Cambria Freeman.

EBENSBURG, PA.

FRIDAY, - - JULY 13, 1888.

LOCAL AND PERSONAL.

—Hay rakes at Duftons' for 10 cents.

—Our farmers are now busy getting in their hay.

—This is said to be the year for the seventeen-year locusts.

—Bargains in summer dress goods at Mrs. R. E. Jones'.

—A few hand-made McGuire cradles still for sale at Duftons.'

—A lot of remnants of embroidery at less than cost at Mrs. R. E. Jones'.

—Let us honor and respect the busy bee. Once full he makes straight for home.

—A refreshing rain on Sunday night and Monday laid the dust and freshened up vegetation.

—If you want to get a sack of the best flour manufactured go to Gurleys' and ask for Minnehaha.

—Ex-Congressman Jacob M. Campbell, of Johnstown, who has been seriously ill for some time is improving.

—Mr. E. Gregg, Jr., of the firm of Logan, Gregg & Co., hardware merchants of Pittsburg is visiting friends in this place.

—The Glorious Fourth has come and gone and the small boy with his fire-crackers will be at rest for a year to come.

—Mr. Bert Scanlan, formerly clerk in the post office in this place, has accepted a position in Johnson, Buck & Co.'s bank in this place.

—Mr. George Thomas, son of Judge Thomas, proprietor of Hotel Brunswick, in Carrolltown, paid our town a brief visit on Sunday.

—Misses May and Blanch Henry, and Mary Scanlan, who have been attending St. Xavier's college at Latrobe, returned to their homes in this place.

—A party of ladies and gentlemen of this place are camping about four miles northeast of Ebensburg. They started on last Tuesday and expect to remain until Saturday.

—A young man from Nicktown, who is probably familiar with the use of the article he pilfered, stole a bottle of morphia from the office of Dr. Kennedy in this place, on Tuesday.

—Rupture cure guaranteed by Dr. J. B. Mayer, 831 Arch St., Philadelphia, Pa. Ease at once, no operation or delay from business, attested by thousands of cures after others fail.

—It is not uncommon to find people taking off the leaves of the grape in order that the sun may color the fruit. Grapes color better under the shade of good healthy foliage then when that foliage eis removed.

—The new Jewish Orphan Asylum of Cleveland, Ohio, which cost $200,000, was dedicated on Monday. It is supported by Western Israelites and is one of the largest institutions of the kind in America.

—Two of Bedford county's distillers who were refused license by the court have taken out license from the county treasurer under the old law which permits them to sell in quantities of not less than one barrel.

—The old frame building on High street, one square west of the Blair House, in this place, owned by Mr. John Turney was torn down this week but whether to make room for a new structure or not we have not learned.

—James Long, William Barbour, Charles Howard and Henry Morgan were brought to jail on Monday last from Johnstown to serve a fifteen day's sentence for trespass in riding on the Pennsylvania railroad freight trains.

—Peter Bifalter, aged 40 years, of Mt. Pleasant, Westmoreland county, committed suicide Sunday night by shooting himself. Ill health is presumed to be the cause. He leaves a wife and two children in destitute circumstances.

—William Reese, of Bolivar, is now in his 101st year and believed to be the oldest citizen of Westmoreland county. His family is noted for its longevity, his father having attained the great age of 104 years and his grandfather 106.

—Samuel Wheelock, of Providence, advertises that he "wants to sell his wife for cash or exchange her for a good work horse," and further warrants her to be 41 years old, and "as good as the majority of church going people."

—Messrs. J. & M. P. Shater, of Somerset, Pa., are at Ebensburg with a car load of Fanning mills. They are stopping at the Central Hotel and parties wishing a mill will find their mill one of the finest chaffers and graders in the State.

—An unfurnished house of seven rooms in the east ward, Ebensburg, will be ready for occupancy and for rent by the 15th of June next, will be rented for the summer or for a term of years. For particulars apply to Henry Byrne, Ebensburg, Pa.

—We have a speedy and positive Cure for Catarrh, Diphtheria, Canker Mouth, and Headache, in Shiloh's Catarrh Remedy. A Nasal Injector free with each bottle. Use it if you desire health and sweet breath. Price 50 cents. Sold by Dr. T. J. Davison.

—P. M. Christie, of Renova, last Friday night while returning from Kettle Creek discovered that he was followed by a panther. He had no weapon with him but a hatchet, and jumping from the buggy, he uttered a terrific yell and made for the beast, when it took to the woods.

—Among the summer visitors to this place, George Harding, of Cambria, is registered at the Hotel de Peach. He is charged with adultry by Mrs. Sowers, a grass-widow of the same place, and in default of bail will spend the summer months enjoying whatever portion of the mountain breezes that find their way through the walls of that institution.

