

# Pike County Press.

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NO. 52.

## CHARTER NOT VALID

### SUPERIOR COURT REVERSED. JUDGE PURDY SUSTAINED

Judge Dean Holds That Title of the Act is Misleading—Park not a Public But a Private Corporation—May Reorganize

IN THE SUPREME COURT OF PENN.

COMMON PLEAS No. 283, January Term, 1902. In the Court of Quarter Sessions of Pike County. Appeal by defendant from judgment of Superior Court reversing said Court of Quarter Sessions.

Argued Feb. 24, 03. Filed Oct. 12, 03.

DEAN, Justice.

The appellant, Charles Hazen, was summarily convicted before Calvin O. Billings, a Justice of the Peace of Pike county, for the violation of the special Act of Assembly of March 23, 1871, in killing a deer belonging to The Blooming Grove Park Association and protected by the penal clauses of that Act.

The Justice of the Peace imposed a fine of \$50 and cost and in default of payment he was sentenced to the county jail.

Hazen appealed to the Court of Quarter Sessions, which court, in opinion filed, held the act referred to, to be unconstitutional, in that: 1. The subject of the act is not clearly expressed in its title. 2. The body of the act contains more than one subject. 3. It deprives the defendant of the right of trial by jury in a case where at common law, before the adoption of either of the Constitutions of this Commonwealth such right existed. Whereupon, he quashed and set aside the proceedings, further directed that defendant be discharged. From this judgment the Commonwealth took an appeal to the Superior Court, which court being of opinion that the special act was constitutional, directed that the order of the Quarter Sessions setting aside the proceedings and discharging the defendant be reversed, and that a proceeding be awarded to the lower court directing it to hear the case on its merits.

A constitutional question being involved an appeal of course under the Superior Act lay to this court which was promptly taken by defendant. Averted of the appellant is, that the Superior Court erred in declaring the special act constitutional.

The "Blooming Grove Park Association," from a mere parcel of the act is clearly a private corporation. It is merely an association of individuals united for a special private purpose, permitted to do business under a particular name and have succession without dissolution. The members could have bought or leased the land they claimed to own and could have enjoyed it in much the same way, under the protection of the general laws of the Commonwealth, but the association would have been subject to the disruption and all the inconveniences incident to the death of members or assignment of their interest by any of the members. Its charter conferred upon the association perpetuity and the privilege of suing and being sued by its corporate name. Its purpose was not a public one, it met no public want, as a turnpike company, railroad company, or street railway corporation. And while the purpose of such a corporation are those which in a restricted sense, the sovereign who makes the grant is desirous of promoting, for that desire is the very consideration of the grant, yet in the grant of a franchise to a public corporation, the consideration is much higher and broader; in the last it is the desire to benefit and promote the interest of all the public as well as the individual interest of the corporators; and the public by the very fact of the grant have rights and privileges which they can enforce at law against the corporation. Therefore, considering the purpose of the Park Association as distinguished from a public corporation it is a private one and in determining the legality of its creation and its corporate existence we must view it as a private corporation whose members are the principal, and except to a very slight extent, the only ones interested, in its survival.

The title of the act is, "An Act to Incorporate the Blooming Grove Park Association." The constitutional provision as to the titles

