

NOT SETTLED

Court Did Not Decide Question of Whether County Shall Pay Primary Election Expenses.

It seems from the statement of the attorneys in the mandamus case against Auditor Oberlin that the question is not yet settled, and that the court did not order the auditor to pay the Alliance Publishing company's claim, but only overruled the demurrer filed to the petition, which upon the auditor filing his answer to the allegations of the plaintiffs' petition makes the issue between the parties and is heard and determined by the court upon the proof submitted. The present term of the circuit court having adjourned the case cannot be heard upon its merits until the February term.

Chief Deputy McGregor of the election board stated when asked yesterday as to who would pay the expenses of the primaries to be held today, "the board don't know."

Auditor Oberlin states he will not issue a warrant because the court did not order him to do so, according to the advice of Attorney Sterling, his counsel.

Attorney Pomerene, of counsel for the petitioner, stated Friday that inasmuch as the present term of circuit court was so short, the hearing of the case on its merits will necessarily have to be postponed until the February term.

WANTS WILL SET ASIDE

Anna E. Zandt filed a petition in common pleas court yesterday against Myron H. Roberts, Eva Cronkhite, Herbert Cronkhite, Mary Nause and Jesse B. Miller, as executor of the last will and testament of Emma Pierce Roberts, claiming that she is the only and legally adopted child of Emma Pierce Roberts, who died on the 16th day of September, 1906.

She claims that on the 1st day of October, 1906, a certain paper writing purporting to be the last will and testament of Emma Pierce Roberts, dated November 17, 1904, was filed in probate court, by the terms of which instrument the defendants are named as legatees and devisees.

The plaintiff claims the paper filed in the probate court is not the last will and testament of Emma Pierce Roberts. She prays that an issue be made up as to whether the paper so filed is the last will and testament and that the same be set aside. Craine and Snyder, attorneys for plaintiff.

SMALL JUDGMENT

The jury in the case of Nick Huberty against Andy Dangelosen after a deliberation of several hours returned a verdict Friday afternoon at about 5 o'clock. The plaintiff sued the defendant for \$1000 damages claimed by him for being wrongfully prosecuted upon a charge of hunting rabbits with a ferret. The jury was of the opinion that his wounded feelings, if any, could be relieved for about \$15 and accordingly presented him with a verdict of that amount.

THE CIRCUIT COURT

Friday afternoon the circuit court handed down decisions in the cases heard during the week and adjourned the term. Written opinions will be filed later the court only briefly announcing its finding in the following cases:

Thomas F. Williams against Aetna Fire association's receiver. Judgment of the common pleas court reversed because of finding and judgment being against the manifest weight of the evidence and contrary to law. Cause remanded for new trial.

Milton Harding against Daniel Ahern. Petition in error dismissed because it was prematurely brought.

Jonathan F. Holben against W. H. Burgner, as guardian. Judgment of the common pleas court affirmed; cause remanded for execution.

Frank Stevens against State of Ohio. Judgment of common pleas court affirmed, with costs.

City of Canton against Joseph George. Affirmed with costs without penalty. Case remanded. This is the action wherein George recovered a judgment against the city of \$450 for work done on Linden avenue. Attorney P. J. Collins represented the defendant and City Solicitor Day represented the city.

Henry C. Long against Margaret Jones et al. Motion sustained, service quashed as to Margaret Jones.

State of Ohio ex rel Review Publishing company against M. W. Oberlin, auditor. Demurrer overruled and leave to file answer instanter given.

NEW DIVORCE CASES

Dora M. Moore yesterday filed an amended petition in her divorce action commenced in common pleas court against her husband, Robert Moore, wherein she says she was married on

the 23rd day of December, 1903, and that she has at all times conducted herself towards her husband as a faithful and obedient wife.

She claims her husband in disregard of his marital duties towards her has been guilty of extreme cruelty, without any cause or provocation on her part. She says he threatened to shoot her a number of times. She also charges that her husband during the year of 1904 habitually visited the Garden Theatre and consorted with other women and girls at that resort. She alleges that he has committed adultery at various times.

The prayer of the petition asks that she be decreed reasonable alimony and that she be given the custody of their one year old child. Craine and Snyder, attorneys for plaintiff.

WILLFUL ABSENCE.

James E. Rolin filed his petition in common pleas court yesterday against his wife, Josephine L. Rolin, averring that he was married to his wife on the 3rd day of October, 1900, and that no children were born of their union. He says his wife has been willfully absent for more than three years last past and wholly disregards her marital duties.