—Several months ago a horse was stolen from John Gibbons, who resides west of Ashville, Cambria county. Last Saturday Mr. Gibbons recovered the animal from Joseph Sigman, of this county, who had traded first with Joseph Conrad, who had also got possession of it through a trade. How many more times the horse may have been traded is not known. The thief has not been traced.—*Altoona Times.*

—Dangerous counterfeit $5 silver certificates are in circulation in certain localities. On the portrait of General Grant the hair is disarranged, the mole on the left side of the face and the shirt stud are missing. On the reverse the color is much lighter than the genuine, and the figure 6 in the date appears more like a cipher. The paper is much thicker and tougher, and resembles note paper.

—The next eclipse of the moon will occur on the night of July 22d, and will be more interesting than the one on January 28th last. The diameter of the earth's shadow will be much larger than the last time in proportion to the diameter of the moon, darkening its surface more totally. It will take place at midnight, when the moon will be higher in the heavens, and will be visible in this section.

—On the Fourth of July, a young man who had a little too much of the holiday "enthusiasm" on board attempted to celebrate the occasion by issuing special invitations to some of our citizens to go to where there is perpetual fire works, when Burgess Richards appeared on the scene and took a hand in the festivities and the young man was taken to the county "refrigerator" to cool off.

LAWNS AND LINEN DE INDIAS AT GABLE & CO.'S!

June is here and with it comes the warm weather of the first Summer month, and with it comes too a fine lot of beautiful Lawns and Linen de Indias which Gable & Co. have placed in their White Goods Department at 8, 10, 12½, 17, 20, 25, 28, 30, 37½ and 42c. per yard. In the Print Department you'll find some Choice Figured Lawns in black and colors, in neat dark figures on white ground and Plain Lawns in black and colors. Finest Check Nainsooks in the city from 5 to 28c. a yard.

WM. F. GABLE & CO., 1402 ELEVENTH AVENUE, ALTOONA, PENN'A.

—Mrs. E. Dufton has returned home from Erie, where she had been visiting friends and relatives.

—Miss Annie Thomas and Miss Richardson, two accomplished young ladies of Carrolltown, were visiting friends in this place on Sunday.

—Mr. J. B. Denny, of this place, on Tuesday purchased the Mountain House from Col. John P. Linton, the consideration therefor being $10,000

—The new Catholic church at Greensburg was dedicated on Sunday, Bishop Phelan, of Pittsburg, officiating. Father Otto, of Carrolltown, celebrated Mass, and Father Edward, of St. Vincent's, delivered the sermon. The church cost $23,000 and has a seating capacity of 500. It is built on what is known as Academy Hill, a commanding situation. There were eight priests in attendance at the ceremony.

—The Altoona *Times* has undertaken to raise a fund of $250, that being the amount required to enable Charles E. Myers, who is under sentence of death at Kansas City, Mo., for murder, to obtain the stenographic report of the testimony in the case in order to obtain a stay from the Supreme Court. Myers' home is in Altoona, and his parents who are poor, have spent all they had in the assistance of their unfortunate son.

—On last Monday a week while Mrs. Silas Burke, of Croyle township, was making fire at the wash place preparatory to washing, her clothes took fire, and a strong wind blowing at the time, her clothing was soon all ablaze and before it could be extinguished her clothes were entirely burned from her body, terribly burning her, from which she suffered intensely, but on Monday last was much improved and is thought will recover.

—On Saturday afternoon about 3 o'clock a frightful accident occurred at the Johnson Company's Works at Moxham. John Litz, a water carrier boy in the mill, by some means got his left arm caught in the cogs of the delivery rolls and the arm was drawn in up to the shoulder and torn from the socket. Medical attendance was promptly summoned and the boy was taken to his home on the South Side. His injuries will prove fatal.—*Johnstown Democrat.*

—The following persons can each obtain a letter by calling at the Ebensburg post office: Mr. L. D. Brown, Mr. Wm. Irvin, Mr. Adolphus Croke, Mrs. Teresa Curley, Miss Katie Condon, Mr. Alf. Miller, Mr. Clay Rodgers, Mr. Jas. W. Dunmire, Mrs. Francis Shadie, Mrs. Mary Feighner, Mr. Robert Foust, Miss Emma Shaunty, James C. Sutton, Mrs. Susie Gardner, Miss Annie M. Borkey. Persons applying for these letters will please state they were advertised.

—Rt. Rev. Bishop Tuigg has ordered all the priests of the Diocese of Pittsburgh into retreat at Loretto on Monday, July 16th. The retreat will be held at St. Francis Monastery, and will continue for two weeks. One-half the priests of the diocese will attend the first week and the remainder the second. There are about one hundred and twenty priests in the Pittsburgh Diocese, and those who were present at the first retreat last year will attend the second this year, and *vice versa.*

—A new train of vestibule cars will be put on the Pennsylvania railroad on the 15th of July, in place of the limited now running between New York and Chicago. The train will be a great improvement over the present vestibule train. It will consist of vestibule and drawing-room cars. Instead of the buffet cars now used, there will be in one of the cars a regular bar, where all sorts of liquor can be obtained and a bath-room. The new train will be much finer in every respect than the one now in use.