of acts in force at the legislative session of 1871 when the act passed, was the amendment of 1864, which was copied almost verbatim in the constitution of 1871. It is as follows: "No bill shall be passed containing more than one subject which shall be clearly expressed in its title." We turn now to the act to discover its subject; we find it is the purpose of the incorporators to establish a game and fish preserve on land in three different townships in Pike county, Pennsylvania, their holdings not to exceed 30,000 acres with a capital not to exceed \$800,000. How is the object of the corporation to be accomplished? By preserving, importing, breeding and propagating all kinds of game, animals, birds and fishes adapted to the climate and affording facilities to the members and persons licensed by the corporation to hunt and fish on the land of the corporation, and also privileging such person to sell surplus game and fish; its stockholders further, have the right under the act to provide themselves and others with an acreage resort, a respectable hotel, cottage houses, stables, exercising grounds for horses and any thing necessary or proper for their accommodation. Then to subserve the purpose of the incorporators, follow the most drastic penal clauses. All persons are forbidden to enter upon the 30,000 acres or to hunt or fish thereon unless authorized by the corporation; any one found guilty of violating the prohibition shall be deemed guilty of a misdemeanor and fined before the magistrate hearing the complaint not less than \$10 nor more than \$50, in the discretion of the magistrate, for the first offence, and for the second offence, not less than \$20, nor more than \$100. The magistrate imposing the fine has authority to imprison the offender in the county jail in default of payment. The game keepers are to be deputized by the sheriffs of the counties of Monroe and Pike. The taxes imposed upon the corporation are not to exceed the taxes on other wild and unseated lands of the state. There are nineteen separate and elaborate sections of the act, every one relating to the preservation of game and fish and the punishment of the violators of its penal provisions; it is not necessary to further enumerate them.

Through out the entire body of the act its intent is plainly expressed; in no instance is there the least obscurity. It was the intention to provide an agreeable place of temporary residence for its stockholders and effectually prohibit any outsider from trespassing upon the 30,000 acres.

Is the subject of the act clearly expressed in the title as enjoined by the constitution? It is not necessary, as we have more than once held, that the title should be an index to the contents of the act; but we we in Re-Road in Phoenixville, 109 Pa. 49, "While it has been repeatedly said that the title of a bill need not be a complex index of its contents, it has never been doubted, that the subject of the proposed legislation must be so expressed in the title of the bill as to give notice of its purpose to members of the legislature and others specially interested." The Chief, J. Starrett, who delivered the opinion cites a large number of cases bearing directly on the question decided since the adoption of the amendment of 1864. Can it be said, in any reasonable interpretation of our numerous decisions, that this title of a private bill gave notice of its purpose to members of the legislature or to the citizens and taxpayers of Pike county who were directly interested? For while all will concede from the very nature of their duties, that members of the legislature were specially interested in the subject of the bill, very little consideration will further convince us, that residents of Pike county were also specially interested. The act set aside from all other interests

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## A COWARDLY MURDER

### COMMITTED AT THE BEVANS HOME IN SANDYSTON

Two Persons Assassinated by Some Unknown Monster While Sitting by their Fireside Early Last Friday Evening, Oct. 23.

One of the most cowardly and coldblooded murders which has ever started the citizens of this valley occurred early last Friday evening in Sandyston township, New Jersey. Victor E. Bevans, who lives on the road from Bevans to the Dingman bridge about half-way between the two places, was sitting in his house shortly after seven o'clock conversing with his wife when some one, so far unknown, fired two charges of buckshot, the first of which took effect on Mrs. Bevans' head and neck and which caused her death the same night and the other on Mr. Bevans wounding him in the nose and arm. Mr. Bevans though badly injured was able to walk to the telephone and call up a neighbor, who lived near by, and announce to him that both himself and wife were shot. The news spread rapidly, physicians were summoned and soon arrived and a large crowd from the surrounding country was soon on the ground.

Since then pursuit has been active and last Sunday two great Danes from this place were taken to the Bevans home. Tracks which appeared near the window where the assassin must have stood when he fired the shots, had been carefully guarded from being effaced and to these the Danes were taken. They circled around the house, took the scent and followed it across a meadow and through a swamp to a house some distance away and then back to the Bevans house. They could be restrained only with great difficulty and were so eager that they broke the leash with which they were held. It is this indicates anything it might implicate the party to whose house they went, but so far there is nothing beyond this to establish any guilt on his part.

### Real Estate Transfers

Jennie Rosenthal to E. T. Riviere, 141 acres, part of William Morris, No. 177, Dingman, \$1.

E. T. Riviere to Wilhelm Hildenbrand, same land, \$375.

The Edgemere Club to Conrad S. Grove, land near Silver Lake, Delaware, \$10.