He asks the court upon the final hearing of his case to set aside the marriage contract existing between him and his wife. Willison and Day, of Massillon, attorneys for plaintiff.

GREENTOWN.

Greentown, Oct. 4.—Carrie and Belle Defenderfer went to New Berlin last night on business.

Hiram Weaver, north of town, is down with typhoid fever. James Wymer is still confined to his bed with the same disease.

The news of the death of Mrs. Dr. J. B. Dougherty at New Berlin came as a shock to their many friends here.

Rev. E. E. Sparks loaded his household goods on the B. & O. yesterday. He will be located at Windham, O.

The new minister, Rev. W. M. Kinsly, unloaded his goods from the same car, and is now ready to expound the Gospel to the people of Greentown, Uniontown and vicinity.

The trustees of Lake township have deposited the township funds at the Central Savings Bank, at Canton at 3 per cent.

George N. Wise is the largest potato grower in this vicinity. He expects to get between 5,000 and 6,000 bushels.

Miss F. H. Harmon is on the sick list.

A. P. Shanafelt is also ill with a bilious attack.

NEW ALEXANDER.

New Alexander, Oct. 3.—Several of our young people attended the Harvest Home services at the Lutheran church at North Georgetown Sunday evening.

Mrs. Elizabeth Knight was the guest of her brother, John L. Hine, of near New Chambersburg, several days last week.

Mr. and Mrs. Will Woolf entertained a party of young people Sunday in honor of their daughter Eliza's 17th birthday.

Joseph Ward and family, of Massillon, are moving to our village.

Mrs. Louisa Whiteleather left Thursday for Augusta, where she will be the guest of her daughter, Mrs. George Leatherberry, the coming winter.

Master Howard Snelvel, of Cleveland, is the guest of relatives in our vicinity.

Mrs. Fred Glass and daughter, Verda, were Minerva callers Saturday.

School commences next Monday with Roy B. Sanor as teacher.

Frank Conser returned home Monday after several days' visit with his daughter, Mrs. John Snelvel, of Cleveland.

Fred Buri and Lester Glass were to Alliance Monday night.

Lynson Sanor was to East Rochester Monday on business.

Charles Kennedy, of Bayard, called on Mr. and Mrs. George Reamer Sunday evening.

Miss Nancy Zepernich and brother Earl, of Sebring, were the guests of friends and relatives in our vicinity several days last week.

Mrs. George Reamer and daughter were East Rochester callers Thursday.

Miss Bertha Yeagley was to Minerva Friday on business.

Andrew Knight and family are moving to near Specht.

John Reamer was to North Georgetown Saturday.

Miss Myrtle Kennedy, of Bayard, is visiting in our vicinity.

Mr. and Mrs. Jacob Temple have returned home after several days' visit with friends and relatives in East Liverpool.

Lester Glass and Joseph Kennedy called in East Rochester Friday evening.

Mr. and Mrs. John Reamer and son spent Sunday with Mr. and Mrs. George Reamer.

Tampered With Minutes.

Akron, O., Oct. 5.—There was an uproar in the Federation of Labor state convention today when it was discovered that the minutes had been tampered with and a resolution inserted condemning the brewery workers for alleged friendliness for the Industrial Workers of the World, the Debs organization. The resolution demanded that they renew their allegiance to the federation. The resolution was stricken from the minutes and the incident closed.

AKRON HIGH

Defeated Canton High School 5 to 0—"Bill" Laub Coaching Summit County Boys.

Akron, O., Oct. 5.—The Akron High school football team defeated the Canton High school team here this afternoon by the score of 5 to 0. It was a good fast game, both sides putting up a good exhibition throughout. In the second half the ball was in the center of the field all the time, neither of the teams being able to gain on the other. Stevenson, playing right end for Canton, put up a snappy game. The Akron team is being coached by "Bill" Laub, the local lawyer, who coached and captained last year's Canton football team, who were defeated by the Massillon Tigers. Laub has been working his men hard and secured a well earned victory.

LINE-UP AND SUMMARY.