—On the Fourth of July Lawrence Murphy, Jr., and Matthew Connery, Jr., both of Cambria township, along with two other young men visited a shooting gallery at Gallitzin, and while Matthew Connery was carelessly handling a small 22 calibre target rifle, it was accidentally discharged, the ball entering young Murphy's right arm near the wrist, circling around the bone and coming out at the other side, making a painful though not a serious wound. It was a narrow escape and should be a warning against the careless handling of fire arms.

—Harrison Shope, a resident of Altoona, was fatally stabbed by an Italian named Roico Pasarella on the Fourth of July. Shope was considerably under the influence of liquor and his father and several other parties were trying to get him to go home. When he saw the Italian he struck him several times when the Italian drew a knife and struck, and then ran down Fourth street. The knife entered the abdomen, making a wound about three-fourths of an inch long, cutting through the flesh and into the intestines. He was taken to the Hospital where he died on Thursday afternoon. Pasarella was taken to jail at Hollidaysburg.

—On Sunday afternoon while John Kline and another gentleman from Nicktown were driving down Julian street, in this place, the horse, which was a young one, suddenly frightened opposite the residence of Geo. C. K. Zahm, Esq., and running across the street got on the pavement in front of the residence of Jas. G. Hasson, where the buckboard struck a shade tree and threw the horse. The occupants succeeded in getting out without injury and got the horse by the head, which on getting up, and finding the shafts which were broken, hanging about its heels done some tall kicking and was somewhat cut about the legs by the broken shafts, and bled profusely. The horse, however, was not seriously injured, the occupants of the vehicle escaped unhurt and the only damage done was a pair of broken shafts.

Card of Thanks.

We, the undersigned, late members of Company C, 1st Batt. 19th U. S. Infantry, hereby desire for ourselves and in behalf of the survivors of our old command, to tender our earnest and sincere thanks to those who so kindly ministered to the wants of our comrade, Sergt. John Schroth, late of Wilmore, deceased, and those who assisted in giving his remains the honorable burial his bravery and sterling character as a soldier and honesty and generosity as a man so richly entitled him to. His neighbors and friends are entitled to our lasting gratitude for their untiring attention to his every want during his long and painful illness, and the respect shown him after his death. And we can but feel grateful to Daniel T. Steinman Post No. 560 G. A. R. for the honor paid to the memory of our lamented comrade by turning out to his funeral as a Post and interring all that was mortal of him in so honorable a manner. Also the South Fork Martial Band will please accept our grateful thanks for their services on the occasion of the funeral.

GEORGE S. PAUL,
CORNELIUS HUNT,
JAMES M. SINGER.

Communication.

EBENSBURG, PA., June 30th, 1888.

In our last letter we were at Lock Haven, at 11:40 A. M., June 27th patiently waiting for the train which, unlike most excursion trains, was nearly on time. When the train stopped we got on and found a party of nearly two hundred men and women—newspaper men with their wives or daughters all bound for Erie and bent on having a good time.

The Philadelphia & Erie road follows the Susquehanna river, hugging its banks closely, the scenery having little to interest us, on one side the river, on the other side the towering hill. At Renova, Clinton county, we got a short dinner although we had an hour or more to get outside of it It either wasn't there or the management of the hotel did not have the nerve to produce it. After eating whatever was within reach and waiting hopelessly for something more, we concluded to quit and spend a little time outside. Here we found Mr. H. O. Stoltz and E. I. Schroth both former citizens of Carrolltown, the first the proprietor of a flourishing clothing store and the latter doing a fine business in the hardware trade. We were pointed out a policeman in the crowd, who we understood was a former citizen of Wilmore named Paul, but we did not get to talk to him. The conductor shouted all aboard, and we again started to climb up towards the Sinamahoning. We passed through Emporium, the county seat of Cameron; Rigway, the county seat of Elk, besides a number of smaller towns and finally brought up at Kane, McKean county, where the train stopped for about half an hour. Here we were met by a brass band and a number of the leading citizens of Kane, who were at the station to do the honors for their fast growing mountain town. A number of carriages were in waiting and the ladies in the party were treated to a delightful drive, while the male portion of the party enjoyed themselves by taking a stroll through the busy town. Everyone was pleased with the reception given by the people of Kane, and our better half, Mr. Lloyd of the *Herald* and ourself, were especially pleased to meet so many old friends and neighbors, now citizens of Kane but former residents of Ebensburg. The first man we met on alighting from the train was our old friend Lem. Davis, and every few minutes we came across a familiar face. John Griffith and wife, David Howell and wife, Mrs. William Griffith, Will. Jones, Web. Griffith, C. H. Kemp, who is again in charge of the Thompson House, Joshua Davis and wife, Web. Evans and Alfred Evans. Kane is a growing town on top of the mountain with scenery not unlike Ebensburg, with natural gas, offering special inducements for manufacturing of all kinds, and a population composed of energetic and busy people whose latch string hangs outside with a welcome to all who wish to avail themselves of the natural advantages of Kane.