G. F. Rowland, Treas., to County Commissioners, 204 acres, Milford township, assessed to Mott, Bull and Doolittle, taxes.

Commissioners to Leroy E. Kipp, same land.

Leroy E. Kipp to National Poultry Company, same land, \$2150.

William J. Shields and others to Joseph G. Shields, interest in 207 acres, Shohola, part of John Printer, \$3.

### Least, Best and Cheapest Excursion to Buffalo and Niagara Falls

The Erie Railroad now offers a golden opportunity to the people of Milford and vicinity to visit the Great Cataract of Niagara and the Queen City of the Lakes "Buffalo" at the low rate of \$3.00 for the round trip, special train leaving Port Jervis at 7.40 p. m., Saturday, October 31st, arriving Niagara early Sunday morning, November 1st.

Returning tickets will be good on the special train leaving Niagara Falls or Buffalo Sunday evening or on regular trains Monday November 2nd, allowing two full days at the Falls or Buffalo.

This will be the last cheap excursion to these points and all who can get away should improve this grand opportunity to see the old reliable "Erie" and at the same time see the wonder of the world at the low rate of fare \$3.00 for the round trip. Half fare for children. Remember the train leaves Port Jervis at 7.40 p. m. Saturday, October 31st.

### Who Make the Best

It is said that if all the dress makers known to live in America worked twenty-four hours of each day for a whole year, without stopping for sleep or meals, they would be able to make only one dress a piece for less than seven-eighths of the women of the country.

### To Cure a Cold in One Day

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

## ADDITIONAL COURT NOTES

### Sentences Imposed and a Brief Resume of Cases Tried

The following sentences were imposed by the court:

Charles Webster, who plead guilty to the larceny of a revolver and razor, \$5 fine, costs, and one month in the county jail.

William Brazier, who plead guilty to breaking into an Eric car and taking two pairs of shoes, \$5 fine, costs, and 1 year in the county jail.

Mahlon De Groat, convicted of non-support of wife and child. His wife requested the court to suspend sentence on his promise that he would support herself and child. The court accordingly suspended sentence and required the defendant to enter bail in the sum of \$100 for his appearance at December term.

George Titworth, convicted of rape on the person of Mary Brady, was sentenced to pay \$10 fine, costs, and undergo imprisonment in the Eastern penitentiary for two years and six months.

A. W. Balch, Sr., and Erastus Balch, respectively, convicted of refusing to assist in fighting forest fires were each fined \$1 and costs.

John W. Frazier vs. John C. Titman and Sarah S. Layton, Sci. Fa., to revive judgment. Defendant Mrs. Layton contended that she was only surety on the note and had given plaintiff written notice to collect same as she desired to be relieved from liability. The notice was admitted but plaintiff claimed that she subsequently asked him to wait before issuing execution. The jury found for plaintiff against both defendants for the note and interest.

A. Terwilliger vs. H. L. Cortright. After Schultz was convicted of murder, in 1897, Cortright, the then sheriff, deemed it prudent, having been directed by the court to keep the prisoner safely, to hire a watch to prevent Schultz from escaping or doing himself bodily injury. The county commissioners gave notice that they would not be responsible for the pay, but the sheriff directed the watch to remain, believing it necessary. The commissioners having persisted in their refusal to pay, Terwilliger brought suit against Cortright, and the jury decided that there being no legal liability on the part of the county, and Terwilliger having been employed by the sheriff, he was liable and accordingly rendered a verdict for \$61.

Conrod and others against H. L. Cortright. Defendant owed plaintiffs a bill, some of the items of which were disputed, and they brought suit before a justice and recovered a judgment from which defendant appealed. The parties then got together and effected a settlement and defendant alleged plaintiffs were to pay the costs of the suit and discontinue it. This was denied by plaintiffs and the jury found in their favor for the costs.

William Boeler vs. R. J. Hoffman Certiorari. The court took the papers for consideration.

Court adjourned to Nov. 5, 12 M.

