

# LOOKING BACK

100 Years Ago From The Pages of The Walton Reporter

100 YEARS AGO,  
SATURDAY, FEBRUARY 14, 1920

## ALLEGED ARSON CASES BEFORE GRAND JURY

**John Connor of Andes  
Indicted by Grand Jury**

## THREE HOUSES BURN IN ANDES

**Phelps Building In Sidney  
Damaged—Evidence  
Insufficient to Sustain Charge  
Against Miller.**

Two presentments in cases of alleged arson were made to the grand jury at the February term of the Supreme Court in Delhi last week. The men charged with the crime are John Connor of Andes and David J. Miller of Sidney. The fires which led to the arrest of the two men occurred during the past week. The grand jury after hearing the evidence failed to find an indictment against Miller but on Thursday reported an indictment against Connor on a charge of arson in the first degree. Connor entered a plea of not guilty and the case was transferred to the county court.

Connor was the owner of three small houses on Main street, Andes, located opposite the Central house. The houses are all connected together in the rear. The one toward the north was occupied by Connor and his wife, the middle one was unoccupied and the third building was used by Connor's brother, Charles, and his sister, Jane. About 3 o'clock Saturday morning the Andes fire department was called out by an alarm given by Connor, who states that the fire started in the house occupied by him. Many of those on the scene first state that apparently the flames started in the unoccupied building and spread rapidly to the nearby structures. In a remarkably short time all three buildings were in ashes. Part of the household goods in the two occupied houses were saved. Connor carried an insurance of \$2,000 on the three houses.

The fire was characterized by dense smoke, such as is made by oil, and the fact that a light had been seen in the unoccupied house shortly before midnight led to ugly rumors. Tuesday Connor was placed under arrest and taken to Delhi and witnesses subpoenaed to present their evidence before the grand jury.

Connor has been in trouble before for interfering with the Hyzer electric light system and served a short sentence in jail. The grand jury on Thursday reported an indictment as stated. The court assigned H. J. Hewitt as Connor's counsel, who entered a plea of not guilty to the indictment. Bail was fixed at \$2,000 which on Thursday Connor had been unable to raise and was still in jail.

The fire in Sidney, which has led to an investigation and presentment to the grand jury, occurred at 1:15 o'clock on Thursday morning of last week in the Elite studio building on Smith

street, owned by C. H. Phelps, county humane officer. The building is a two-story frame structure, flanked on the east by the Howe garage block and on the west by Cook's market building. The Phelps block is occupied by three families. Dr. C. G. Bassett and Dr. DeWilton Bassett and families and Glenn Stevens and family occupy apartments on the first floor, while a portion of the second floor is occupied by David J. Miller and wife. The rest of the second floor is used by Phelps' photography studio.

There were apparently two fires. The first, which caused the alarm, was located at the rear of the first floor, near the cellarway. The fire was first discovered by Mrs. Glenn Stevens. While the firemen were fighting this fire and about forty-five minutes after an alarm had been sent in, fire was discovered in a cupboard of the kitchen in the Miller apartments on the second floor, located on the opposite side of the building from the first fire and in no way connected with it.

Extensive damage to the building was caused by smoke and Mr. Phelps places the damage to the building at from \$3,000 to \$4,000 covered by insurance. He had a fine equipment in his studio, valued at \$3,500, and the loss on this is heavy and only partially covered by an insurance of \$2,000.

Mr. and Mrs. Miller were placed under arrest the day following the fire on a charge of setting fire to the building. The affidavits upon which this action was based contained the following allegations: That Miller carried \$800 insurance on his furniture, the value of which was greatly under that sum; that he had appeared indifferent to the efforts of the firemen to save his furniture and had remarked that the insurance companies would pay for it; that the two fires in the building were entirely separate and there was no way in which the second fire could have been started by the first fire in an entirely different part of the house.

At a hearing before Justice Kibbe in Sidney Tuesday Mrs. Miller was discharged from custody and after the taking of considerable testimony the case was adjourned until February 16, to allow the matter to be presented to the grand jury on Wednesday. C. N. Peake represented Miller at the hearing and R. W. France appeared for Mr. Phelps.

Both Mr. and Mrs. Miller at the hearing stated that the cupboard in the kitchen, where the second fire started, contained, among other things, groceries, matches and the paper sacks in which the same came.

The grand jury after hearing a large number of witnesses failed to find an indictment. The testimony presented to that body indicated, it is stated, that the value of Miller's goods was greatly in excess of the \$800 insurance, and that as there was fire in the studio adjoining the room where the second fire started it was not impossible for the fire to have started from that source.