Canton—0	Pos.	Akron—5.
	Left End.	
Kahler	.....	Brouse
	Left Tackle.	
Eynon	.....	Windigler
	Left Guard.	
Newlon	.....	Hillbush, Reese, Miller
	Center.	
Langabaugh	.....	Kingsbury
	Right Guard.	
Wagner	.....	Koebler
	Right Tackle.	
McGregor	.....	Fuchs
	Right End.	
McCoy, Stevenson	.....	Adams
	Quarterback.	
Copthorne	.....	Kratz, Maranville
	Left Halfback.	
Gibson	.....	Chapman, Read
	Right Halfback.	
Clarke (C.)	.....	Ranney
	Fullback.	
Hershey	.....	Belden
	Touchdown—Fuchs. Score at end of first half—Akron 5, Canton 0. Time of halves—22 and 20 minutes. Referee and umpire, alternating—Laub, of Akron, and Bowman, of Canton. Head linesman—Albright. Timers—Myers and Jackson.	

NEW CHAMBERSBURG.

New Chambersburg, Oct. 4.—Mrs. Eliza Glass is ill with pneumonia. Mrs. Edward King and sister, Celestia Klein, made a trip to Salem Monday.

Mr. and Mrs. James Reed are slowly improving.

Albert Ruff and family, Erma Ruff and brother, Harry, and Albert Smith spent Sunday with Jefferson Milbourn's.

Frank Hingle and John Reed made a trip to Sebring Tuesday.

John and Lester Pieren made a trip to Rochester Tuesday.

Mrs. John B. Helm has been very poorly again. Dr. Cress was called to her bedside.

Rumors say Henry Weaver has rented the Gottfried Burger farm and will move there as soon as the house is vacated.

Stanley Reed and brother David made a trip to Harvey Kelly's Tuesday.

Frank Heim made a call to Rochester Tuesday.

William Paxton of Ravenna, was in our village Saturday.

SPARTA.

Sparta, Oct. 4.—Rev. Keyser's father and mother called on him Tuesday afternoon to spend a day or two with him.

Mrs. Ella Stands, of Navarre, is visiting her mother Mrs. Carnahan, at this place.

Jacob Smith and wife, of near Bollivar, were in our village Tuesday forenoon.

James Hoobler is overhauling a house on his son-in-law, Mr. Uhl's farm, in which he expects to move his family soon, and will work on the farm.

Miss Nellie Rice and Miss Emma Hownestine spent Tuesday in Canton.

Mrs. O. E. Smith of Canal Dover, a former resident of this place, spent several days here the past week.

Oliver Brown and niece, of Pennsylvania, spent several days last week with his nephew, I. E. Brown of this place.

Samuel S. Stands has taken the position of night clerk at the St. Edwards Hotel at Canton.

I. E. Brown's sister, Mrs. Siffert, called on him Sunday.

Wick Sinclair is having his house plastered, Henry Rowie, of Battlesburg, having the contract.

Mrs. Sadie Smith who has been ill for several days, is convalescing.

Prof. I. W. Little has purchased the Henry Evans property.

Girl Drowned in River.

Stockbridge, Mass., Oct. 5.—Miss Anna Frances Wilson, younger daughter of Dr. Benjamin B. Wilson, of Philadelphia, was drowned in the Housatonic river here. She had been out rowing and while pulling up her boat lost her balance and fell overboard. Before help could arrive, she was drowned. Dr. Wilson is a retired physician. He is 70 years old, and is crazed with grief tonight, being under a doctor's care.

BAYARD.

Bayard, Oct. 3.—Mrs. Karl Crew and children, of Alliance, is spending a few days with her parents, Mr. and Mrs. Asa Pim.

Benjamin Walter and wife were entertained by the latter's brother, Tom Casselman, of Alliance, Sunday.

Mr. Duncan, of Iowa, returned home Saturday after a month's stay with his sister, Mrs. N. B. DeFord.

Mrs. Nancy Miller was the guests of her niece, Miss Emma Messemote, of Bunker Hill, Sunday.

J. M. Kennedy attended a surprise on Mrs. Milborne, of Chambersburg, Sunday.

Mr. and Mrs. Smith Keith, of Robertsville, visited at the home of the latter's parents, Mr. and Mrs. B. Walters, Sunday.

Roy Elliott, of Bedford, was entertained by his parents, Mr. and Mrs. J. W. Elliott, Sunday.

Corwin Ray and Miss Mary Emons, of East Rochester, were married at the home of Rev. Fowler, of Minerva, Thursday evening at 8 o'clock.

Mrs. T. L. Whitacre died Thursday morning at 5 o'clock, after an illness of several months with cancer. The funeral services were conducted by Rev. Fowler, of Minerva, Interment at Zion Saturday.

Mrs. J. B. Kennedy and daughter Myrtle, were entertained by George Kennedy, of Specht, Sunday.