### Justices Summons

Since the act of 1901 considerably more care is required in serving summons issued by a justice than previously. It has always been held that the summons must name the Great Cataract of Niagara and the Queen City of the Lakes "Buffalo" at the low rate of \$3.00 for the round trip, special train leaving Port Jervis at 7.40 p. m., Saturday, October 31st, arriving Niagara early Sunday morning, November 1st.

Returning tickets will be good on the special train leaving Niagara Falls or Buffalo Sunday evening or on regular trains Monday November 2nd, allowing two full days at the Falls or Buffalo.

This will be the last cheap excursion to these points and all who can get away should improve this grand opportunity to see the old reliable "Erie" and at the same time see the wonder of the world at the low rate of fare \$3.00 for the round trip. Half fare for children. Remember the train leaves Port Jervis at 7.40 p. m. Saturday, October 31st.

The Erie runs the last cheap excursion to Niagara Falls and Buffalo at \$3.00 for the round trip, Saturday, October 31st, special train leaving Port Jervis 7.40 p. m.

On Tuesday evening Prof. Frank H. Fox delivered a lecture on "The Mission of the Pedagogue." The discourse abounded with wit and wisdom. The professor assumes the premise that the school teacher is the real power behind the throne. That many reforms, if they be brought about, must be accomplished through the school teacher. The home is the unit. Therefore, the home training of the child is very essential, when this is neglected there is danger to the community.

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### A Love Letter

Would not interest you if you're looking for a guaranteed salve for sores, burns or piles. Otto Dodd, of Ponder, Mo., writes: "I suffered with an ugly sore for a year, but a box of Bucklen's Arnica Salve cured me. It's the best salve on earth. 50c at all druggists."

## TEACHERS' INSTITUTE

### THE TEACHERS IN ANNUAL SESSION THIS WEEK

Sixty-Six Teachers in Attendance. Dr. Geo. P. Bible, Prof. Frank S. Fox, and Prof. Frank Kohler Lectured to those Present

Propitious weather aided in bringing a large attendance to the Pike County Annual Institute which convened here Monday. Then, too, to look in the bright faces of the maidens who preside over the young ideas in the county would impress the beholder with the belief that a desire for more information on their part, a determination to better fit themselves for the important duties of the school room, and an aspiration to rise higher in their vocation inspired their presence. The male element among the teachers is largely in the minority, but those present may properly be designated as young veterans. The teachers present are:

BLOOMING GROVE  
Annie Madden, Minnie A. Thorn-ton, Loretta Augenstein, Orna Hofer.

DELAWARE  
M. Louise Kiser, Blanche Westbrook, Carrie L. Hornbeck, Nora Counterman, W. H. Layton.

DINGMAN  
D. H. Hornbeck, Dora Rochotte, Cora Strubbe, Viola Smith, Jennie McAndrew.

GREENE  
Arthur Kramer, Elizabeth Wolfe, Ida Marsch, Ethel Hooley, Charlotte Gulpin, Annie M. Kipp, Marie Honck, Emma Kreiger.

LEHMAN  
John L. Clark, Adelaide Heller, Anna C. Hartbaum, Agnes F. Ryan, Carrie Garis, Ella Whitaker.

LAOKAWAKEN  
Media Hansen, Helen B. Rowland, Lena Baschon, Kate B. Kellam, Minnie Hansen, Grace Dusks, Julia Compton, Ellen Rosecrans, Elizabeth Switzer, Mrs. J. H. Branning, Edith E. Parker, Hannah Kipp.

MILFORD  
J. C. Watson, Mabel Guinnip, Emma A. Hornbeck, Lizzie Rochotte, Jennie R. Struthers.

PALMYRA  
Lizzie Crump, Agnes Hopps, Harriet M. Decker, Ruth Hoppe.

SHOHOLA  
Phoebe A. Wells, Loretta Langon, Nora Madden, Hatie Bradford, Margaret Howe, Nellie V. Norton.