## REORGANIZE STATE GOVERNMENT

**Governor Smith Recommends  
Consolidation of Departments  
and Budget Systems.**

Reorganization of the state government toward responsible administrative control by means of a cabinet, with effective financial control through an executive budget, was proposed to the legislature Monday night in a special message by Governor Smith. With his message, the Governor transmitted to the legislature the recommendations for the simplification of government made by the reconstruction commission.

Constitutional amendments to put into effect the recommendations of the reconstruction commission in relation to the reorganization of the state government have been introduced in the state legislature today by two Republicans, Senator Leonard W. H. Gibbs of Buffalo and Assemblyman Warren I. Lee of Brooklyn.

The three constitutional amendments, incorporated in separate bills, provide for an executive budget system, for the term of Governor and Lieutenant Governor to four years instead of two years, and third, that the Comptroller shall be the only other elective executive officer and shall have wide power to audit and check on the administration. The last amendment also provides for nineteen civil departments in the state government, all new offices or boards to be placed in one of these departments.

The amendments, if passed at this year's session of the legislature, must be adopted by the 1921 legislature before submission to the voters in November, 1921.

The Governor's proposal includes lengthening the term of the Governor from two to four years; centralization of the powers and duties of the 187 state offices, bureaus and commissions into seventeen great departments, the majority headed by cabinet officers appointed by the Governor with terms coterminous with his.

The Governor summarized the recommendations of the reconstruction commission, which he endorsed. "The fundamental recommendations," he said, "are for an executive budget system, for consolidation of the state departments; reduction of the number of elective officers, and increase in the term and responsibilities of the Governor, which to my mind, present the only plan which will relieve the present situation.

"No progress can be made in the direction of an executive budget system, of consolidation of departments, or a cabinet system in New York state without constitutional amendments. A great deal of consolidation can be brought about by statutes, but little compared to what ought to be done, and practically nothing can be done toward improving the budget system. I therefore ask that you consider and approve at this session constitutional amendments to make effective the fundamental principles proposed in this report."

## MAN STRUCK BY TRAIN DIES FROM INJURIES

**Fred H. Prindle Was Oldest  
Car Inspector in Oneonta  
Shops**

## LEGS CRUSHED UNDER WHEELS

**Was Working On Car When  
Extra Freight Backed Down  
Upon Him—Lived Six Hours.**

Frederick Henry Prindle of 10 Gilbert street, Oneonta, for many years a car inspector for the Delaware & Hudson railroad, died Monday in the Fox Memorial hospital from injuries received that morning in

the railroad yards near Glenn Bridge. He was struck by a south bound extra, which was backing upon one of the tracks, and both legs were terribly crushed. The accident occurred about 7 o'clock in the morning and death came six hours later. Mr. Prindle was well known in this section. Mrs. Webb Seeley of Northfield is a daughter.

Mr. Prindle was the oldest car inspector in the employ of the D. & H. company in Oneonta, having worked in that capacity the past 27 years. He was foreman of the car inspectors and was working on a south bound train on the No. 1 air track at Glenn Bridge, Oneonta, at the time of the accident.

There were no eyewitnesses to the accident and the exact manner in which it happened is not known, he being found later by other car inspectors, among whom was his own son, Roy Prindle, who helped to pick up his father and place him on the engine and who accompanied him to the hospital. It is believed that Mr. Prindle was working on south bound air track number one and he did not notice extra 786, a south bound freight in charge of Conductor Buston, which was backing in on number two track, and it was this train which struck him. The train ran over his legs, crushing both of them, fracturing both hips, and bruising him about the body. There were also lacerations on the head. He was brought to the Oneonta station and removed to Fox hospital where death came to relieve his suffering about six hours later.

Mr. Prindle was 65 years of age. He was a native of Deposit and his early life was spent in that place. Later he moved to Windsor and was married in 1883 to Miss Emily Hawkins of Susquehanna, Pa. Since 1893 he had been a resident of Oneonta and employed in the D. & H. car shops in that city. The Oneonta Star says of Mr. Prindle:

"He was the oldest car inspector in the local yards, and was one of the most popular employees of the company. All who knew him spoke very highly of him. He was a man who had a multitude of friends in the local yards and on the entire division, and all mourn his loss deeply. He was a kind and loving husband and father and a congenial neighbor and friend."