Mrs. Rachael Shively, of Bunker Hill; B. T. Shreve and mother, Mrs. Elizabeth Chambers, visited Mrs. J. W. Elliott, Sunday afternoon.

Miss Minnie Ramser of Alliance, has been visiting her parents, Mr. and Mrs. N. Ramser.

C. F. Kennedy has resigned his position and will return to his school duties Monday.

Frank Neushutz, of Alliance, were entertained by Mr. and Mrs. Ramser last week.

J. M. Kennedy, Mrs. Hattie Hines and Mrs. James Kennedy were entertained by Mr. and Mrs. Hines, of Muddy Fork, Tuesday.

Hull Clinton, of Chicago, visited at the home of this sister, Mrs. F. L. Whitacre, last week.

Garfield Walters and family were entertained by his sister, Mrs. Smith Keith, of Robertsville, Sunday.

Miss Myrtle Kennedy spent Monday and Tuesday with her cousin, Mrs. George Reamer, of Alexander.

Mrs. Balet and Mrs. King, of Hanover, visited her daughter, Miss Rosa Balet, Saturday.

McKinley Hines, of Muddy Fork, spent Saturday with his grandmother, Mrs. John Hines.

PARIS.

Paris, O., Oct. 4.—Mr. and Mrs. R. H. Shearer and son, Donald, and Mr. and Mrs. James Shearer spent Sunday with Lewis Shearer's.

Mrs. Johnson has returned home from the hospital at Cleveland very much improved.

Mr. and Mrs. C. Seifert are visiting relatives at Alliance.

Mr. and Mrs. I. Foltz, Mr. and Mrs. William Motts and daughter, E. M. Hahn and wife, Mr. and Mrs. H. E. Steir and son called at the home of John Lentz Sunday.

Miss Esther Booth called on Miss Ethel Sponseller Sunday.

Howard Conrad and daughter, Beulah, were the guests of the former's parents, Sunday.

T. Sheatsley has purchased the hay baler from Bowman Bros.

S. O. Hockenberger, wife and son, spent Monday at William Harsn's.

Mrs. Jacob Helm is making her home with her brother, T. Sheatsley.

Wesley Bates has rented the A. J. Barr farm for the ensuing year.

Harley Haines and James Sponseller were calling on friends south of town Sunday.

Mr. and Mrs. David Kreiger visited Sunday with the latter's brother, Peter Herbst, who is very ill.

The remains of Albert Walker were brought here for burial Monday.

R. H. Shearer and family are entertaining relatives from Indiana.

MT. PLEASANT.

Mt. Pleasant, O., Oct. 4.—Mr. and Mrs. Alonzo Holl visited Mr. and Mrs. Charles Surbey at Pittsburg, O., Sunday.

John Schrantz went to Kent, Sunday.

A large band of Gypsies camped on East Locust street Monday night. They made themselves very "busy" with some of the residents' property. They were given 24 hours' notice to leave, and left accordingly the next morning.

Mr. and Mrs. Hiram Eble and family and Erwin Kinsley of near Hartsville, visited at Levi Royer's, Sunday.

Mr. and Mrs. G. C. Schrantz spent Sunday with Mr. and Mrs. Wallace Hoesler, at Marchand.

Mrs. Herman Krabill, of near Aultman, visited with her daughter, Mrs. John Freeze, Monday.

Mrs. Samuel Pontius, of Roann, Ind., visited at S. W. Lindower's Tuesday night.

"Electric Mule" Road.

Columbus, O., Oct. 5.—The Lake and River Transportation company of Hamilton was incorporated today by the following Cleveland men: W. B. Whiting, C. E. Sanders, R. F. Denton, C. C. Owen and A. J. Sperry. The object of the company is to take over the "electric mule" franchise or the right to operate the Lake Erie and Miami canal by electric power.

Real Estate Transfers.

Mary A. Lerd, Canton, first ward, to H. E. Cain, lot 4248, for \$1.

Araninta Klinton, Canton, second ward, to Jane Vane, lot 8195, for \$2500.

Flora E. and Jennie Martin, Canton, second ward, to Joseph Tranta, lot 3107 for \$1700.

Thomas Burd, Massillon, first ward, to Wm. Kay, lots 1080-81-82, for \$400.

W. H. Albertson, Massillon, second ward, to Miles O. Miller, lots 615-16, for \$3600.

Charles C. Garton, Massillon, second ward, to J. W. Moffitt, lot 3047, for \$3100.

David Zuber, Massillon, third ward, to George W. Sloate, lot 12, for \$800.

