by drowning of a four-year-old son of the plaintiffs on April 9, 1931, when the child, together with a companion about his own age, left the home of the plaintiffs near Nant-y-Glo and wandered to a reservoir, where the Miller child was drowned. The walls of the reservoir, which was located on the ground owned by the defendant, were uncovered and even with the surface of the ground.

The opinion of the Court in part overruling the motion for a new trial is as follows:

The only theory upon which the plaintiffs could recover is the one that the defendant maintained upon his premises a nuisance attractive to children, and that the case came under the class of cases where infants tamper with attractive dangers. In order to maintain the position it would be necessary for the plaintiffs to show the fact that the defendant permitted this land, about the reservoir, to be used as a playground for children for such length of time as to presuppose an invitation or permission for children to occupy the premises in this manner. It must be generally known in the immediate vicinity as a recreation center.

When an owner makes an excavation some distance from the public highway he owes no duty to the public to keep the same covered, any person falling into it would be a trespasser before he reached the excavation. There is no liability for injury to such a person, except for wantonness. The owner owes no duty either to any adult or child of tender years, and because of the absence of the relation which imposes that duty, there is no right of action. The underlying principle of the law in such a case is that the injured person was where he had no right to be, the owner was using his property in a lawful manner for lawful purposes, and as against trespassers, he need not take any ordinary precautions to safeguard places on his property. For these reasons we feel that a motion for a new trial must be overruled and the motion for judgment is to be granted.

The Court has granted a new trial in the divorce proceedings in the case of *Lao N. Hutz vs. Elizabeth Dietz*. The case was tried during the March term, 1932, the jury returning a verdict for the plaintiff, who sought a divorce on the grounds of desertion. The opinion of the Court in granting the new trial was to the effect that it was far from satisfied as to the justice of the verdict, and that the weight of evidence was with the defendant.

A new trial has been refused by the Court in the case in which *Mary Hiteshaw* was the plaintiff, against *John and Susan Hiteshaw*. The jury returned a verdict for the defendant's plaintiff having charged them with alienation of her husband's affections. In refusing a new trial the Court set forth: "We are satisfied that the jury returned a proper verdict. In fact we never should have submitted the case to the jury as we are satisfied that the case should have been non-suited at the close of the plaintiff's testimony."

The Court has appointed *E. C. Mahan*, an Auditor of Blacklick Township, to fill a vacancy caused by the removal of *Ed Zauer* from the district. Lisens in divorce have been granted by the Court, returnable the first Monday of January, 1934. In the case of *Bernatava Raschoki vs. Joseph Raschoki*, desertion being alleged; also in the case of *Anna M. Selders vs. Anna A. Selders*, alleging desertion.

AID BOYS' ORPHANAGE.
A donation of \$400 made up from contributions by the four Councils of the Knights of Columbus, has been made to St. John's Orphanage for Boys at Clifton. It was announced Monday. The money will be used for the furnishing and improvement of the dining room at the orphanage. The *Johnstown, Ebensburg, Barnesboro, and Patton* Councils contributed to the fund.

FRANKLIN—A hunting license was taken out Monday at the courthouse by *Robert McClelland* of Fish, who is 31 years old. Mr. McClelland is claimed as Venango county's oldest hunter of the present season. More than 6,500 licenses have been issued here this season.

CHICOHA—*W. L. Taylor* of Euclid, narrowly escaped death or serious injury while hunting near here, when a 900 pound bear, which he had slightly wounded at his first shot, turned upon him. Taylor was compelled to fire four more shots in order to subdue the enraged animal.

The mining village of Kelo, near Johnstown, has been quarantined by state health authorities, after discovery last week of 16 cases of typhoid fever in that section. A majority of the victims are children.

GREENSBURG—A former's inquest *Angelo Gato*, 35 years old, of this place, held in the county jail here on a charge of killing his wife, *Josephine Gato*, 26 years old, November 2, was opened held for action of the grand jury at the November term of court.

MAN KILLED IN AUTO ACCIDENT

Harry Kildea Loses Life and Bernard Hogue Hurt; Car Goes Over Embankment

One young man was instantly killed and another was seriously injured, probably fatally, about 7:30 o'clock Wednesday morning when a Ford coupe in which they were riding left the State road between Chimer and Adams and plunged over a steep embankment, the accident occurring near Clymer. Their machine was badly wrecked.

The dead:
HARRY KILDEA, aged 19 years, son of Mr. and Mrs. John Kildea of Barnesboro, instantly killed. He suffered a fracture of the skull and other injuries.

The injured:
BERNARD HOGUE, aged 26 years, son of Mr. and Mrs. C. G. Hogue, of Barnesboro, badly hurt. He was removed to the Deonville Hospital, Dixonville, Indiana county, in an unconscious condition and had not yet regained consciousness up until an early hour this morning. It is feared that the young man is hurt internally. Hogue was admitted to the hospital about 4 a. m.