After leaving Kane, and until we got to Warren, the county seat of Warren county, all along the line of the railroad, and as far back over the hills as can be seen is dotted with oil derricks, where people in search of oil ventured their money in boring holes, some to strike the greasy fluid and make them rich while others have nothing left but the hole for their investment. Natural gas is to be see blazing up here and there as we pass along, going to waste, waiting to be utilized.

From Warren, an hours ride, passing through Irvineton and Corry brought us to Erie, where the editors were met by a reception that will never be forgotten by any member of the party. Over 2000 people were at the station, and amid the glare of fire-works and the inspiring strains of music, the ladies of the party were escorted in carriages and the gentlemen formed into line under the escort of a Citizens Committee, the Local Press Club, and several military companies and marched up State street to the Reed House. The business houses all along, were tastefully decorated and illuminated and a burst of fire-works at every step made the scene one long to be remembered.

Erie is a beautiful city of about 40,000 inhabitants, with a fine harbor on the lake, wide streets and contains a number of fine buildings. It has been a slow, but steady grower, and its numerous natural advantages must in time force it to the front and make it a large and populous city.

On Wednesday, after a business meeting of the Association, held in the Reed House parlors, an excursion on the lake was on the program, and the party embarked on three fine steamers and after a short trip in the bay, landed at the Life Saving Station, where an exhibition of the means adopted for the saving of people from wrecked vessels was one of the interesting features. The party again embarked and had a delightful sail to the head of Presque Isle bay where they again landed and were conveyed in carriages to the celebrated stock farm of Hon. William L. Scott, where 1,380 acres of fine fertile land are devoted to the rearing of thoroughbred horses and cattle. Here we had the pleasure of seeing some of the finest horse stock in the country, among others the stallion Eyon D'or, which was imported by Mr. Scott from France, at a cost of $40,000. One hundred and sixty five head of horses and colts are on the farm and a fine herd of Short Horn cattle.

After our return to Erie, in the evening, a reception and dance at the Reed House was one of the pleasant features of the trip which was also participated in by a number of Erie's leading citizens and accomplished ladies.

On Thursday morning a majority of the party took advantage, despite the forbidding aspect of the weather which had settled down for an all day's rain, of an excursion to Niagara Falls, distant about 100 miles north of Erie. We were among the number, and although the pleasure of the visit was somewhat marred by the rain, we were amply repaid by a view of this wonder of the world. We will not attempt to give a description of Niagara, one of the wonderful works of nature—nor a Niagara hackman, one of the wonderful works of art, in a letter, as a better description can be found of the first in our school geographies, and the latter for cool, deliberate, extortionate charges is more surprising than the cataract. We left Niagara at half past six in the evening and arrived at Erie at eleven, having spent seven hours at the Falls.

On Friday morning Mrs. General Reed gave a reception to the party at her palatial residence which is adorned with all that wealth can furnish and taste suggest to embellish the refinement of civilization. Her collection of bric-a-brac and works of art is said to be the finest in the State, and her parlors were the wonder and admiration of the party.

The man-of-war "Michigan" which was lying in the bay was afterwards visited and an exhibition drill was given by the marines and regular soldiers.

In the afternoon, the editorial party had a drive through the city. About 50 carriages were in the procession under the escort of the Citizens Committee, and all places of interest were pointed out to the visitors. After returning from the drive we began getting ready for our return and in the evening were assigned our berths in the sleeping cars and bid farewell to Erie and its hospitable inhabitants.

On the whole the trip was one round of pleasure and enjoyment, and to the people of Erie, we in common with all the members of the Pennsylvania Editorial Association tender them our grateful and sincere thanks for the manner in which they ministered to our comfort and pleasure during our visit to Erie.

Our return was over the same route, and as it was at night, there was nothing of interest occurred, except on our reaching Kane, where the party were treated to a grand illumination by natural gas for the few minutes that the train stopped at that thriving town.

We reached Tyrone at 12 o'clock M. on Saturday, and owing to a wreck on the P. R. R. were compelled to stay there until 6 P. M., when the first train east came along which we boarded and were soon landed at Cresson, to find that the train had pulled out for Ebensburg an hour before our arrival. We reached home, however, the same evening by a carriage ride from Cresson and were glad to settle down to our routine life once again. J. G. H.

Teachers' Examinations.