Jacob C. Stormfels, Plain township, to Nick and Mary Grant, Middlebranch, lot 4, for \$500.

Fred Meyer, Tuscarawas township, to Joseph and Mary Krause, 75 acres, for \$175.

Alliance, Second Ward. John E. Morris to John W. Piggott, lot 2568, \$1450.

Alliance, Fourth Ward. Olive Wilson to L. W. Lewis and Emma M. Thomas, lots 2258-2259-2260, \$2440, duplicate value.

Cyrus M. Jones, guardian, to Frances C. Maus, lot 2412, \$700.

Frances C. Maus to Cyrus M. Jones, guardian, lot 2415, \$2700.

Alliance, Fifth Ward. Olive Wilson to L. W. Lewis and Emma M. Thomas, lot 2016, \$2200, duplicate value.

John Schmidt to Richard Byers, lot 905, \$100.

Lewis Hammer to E. H. and Ella Rush, lot 3662, \$250.

Canton, Second Ward. Frances M. Monnot to John Laschinske, lot 2051, N. 1-2, \$1050.

Canton Sixth Ward. Mathias Marz to Frederick M. Koehler, lot 9022, \$1100.

Wm. Feller to Albert L. Menegay, lot 7531, \$140.

O. W. Baum to Anton Helena Diekmann, lot 7038, \$1.

Canton, Seventh Ward. Mary E. Schwalm to Otes and E. Blanche Pearson, lots 4093, 5x110; lot 4094, 30x110, \$600.

Dougherty & Schweitzer to Kirby M. Snyder, lot 5349, \$900.

Massillon, First Ward. Edward F. Heisler to Charles E. Blocher, lot 2455, 60x196, \$800.

Warwick Co. to Curtis E. Brooks, P. S. W. Sec. 8-87, 10-100 acre, \$600.

Sugar Creek Township. Sol. Shelter to C. C. Needham, S. W. S. W. Sec. 12, 7 43-100 acres, \$2973.60.

Tuscarawas Township. Wm. G. Kitzmiller to Sheridan S. Maxhimer, P. S. E. Sec. 2, 9 55-100 acres, \$915.

Perry Township. McClain & Russell to Massillon Iron & Steel Co., P. N. E. 1-4 Sec. 17, 1 26-100 acres, \$500.

Lexington Township. Solomon Willis to Joseph M. Polan, P. S. E. Sec. 5, 1 1-4 acres, \$40.

W. S. Beck to Albert Swallen, P. S. E. 1-4 Sec. 12, P. N. E. 1-4 Sec. 13, 30 acres, \$1500.

Hannah Wagner to Winfield S. Beck, Anna Webb addition, lots 76-77-78, \$1200.

Bethlehem Township. John F. Grossklaus to Wm. and Maria Allen, P. N. W. Sec. 7, 2 76-100 acres, \$128.

Sandy Township. H. J. Bowman to Allie M. Bowman, Magnolia, lot 30, \$1.

Canton Township. L. M. Farwick to John Burkhardt, C. P. lot 605, 50x180, \$800.

Robert and Wm. Auld, Alliance, third ward, to M. Maish, lot 3315, for \$636.

Board of Trade Land Co., Alliance, third ward, to Godfrey Grenelsen, lot 3460, for \$3460.

Winnie and Charles Baines, Alliance, second ward, to Eliza A. Messemore, lots 2583-2474-2475, for \$1.

Charles Loftus, Alliance, first ward, to Nellie Huth, on lot 119, \$1.

William Howard and Lena Howard, Massillon, second ward, to Ferdinand and Elizabeth Mayer, lots 1707-8, \$600.

James E. Finetrock to Emma Fry, P. S. E. Sec. 10, P. S. W. Sec. 11, 4 29-100 acres, \$2800.

Washington Township. John Culler to Henry E. Tressler, N. P. N. W. Sec. 33, 69 58-100 acres, \$4000.

lots 5271-5372, for \$1. Levi Bartlett, Canton, second ward, to Louise Bartlett, lot 9094, for \$150.

Permits to Wed. Arthur Bally, 22, salesman, Bessie T. Reed, 22, Massillon.

Layton Wear, 28, watchmaker, Bertha M. Evans 20, Canton.

Mels Peter Jacobson, 23, laborer, Egenes Mary Erickson, 18, Canton.

Clyde Callahan 24, Nellie Miller 22, Alliance.

John Brown 56, Lidia Werstler 54, Marlboro township.

Edward Russel 24, Mary Arntz 22, Plain township.

Milasean Waszile