WESTFALL  
Chas. S. Honck, J. F. Molony, Minnie A. Van Akin, Sara Rowley, Margaret Prescott, Tillie Zahnacker, Mabel Walker, Angela Oros, Howard Allen, Flora Heidenthal.

After devotional exercises conducted by Rev. E. M. Smead, the Institute organized by electing Miss Minnie Van Akin and J. F. Molony vice presidents, C. S. Honck secretary and John C. Watson assistant and Howard Allen treasurer. Miss Louise Kiser was chosen pianist and has very acceptably filled that position. Dr. Geo. P. Bible occupied most of the afternoon period.

On Monday evening Prof. George P. Bible, of the National School of Oratorics, Philadelphia, Pa., gave humorous and dramatic recitals. Prof. Bible entertained his audience in his usual able manner.

The musical part of the program was furnished by Miss Myrtle Bydar who rendered several piano solos in an able manner. Mrs. Perot, with a sweetly modulated voice, sang two solos, and received generous applause.

On Tuesday evening Prof. Frank H. Fox delivered a lecture on "The Mission of the Pedagogue." The discourse abounded with wit and wisdom. The professor assumes the premise that the school teacher is the real power behind the throne. That many reforms, if they be brought about, must be accomplished through the school teacher. The home is the unit. Therefore, the home training of the child is very essential, when this is neglected there is danger to the community.

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## THE RAMBLER'S PICKINGS

### Notes Picked Up by a Rambler During the Past Week

With the influx of ladies into our town Monday also came a fortnight of winter.

Is there a law on the statute books of this or any other state which compels a man to neglect his business and work for another for nothing and board himself?

Jerry Greening was in town Monday with some game. It was a little black Pike county bear.

The old saying "In the midst of life we are in death" is brought to our minds more forcibly than ever by the tragedy enacted over in Sandyston township one week ago. It is only to be hoped that the guilty party will be apprehended. Jersey justice will do the rest.

By the decision of the Supreme court rendered in the Hazen case the Blooming Grove Park Association gets a pretty good set back.

Will Hazen has been compelled to walk with a cane the past week. Lumbago, pleurisy or rheumatism are complaints no one likes to be afflicted with.

As the road to Jersey is good now and moonlight nights are here the Milford crowd is ready to go across the river after a chicken pie supper.

Our P. M. will be glad when election is over.

Sheriff George Gregory has taken possession of his residence on Broad street.

Mrs. A. S. Dingman, Mrs. Charles Lattimore, Mrs. Wm. Mitchell, Mrs. H. Ludwig, Mrs. Anna M. Motter, Miss Mary Motter and Mrs. Thomas Armstrong attended the funeral of Mrs. Victor Bevans over in Sandyston Wednesday morning.

About all our summer visitors have returned to their city homes. There used to be quite an influx of city gents who came here to spend their money trying to shoot some game, but the new laws requiring a license and prohibiting the removal of game out of the state has stopped that.

Before another Press is issued the election will have been decided, and as usual the fellow who gets the most votes will be elected.

## OBITUARY

### FRANK FULLER

Frank died at the home of his mother in the borough, Friday evening, October 23, after a brief illness.

He was a son of the late John and Catharine Carhuff, Fuller and was born here July 23, 1872. His father was killed some years ago by being hit by a piece of iron while at work on a mill at Shohola Falls, and later a brother, William, was whirled to his death by being caught with a belt at a sawmill in this place.

Decidedly followed the occupation of painting and during the past season was employed at Bach's in Lehman. He was an honorary member of Vandermark Hose, which company attended the funeral service. The family, especially the sorrow stricken mother, will have the deepest sympathy of the community in this bereavement.

He is survived by his mother, three brothers, Ellsworth, of Boonerville; Joseph, of Ottsville, and John living with his mother. Also by three sisters, Nancy, widow of John Armstrong; Phoebe, wife of George Smith, and Maggie, all of this place.

The funeral, conducted by Rev. V. A. Wood, was held Monday afternoon and interment in Milford cemetery.