Prof. J. W. Leech, Superintendent of Public Schools of Cambria county, has fixed upon the following places and dates for the examination of teachers:

Ebensburg, July 14th; East Conemaugh, July 16th; Millville, July 17th; Franklin, July 18th; Coopersdale, July 19th; Cambria City, July 20th; Morrellville, July 21st; Stoneycreek, at Walnut Grove, July 24th; Grubbtown and Upper Yoder, at Grubbtown, July 25th; Conemaugh township, at Cover's, July 26th; Adams, at Adamsburg, July 27th; Richland at Blough's, July 28th; Jackson, at Fairview, July 30th; West Taylor, at Rosedale, July 31st; East Taylor, at Headrick's, August 1st; South Fork, August 2d; Croyle at Summerhill, August 3d; Summerhill and Wilmore, at Wilmore, August 4th; Cambria, at Ebensburg, August 6th; Allegheny and Loretto, at Loretto, August 7th; Gallitzin and Gallitzin township, at Gallitzin, August 8th; Washington and Lilly, at Lilly's, August 9th; Portage, at Portage, August 10th; Munster, at Glass', August 11th; Chest Springs, August 13th; White, at Fiske, August 14th; Reade, at Glasgow, August 15th; Chest, at St. Lawrence, August 16th; Elder, at St. Boniface, August 17th; Susquehanna, at Westover's, August 18th; Blacklick, at Belsano, August 21st; Barr, at Nicktown, August 22d; Carroll and Carrolltown, at Carrolltown, August 23d; Clearfield, Dean, and Ashville, at St. Augustine, September 1st.

Examination for pofessional cirtificates at Ebensburg, July 12th and 13th.

Change of Management.

At a special meeting of the board of directors of Cresson and Clearfield railroad company held at the office of the company at Pittsburg, July 4, the president, Jas. S. Attenburg, and vice president John H. Boyts, with the entire old board, except A. S. Morrow and Chas. E. Pugh, resigned. The board was reorganized with the following directors: A. S. Morrow, Hollidaysburg, president; Jas. Condron, Hollidaysburg; Wm. P. Smith, Hollidaysburg; Martin Bell, Jr., Hollidaysburg; P. W. Snyder, Hollidaysburg; Geo. T. Bliss, New York; Andrew G. Agnew, New York; Joseph M. Deul, New York; Jacob Rubino, New York; G. Lindenthal, Pittsburg; Chas. E. Pugh, Philadelphia; W. P. Rathbone, New Jersey.

H. A. Gardner, of this place, was elected secretary and treasurer; W. P. Rathbone was appointed manager. It is the intention to establish the general office of the company hereafter at Cresson and to abolish the Pittsburg office.

Knights of the Golden Eagle.

The following are the officers of Beulah Castle, No. 248 of Ebensburg, Pa., for the ensuing six months' term:

Past Chief, S. W. Davis; Noble Chief, T. M. Jones; Vice Chief, Hosea Evans; High Priest, Rev. George Hill; Venerable Hermit, F. C. Lloyd; Master of Records, S. J. Humphreys; Clerk of Exhequer, Fes Lloyd; Keeper of Exchequer, Carl Rivinlus; Sir Herald, Thomas D. Evans; Worthy Bard, D. L. Owens; Worthy Chamberlain, John D. Evans; Ensign, E. J. Mower; Esquire; W. S. Huntley; First Guardsman, E. L. Evans; Second Guardsman, John Clement; Trustees, F. C. Jones, Jas. D. Snyder, T. J. Davinson; Representative to the Grand Castle, C. T. Roberts. The membership is 57.

MARRIAGE LICENSES ISSUED.

The following marriage licenses were issued by the Clerk of the Orphans' Court for the two weeks ending Wednesday, July 11, 1888:

George McIntire, Upper Yoder and Kate J. Donemeyer, Johnstown.

Samuel T. Blough and Sophia Sarlouis, Johnstown.

Leroy C. Temple, Millville and Viola Schade, Johnstown.

David T. Cartwright and Emma J. Stutzman, Coopersdale.

William S. Humphreys and Annie Goodwin, Johnstown.

William L. Wehn, Johnstown and Laura Toobey, Conemaugh.

Lewis B. Leiper and Della Laura Donmyer, Adams township.

John T. King and Sadie Costlow, Richland township.

Henry Stug and Mary Roth, Johnstown.

Simon M. Bumgardner and Melvina E. Varner, South Fork.

Ben. F. Horner and Martha L. Bowman, Johnstown.

George Kauma, Brownstown and Mary Pfarr, Cambria.

Patrick McCall and Mary Schoeft, Summerhill.

John Westover, Susquehanna township and Tina Kirkpatrick, Carroll township.

William Kellinger, Gallitzin and Margaret E. McCloskey, Tunnelhill.

Samuel L. Gallagher and Sarah Ann Gates, Reade township.

Wm. Hildebrand and Alice Seibert, South Fork.

Died.

DOUGHERTY.—Died at the residence of his brother, Edward Dougherty, in Ebensburg, on Monday, July 9th, 1888, Mr. John B. Dougherty, aged about 60 ypars.

The deceased was born in Ebeusburg, and with the exception of a few years that he worked in Philadelphia, resided here all his life. He was a printer by trade, and a good one, but being greatly afflicted by asthma for a number of years, he worked but little at the case. He was a good-hearted, kind and generous man who never wished harm to anyone, and we hope he has gone to eternal rest.

The Burgess on a Back Seat.