He is survived by his wife, five sons George, Fred, Bert, Wendle and Roy Prindle of Oneonta, and three daughters, Mrs. Webb Seeley of Northfield, Mrs. Ernest Carson and Mrs. Floyd McKowan of Oneonta.

Mr. Prindle was a member of the Methodist church of Windsor and of the Brotherhood of Railway Carmen.

The funeral was held from his late home at 10 Gilbert street, Thursday afternoon at 2 o'clock, Dr. E. J. Farley officiating. The body was placed in the vault at Riverside and burial will be made later at the Plains cemetery.

## SNOW AND WRECK TIE UP THE D. & N.

**No Trains Through Since  
Wreck at Arena Sunday**

## NINETEEN INCHES IN FIVE DAYS

**Highways Blocked and Milk  
Kept from Creameries—Roofs  
Collapse Under Weight of  
Snow.**

The heavy storm of Friday and Saturday blocked the highways and kept the farmers away from the creameries with their milk. Nineteen inches of snow fell in Walton between Friday, February 6th, and Wednesday, the 11th, according to the records kept by J. Q. Barlow, the local weather observer. There are now about 23 inches of snow on the ground on the level, Mr. Barlow states. A wreck at Arena on Sunday caused by the snow

has demoralized all traffic on the Delaware & Northern railroad and there has been no mail through from East Branch valley since that day.

Many of the milk teams in the outlying districts were unable to get to the creameries Friday and Saturday. In Franklin no road was broken through to Franklin Depot until Monday and the drifts there were reported to be enormous.

Conditions on the Delaware & Northern in the East Branch valley are described by the Reporter's Arena correspondent:

"On Sunday afternoon a D. & N. work train with two engines on came up from East Branch helping to clean the track of snow. They also had two carloads of coal on. When just above the Jacksonburg bridge, about a mile below Arena the hind truck of the last coal car left the rails and bumped along on the ties until they reached Arena when back of S. K. Rugg's place the truck struck the flange of the switch and was jerked back on the rail and the train went right on to Margaretville never knowing anything about the damage they had done. The rails were so badly spread that in a short time the afternoon passenger train came up from East Branch and the whole train was derailed when reaching the place where the truck went off. No one was injured and the passengers all walked from there to Arena. At this writing the track has not been repaired and no trains are yet running except from Arkville to Arena. This has caused great inconvenience to the public as owing to the deep snow it has been almost impossible to get a conveyance to get anywhere. Accidents on the D. & N. are getting a little too numerous for comfort when riding on it."

Locally, the tie-up on the D. & N. has seriously affected two Walton firms O. J. Hoos, the baker, does a large trade in the East Branch valley towns. A shipment of bread made by Mr. Hoos on Monday is still lying at East Branch. The Breakstone Brothers have been crippled at the Downsfield plant by a shortage of milk cans caused by the conditions. Last week the Colchester Mountain road between Walton and Downsfield was reopened after being closed by snow for several weeks and teams from Breakstone's creamery in Downsfield came through to Walton Friday. Twelve inches of snow had fallen that day but the next morning the men attempted the return trip with loads of empty cans. They were forced to abandon the loads near the top of the mountain and on Wednesday a large force of men went to the place in an effort to shovel them out. The Breakstone company had a large number of cans at East Branch but the valley road was also blocked for several days and no trains were running.

The Delaware & Northern railroad is reported as in bad shape financially. The Ontario & Western has recently issued instructions not to transfer freight in carload to the D. & N. unless the freight is paid to destination. This is taken as an indication that the latter company is failing to meet the general office settlements due on this joint transportation. The company is also said to be short of coal, and the rolling stock and equipment are antiquated.

The Reporter's correspondent at Burnwood says:

The roof of the barn on Melvin Norton's farm, where L. J. Skinner resides, fell in last Thursday night. It was heavily loaded with snow, but owing to the poor condition of the building Mr. Skinner did not dare venture on the roof to shovel it off. The barn is nearly a wreck, but fortunately none of the stock was injured. The horses and cows were in an underground stable, and the sheep were in a part where the roof caved in but



**ONCE IN YOUR LIFE**  
you are in extreme danger.  
If that cough goes to your  
lungs,—What Then?

**KEMP'S BALSAM**  
might have prevented this  
illness and expense.

**STOP THAT COUGH NOW**  
with  
**KEMP'S BALSAM**  
Guaranteed.

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a pole near where they were kept the roof from coming down on them. They were gotten out safely next morning. A buckboard wagon that stood on the barn floor was badly smashed.