Harry Kildea was employed as a clerk at Lipman's clothing store and was one of the best known young men of the community. His father is an electrician for the Pennsylvania Coal

Widow and Children Are Homeless, Due to Blaze

A blaze believed to have been caused by an overheated stove destroyed the dwelling home of Mrs. John Zachrae in Cambria Township about 7 o'clock last Friday evening, and as a result of the fire, Mrs. Zachrae, who is a widow, and her seven children were rendered homeless. The *Dunblain Volunteer Fire Company* responded to an alarm, but the blaze had gained such headway before it was discovered that the building was practically destroyed when the firemen reached the farm. Members of the Zachrae family succeeded in saving only a few of the household goods. The loss is estimated at about \$5,000. Mrs. Zachrae did not carry any insurance on the house.

The blaze broke out shortly after members of the family had completed their evening meal. Mrs. Zachrae and her children are being cared for temporarily by neighbors.

RECOVERS FROM OPERATION.
Joseph Stephenson of Barnesboro, well-known semi-pro baseball pitcher of the Barnesboro Independents during the last season is recovering at the Spangler Hospital from an operation for appendicitis, which was performed Sunday forenoon. Stephenson was admitted to the hospital last week and his early recovery is expected. He was a member of the Blue Ridge league last year and was given a tryout with the Pittsburgh Pirates.



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CHAMPION

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THE PATTON COURIER

FALSE ECONOMY HAS NO VALUE

Buying Cheap Goods Just Because They Are Cheap Does Not Pay.

QUALITY OFTEN OVERLOOKED

Instance Seen in Case of Mail Order Houses Which Make Their Appeal Solely on Basis of Price.

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Economy is one of the greatest virtues but false economy is no more a virtue than anything else that is false. To be able to economize wisely is one of the greatest blessings that one can have, for it is the prerequisite to thrift and well-being. Too many persons, however, who think they have found the secret of true economy are practicing a false economy which is worse than wasteful waste.

For instance, the man who buys a stove from a mail order house for \$9 because he thinks he would have to pay \$10 for one if he purchased it from his home merchant, is practicing a false economy, for the chances are that he would save more than \$1 in the end if he purchased the \$10 stove from the local hardware dealer.

There are several reasons why this is false economy. The first one is that dollar for dollar, the greater part of the merchandise sold by the mail order houses is of less value than that sold by the retail merchants of the smaller communities. The mail order business, as a whole, is built upon cheapness. In order to attract customers the catalogue houses must sell goods cheaply and in order to do that they must sell cheap goods. Their business is built up on price and not on quality. The retail hardware dealer, like the retail dealer in other lines, probably can match the price of the mail order houses. He probably has a \$9 stove which he can sell to the man who wants to get a stove for \$9. The trouble is that the man who buys from the mail order house does not distinguish between price and quality. Think He is Economizing.

The man who buys the \$9 stove from the mail order house probably would not buy a \$9 stove from his local merchant for in the latter case he would see just what he was buying and might realize that the \$9 stove would not meet his needs. He orders a \$9 stove from the mail order house, however, just because the price is \$9 and not because he has any assurance that the stove will meet his needs. He thinks he is saving \$10 or two by buying this stove instead of paying \$10 or \$11 to the home merchant for one that he has seen and knows will give him satisfaction. The chances are that when the stove arrives and he has used it in a short time he will realize that he has practiced false economy—that it would have been more economical in the end for him to pay a dollar or two more to his home merchant and get an article that was guaranteed by the dealer.

The patron of the mail order house, also, often falls into the matter of transportation charges into consideration when making his purchase. He sees only the price of the article as listed in the mail order catalogue and does not think of the express or freight charges, which with the cost of a money order and postage often make the total cost of the article greater than the price at which the same thing could have been purchased at the local store. Another case of false economy.

Buying merchandise of poor quality because the price is low is often false economy when the purchase is made at the home stores but it is doubly so when the merchandise is bought from a mail order house. When buying at the article purchased at a low price, while there is no such assurance when it is bought by mail on the "sight unseen" plan.

Idea is Exploded.

The idea that the mail order houses sell the same quality of goods at lower prices than the home merchants is quickly exploded when one learns of the large profits that are made by the majority of the mail order houses and the large selling expense to which they are subjected. The \$9 mail order houses spend hundreds of thousands of dollars annually for advertising and the selling expense of the smaller concerns are proportionately as large. Their other expenses, such as rent, taxes and labor, are also higher than those of the local retail merchants, in proportion to the business which they do. In spite of these heavy expenses, the mail order houses distribute millions of dollars in dividends among their stockholders. In one large mail order concern the profits of the stockholders, in cash and stock dividends, have aggregated as much as 1,000 per cent on the capital invested in the short period of three years. This does not indicate that the mail order houses are in business for their health and are giving away merchandise to their customers.

The mail order houses have capitalized the desire to economize that is inherent in almost every man. By placing price above quality and making cheapness the fundamental element in their business they have indicated in the minds of their patrons the idea that they are economizing when they buy cheap goods at cheap prices.

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