On Monday of last week Judge Johnston filed his opinion in the Ebensburg borough case. It will be remembered that at the first meeting of the newly elected town council in April last, there being three Democrats and three Republicans on the board, the Democrats took the position that the Burgess was not a member of the board and had no vote while Burgess Richards and the Republican members maintained that the Burgess had a right to preside and in the case of a tie to cast the deciding vote. The Democratic members of the council, Fergus C. Lloyd, Daniel McGough and M. D. Kittell, Esq., were the plaintiffs in the case. Below we give Judge Johnston's opinion.

OPINION OF THE COURT.

The plaintiffs, members of the Town Council of the borough of Ebensburg, seek to restrain the Burgess of the said borough, T. Mason Richards, Esq., from sitting and voting, and otherwise intermeddling in the official sessions of the Town Council. They allege that subsequently to the act of January 15, 1825, "by proceedings in Court, all the rights and privileges of the act of Assembly of April 3, 1851, known as the General Borough Law, were extended to said borough," and that under said law the Burgess is not a member of Council, nor permitted to participate in their deliberations.

The defendant, in his answer, denies:

1. That the borough of Ebensburg has ever adopted the provisions of the act of 1851, in accordance with the terms of that act; and

2. That the provisions of said act deny to him the privilege or right of a member of Council.

I shall address myself to these two questions.

While the respondent denies in his answer that the Court of Quarter Sessions, by any proceeding, ever authorized or decreed the adoption of the act of 1851, and authorized by the act, section 33, the plaintiffs have furnished no record of said court touching the question of such adoption. Indeed, it seems to be admitted by all parties that the records of the Quarter Sessions contain no entry upon the subject. In fault of such record, the plaintiff has undertaken to show the fact by evidence *aliunde*. For this purpose he has, through an ex-examiner, called upon the Burgess of 1857-8, and also produced the minute-book of the borough, to show that such decree was adopted by the Court, entered upon the minute-book of the borough, and has governed the corporation from that time till the present.

The testimony of the Burgess (Mr. Myers), under exception of defendants' counsel, was to this effect: "I know we petitioned the Court, and got some authority from the Court; can't recollect how; on that strength we went on and surveyed and extended the borough; we then proceeded to exercise our authority over the borough as extended; then, in the first year of me being Burgess, Thomas Moore discovered something wrong about the extension of the borough, and he filed objections in court; I was held over as Burgess for another year, until it would be settled, and the Court decided it was all right; after that I heard nothing more about it." The cross-examination does not materially affect the foregoing.

The minute-book of the Town Council of the borough of Ebensburg is introduced, under objection: From these minutes I find that "January 13, 1857, Council met and organized. Burgess, James Myers. Council, Richard Tibbott, John Lloyd, David James, John Hughes, and L. Hoover. On motion of Councilman John Lloyd, seconded by Councilman Hughes, the petition of the inhabitants adjoining and having lots and outlots adjoining the borough, requesting to be annexed thereto, was received. Councilman Hoover only dissenting, the ordinance thereto being transcribed in the ordinance-book."

"March 4th. At a meeting held March 4, 1857. Present—Burgess, James Myers; John D. Hughes, Richard Tibbott, Lewis Hoover. The following resolution was passed: Resolved by the Burgess and Town Council of the borough of Ebensburg, that the Burgess be hereby directed to apply to the Court of Quarter Sessions of the Peace of Cambria county to have the provisions of the act of Assembly, 'An act entitled an act regulating boroughs,' approved by the 3d day of April, 1851, extended to the said borough of Ebensburg.

"1857. Decree of the Court of Quarter Sessions of Cambria county: Now, to wit, March 9, 1857, it is ordered and decreed, that the said borough of Ebensburg shall hereafter be subject to the restriction and possess the power and privileges granted by the act of Assembly of 1851, entitled 'An act regulating boroughs,' passed the 3d day of April, 1851, and the charter of said borough, so far as inconsistant with said act, be repealed. BY THE COURT."

A copy of the above decree is filed among the archives of the borough.

Attest: JAMES C. NOON, Clerk.

"March 17th. Council met. Present—Burgess James Myers. Council—D. J. Jones, Lewis Hoover, R. J. Tibbott, and John D. Hughes. On motion of Lewis Hoover, the ordinance passed January 13, 1857, annexing outlots of the borough, be and the same is hereby repealed. Carried unanimously. On motion of John D. Hughes, a petition asking that the borough limits be extended, be received and that the borough extended according to the desire of said petitioners and the ordinance relating thereto was directed to be transcribed in the ordinance book and published."

The plaintiff has furnished me with the ordinance book, which corroborates the above and perhaps gives additional light as to the present boundaries of the borough.

The defendant's counsel earnestly contend these entries in the minute book cannot make a record, and that it requires a production of some evidence from the records of the Quarter Sessions to establish the decree adopting the Act of 1851. We agree that this testimony will not of itself prove the record. But I think this evidence may raise a presumption, the evidence showing the extension.

On the 25th January, 1825, the borough of Ebensburg was erected by act of Assembly, under the corporate name of "The Burgess and Town Council of the borough of Ebensburg." (See P. L. 354, under the act of 1821, section 22.) The name under which the borough has sued and been sued since 1857 is "The borough of Ebensburg."