### MRS. VICTOR E. BEVANS

Mrs. Bevans, who was shot last Friday evening, survived only a brief time after receiving the wound.

She was a daughter of James and Ella Hanners, and was born in Hampton township, N. J., about 46 years ago. When ten years of age she came to reside in the family of James Bevans, father of her husband, whom she married some eight years ago.

The funeral, which was very largely attended, was held from her late home Wednesday morning.

### He Learned the Truth

It is said of John Wesley that he once said to Mistress Wesley: "Why do you tell that child the same thing over and over again?" "John Wesley, because once telling is not enough." It is for this reason that you are told again and again that Chamberlain's Cough Remedy cures colds and grip; that it counteracts any tendency of those diseases to result in pneumonia, and that it is pleasant and safe to take. For sale by Balch & Son, Matamoras, and all general stores in Pike county.

## A DEMOCRAT SPEAKS

### AN ABLE AND CANDID VIEW OF THE JUDICIAL QUESTION

Conduct of the Recent Primary in Monroe Discussed and Reasons Why the People Should Re-sent Such Methods.

To the voters of Monroe County: Born in Monroe County, though absent for many years, I have not lost interest in her welfare and reputation. This letter is inspired by what I saw and heard during the late canvass in this County, for a nominee for the sacred office of President Judge.

We are told that "party fealty" enjoins upon all true democrats to support the so-called nominee. Party fealty ordinarily is all right but there are conditions where it is not binding. What is party fealty or adherence to the rules of the party when compared with principle—with honor and honest methods? The basic principle of our government is the will of the people. Shall we preserve this dear heritage of our fathers or shall we tamely submit to the despotism of corporate greed?

Republicans have risen and fallen. We are a great people. Shall we maintain our position among the nations of the world or shall we blindly follow the course of the republics that departed from the Lord? We never violate the laws of God without in some way getting into trouble. It is sure to come sometime in some way or other. Spain once the mistress of the world now has fallen! We are moving at a rapid gait and where we shall land it is not safe to predict.

As to our national existence I believe always been optimistic and I believe the candid sober thought of the people will yet lead us to our highest destiny.

Great political reforms are "up to us." Shall we show ourselves equal to the situation and prove that we are worthy sons of our ancestors?

Mr. Stead the great editor of the Review of Reviews, in an article on Turkish cruelty in Macedonia, declares that "Hell has burst through the upper air," and because of the old world's inability calls upon the new world to "precipitate the effective intervention."

He says that John Bull cannot interfere for the blood of the Boers would cry up against him.

Can we interfere? Would not the blood of the Filipino cry up against us? Hell has not only burst through the upper air of Macedonia, but it has also burst the upper air of our political field.

How degraded, how fallen from the pure standard of our fathers! What would the honest sturdy pioneers of Monroe County say today if they could have witnessed the debating scenes of the late primary election!

I have heard it said that money was used freely throughout the county for the purpose of procuring votes, and that boys under age were led to the polls and voted.

In Middle Smithfield the spectacle was degrading and degrading. Men on their arrival at the place of voting were assaulted by a species of "catharting and bulldozing" and with the liberal use of stimulants were made to vote against the candidate of their choice. A man said in my presence that he had been offered money for his vote and another man said that his son under age had been persuaded into voting.

Whither are we drifting? Voters of Monroe and Pike Counties, what are the requisite qualifications for a man to sit upon the Bench? Ponder this question well before you vote.

The present occupant of the Bench has been tried and found faithful and competent and devoted to the interests of the County. Then why not retain him? Why change a certainty for an uncertainty?

As a judge, Mr. Erdman has shown himself impartial, non-partisan, treating all political parties with equal fairness and justice.

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### Broke Into His House

S. Le Quinn of Cavendish, Vt., was robbed of his constancy health by invasion of chronic constipation. When Dr. King's New Life Pills broke into his house, his trouble was arrested and now he is entirely cured. They're guaranteed to cure, 25c at all druggists.