The extent of the borough under the act of 1825, is between Horner and Ogle streets on the north and south, and Hogan alley and Spruce alley on the east and west. Since 1857 the population annexed by the Town Council extends in each direction from the former limits increasing the area of the borough and its population perhaps one-third of its original dimensions.

I have not been advised of any other possible means by which the borough can properly now exists and has existed for the last thirty years, under the provisions of the act of 1851.

From the date of the minutes of Council, it would appear that the court was in session at the same time the Council sat. That the petition and decree had been prepared, the "By the Court" endorsement obtained, and the paper taken back to Council. Ordinarily before any record had been made. Of course this rests in conjecture.

But having acted ostensibly under this authority and continued so to act, with the entire acquiescence of the constituted authorities and the inhabitants of the borough for upwards of thirty years, the defendant cannot complain of the absence of the record of the Quarter Sessions.

After a period of thirty years acquiescence the legal presumption arises that all was rightly done. If I am right, my ruling may save the Borough of Ebensburg much future trouble in regard to taxation, bonds, etc., and preserve the borough in its present integrity.

But assuming that the Borough of Ebensburg is within the provisions of the act of 1851, is the Burgess a member of Council? This must depend entirely on the construction of that Act of Assembly. In our earlier legislation each borough was a law unto itself. Each community desiring a borough procured a charter of incorporation for itself from the Legislature. This became its own municipal law. The act of 1834 was the first general law which I have noticed. In 1851 it was supplanted by the act of April 3d of that year. This act bears the impression of careful preparation, and is much more extensive in its provisions than its predecessor of 1834. The draftsman seemed to carry the idea of National and State government into municipal affairs, and separate the legislative from the executive power.

It plainly and specifically sets out the duties of the Burgess, and, notwithstanding the eighth section of the Act of 1834 was before the Legislature, it was dropped out. The inference is plain that what was done was intended. The third clause in the sixth section is also significant as to the duties of the Burgess. This question has not reached the Supreme Court. It has, however, received the construction claimed by the plaintiff in Commonwealth ex. rel. Shipp et al. vs. Kepner, 10 Philad'a Rep. 510 (1873), Pershing, J., and Loomis vs. Wilkesbarre, 6 L. Reg., 150. The editor of *Brightly's Purdon* indicates the same view, by leaving the eighth section of Act of 1851 out of Digest.

Per Contra, Judge Butler, in Leg. Int., Vol. 34, p. 213, holds that the Burgess is a member of Council, notwithstanding Act of 1851. This case was decided in 1875, but does not refer to Judge Pershing's opinion. See Price vs. Beale.

It is strange that this question has not reached our highest court. Until it does we feel safe in following the weight of authority as it accords with our own judgment. And now, July 2, 1888, this case having been fully argued upon the 9th day of June, 1888, by counsel for plaintiff and defendant, and thereupon, upon consideration thereof, it was ordered adjudged and decreed as follows, viz: That the said defendant, T. Mason Richards, Burgess of the Borough of Ebensburg, be restrained and enjoined from presiding at the meetings of Council of said borough, and from interfering in their deliberations by voting or attempting to vote at such meetings; and that he, the said T. Mason Richards, do pay the costs.

By the Court.

R. L. JOHNSTON, President Judge.

Bucklen's Arnica Salve.

The best salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns and all Skin Eruptions, and positively cure Piles or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by E. J ames and W. W. McAteer, Loretto.

—If you want a contented and happy family buy Minnehaha flour and you will always have good bread.

I Was

Troubled with chronic catarrh and gathering in my head, was very deaf at times, had discharges from my ears, and was unable to breathe through by nose. Before the second bottle of Ely's Cream Balm was exhausted I was cured, and to-day enjoy sound health.—C. J. Corbin, Field Manager Philadelphia Publishing House, Pa.

I am on my second bottle of Ely's Cream Balm, being a sufferer from catarrh since I was a child, but with this medicine I am being cured.—Wm. L. Dayton, Brooklyn.

FOR SALE.—The undersigned will sell at a big bargain and on easy terms one Six-Horse Power Springfield Engine and Thresher, as good as new. Call on or address, J. W. Sharbaugh or Thomas Switzler, Carrolltown, Pa.
June 29, 1888.-3t

NOTICE TO STOCKHOLDERS.—The annual meeting of the Stockholders of the Cresson Springs company will be held at the Mountain House, Cresson, Pa., on Tuesday, August 7th, 1888, at 9 o'clock, A. M. Election for president and directors same day and place.
JAMES R. McCLURE,
Cresson, July 13, 1888.-3t. Secretary.

EXECUTOR'S NOTICE.—Whereas, letters testamentary to the estate of Catharine McAteer, late of Washington township, deceased, have been granted to the subscriber, all persons indebted to the said estate are requested to make immediate payment and those having claims or demands against the estate of the decedent will make known the same without delay. F. M. GEORGE, Executor.

ADMINISTRATRIX' NOTICE.—Letters of administration on the estate of Basil Bender, deceased, late of Washington township, Cambria county, Pa., having been granted to the undersigned, all persons indebted to said estate are requested to make immediate payment and those having claims or demands against the estate of the decedent will make known the same without delay, and those having claims against the same will present them, properly authenticated for settlement to
TERESA BENDER,
Adm'x of Basil Bender, deceased.
Hemlock, Pa., June 22, '88.-6t.

ASSIGNEE'S NOTICE.—Notice is hereby given that John H. Fiske and Mary his wife, of White Township, Cambria County, have made an assignment of all the estate, real and personal, of the said John H. Fiske to me in trust for the benefit of his creditors. All persons indebted to the said John H. Fiske are hereby notified to make payment to me without delay, and those having claims against him will present them to me properly authenticated for settlement. M. D. KITTELL,
Assignee of John H. Fiske, et ux.
Ebensburg, Pa., June 8, 1888.-6t.

ADMINISTRATOR'S NOTICE.—Estate of Joseph Noel, deceased. Notice is hereby given that letters of administration of the estate of Joseph Noel, late of Munster township, county of Cambria, deceased, having been granted to the undersigned. All persons indebted to said estate are hereby notified to make payment without delay, and those having claims will present them, properly authenticated for settlement, to
JOHN J. NOEL, Adm'r.
Munster, Pa., June 1, 1888.-6t.

ADMINISTRATRIX' NOTICE.—Estate of Peter Flick, deceased. Letters of administration upon the estate of Peter Flick, late of Portage township, Cambria county, deceased, having been granted to the undersigned, by the Register of said county, those indebted to said estate are requested to make immediate payment and those having claims against the same are requested to present them properly authenticated for settlement.
CHRISTINA FLICK, Adm's,
Portage, June 1, 1888-6t.

AUDITOR'S NOTICE.—The undersigned auditor appointed by the Orphan's Court of Cambria county, to hear and decide upon the exceptions filed to the first and partial account of William Warner, surviving administrator of John Warner, deceased, hereby give notice that he will sit at his office in the borough of Ebensburg, on Monday, the 6th day of August, 1888, at 10 o'clock A. M., to discharge the duties of his appointment at which time and place all persons interested may attend.
DONALD E. DUFTON,
Ebensburg, Pa., June 29, 1888. Auditor.

AUDITOR'S NOTICE.—Having been appointed auditor by the Orphans' Court of Cambria county, to distribute the fund in the hands of Samuel Reed, executor of Ann E. Bracken, deceased, as shown by his first and final account, to and amongst the persons legally entitled thereto. Notice is hereby given to all parties interested, that I will attend to the duties of said appointment at my office in the borough of Ebensburg, Pa., on Thursday, August 9th, 1888, at 2 o'clock P. M. when and where all parties interested may attend if they see proper. E. G. KERR,
July 13, 1888.-3t. Auditor.

AUDITOR'S NOTICE.—Having been appointed auditor by the Court of Common Pleas of Cambria county, Pa., to distribute the funds in the hands of Joseph Tomlinson, committee of John Noughan, a lunatic as shown by his first and final account, to and amongst the persons legally entitled thereto, notice is hereby given to all parties interested that I will attend to the duties of said appointment at my office in the borough of Ebensburg, Pa., on Saturday, August 7th, 1888, at 2 o'clock P. M., when and where all parties interested may attend if they see proper.
E. G. KERR,
July 13, 1888.-3t. Auditor.

FOR SALE.—The subscriber will sell at private sale a water power saw mill with from one to five acres of ground situated in Elder township, Cambria county, Pa. The mill has a 16 feet over shot wheel, a circular saw, is in good condition and is located about one-half mile from the new town of Hastings, on the Brubaker railroad, and within a quarter of a mile of the railroad and a branch of the railroad is located running within five rods of the mill. The mill is furnished with a fine lot of timber, yet to cut. For a good investment, this is a rare opportunity Call on or address the subscriber on the premises.
SEBASTIAN HOLTZ.
Elder township, April 27, 1888.—3m.

AUDITOR'S NOTICE.—In the Orphan's Court of Cambria County. In the matter of the proceedings in partition in the estate of John E Evans, deceased.

The undersigned auditor appointed by said Court to ascertain whether there are any liens or encumbrances on the real estate affecting the interest of the parties, also to ascertain advancements and make distribution among the heirs and parties in interest hereby give notice that he will sit at his office in the borough of Ebensburg, on Wednesday the 1st day of August, 1888, at 10 o'clock A. M., for the purpose of discharging the duties of his appointment at which time and place all persons interested shall attend or be forever debarred. DONALD E. DUFTON,
Ebensburg, Pa., June 29, 1888. Auditor.

VALUABLE FARM AT PRIVATE SALE.—The undersigned will sell their farm, situated in Allegheny township, adjoining lands of D. A. McGough, A. J. Seil