Our Acidalia correspondent writes: Henry Newman had the misfortune Thursday night to have his Buick car wrecked by the falling roof of a shed in which he had his car stored. The top was smashed and windshield broken and the machine otherwise damaged.

The amount of snow on the ground affords much danger of a flood. Two years ago when similar conditions prevailed, there came a sudden thaw followed by rain all day on Feb. 19. As a result Delaware street was flooded. January, 1918, is the coldest January on record, the weather men state. How the temperature that year compares with January 1920, is shown below. The mean temperature for the month in 1918 was about 6 degrees lower than in 1920:

1920		1918		
High	Low	High	Low	
1	37	26	3	-20
2	27	0	1	-22
3	12	1	1	-20
4	8	-12	9	-13
5	14	-7	15	-1
6	28	-3	27	0
7	33	15	34	18
8	37	30	19	15
9	35	25	34	15
10	35	10	25	16
11	28	7	27	20
12	28	2	45	18
13	31	2	19	-5
14	29	21	21	3
15	10	2	29	14
16	13	-17	22	11
17	23	7	28	8
18	11	5	26	-2
19	11	-5	24	7
20	15	-21	13	-17
21	31	13	20	-3
22	21	-17	18	-11
23	32	15	16	7
24	29	25	16	3
25	27	-1	28	9
26	23	-18	31	9
27	43	14	12	4
28	38	13	16	-6
29	20	-11	24	13
30	30	17	19	4
31	24	-18	27	-4

\*—Below zero.

## Five Years Without January Thaw.

Editor Reporter:

We hear every year of the January thaw. One man said "he had noticed it a hundred times." I have a record extending back to 1882, with the exception of four years from 1898 to 1901 and in all these years only five have failed to provide the proverbial "thaw."

On the 22nd of January, 1906, I rode 5 miles to town and back without overcoat or gloves because of the mildness of the weather. The years without the "January thaw" were 1892, 1896, 1902, 1912 and 1920.

IRA E. HOYT.

## SPICY SLANDER CASE RESULTS IN "NO CAUSE"

### Wrin Loses Negligence Action Against Frisbee

## SEVENTEEN NEW CITIZENS

### Illness of Witnesses Cause Many Cases to Pass February Term—Other Matters Disposed Of.

(From Delhi cor.)

Court calendars seem to bear mute testimony to an increasing tendency among the people of Delaware county to avoid the vexations of litigation, as the number of causes decrease as the terms of court come around. The calendar for this term contains 156 numbers, six being preferred jury cases, 42 other causes for jury and six of fact and two of law for the court.

The opening of the court showed very little interest in the

proceedings and one might have assumed that Justice McCann would have little opportunity to use his legal talent in guiding to a proper conclusion the intricacies of big legal squabbles. While this is true of the calendar as a whole there are some highlights promised at the outset for the attendants. When the delegations from Hancock and Deposit came to town and intimations were expressed people began to take notice. It was understood that the trial of the breach of promise matter from the border town of Deposit and the slanderous proceedings at Hancock would be spicy to say the least and it was so.

It had been reported that Deposit was greatly stirred by this prospective trial of the case of Edra Brisack against L. Gerald King. There is much interest in the trial of the claim of the Cornell real estate concern against J. Clark Nesbitt for a withdrawal fee on account of having listed his farm for sale with Cornell, as did many other farmers.

### Breach of Promise Case Over.

As the cases were finally arranged on Monday night the Deposit action was ordered first to be tried, but when Tuesday came and court opened Harvey Hinman and Roger P. Clark of Binghamton were sitting at the defendant's table and the latter promptly told the court that a postponement for a week or even over the term was necessary on account of sick witnesses. Attorney Youmans opposed any delay whatever because he had not been given any hint that a postponement would be asked and witnesses were here and the plaintiff was entitled to an early decision in a matter so important to her as this case. The court decided that it would not be proper to force the defense to go to trial with a material witness unable to appear and ordered the case sent to the May term, but ordered that the defense pay all the necessary costs of the plaintiff in connection with preparation for this trial, including witness fees and other expenses.

The call of the calendar revealed the fact that the main suggestion of the attorneys was "over." The cases put over the term numbered 32, a number were said to be off the calendar and one was likely to be settled. The number of cases said to be ready for trial was said to be six, but as there were several attorneys from the lower part of the county with cases at issue but who had not yet arrived it was expected the number of trials would be increased.

The first cause assigned for trial Tuesday morning was Number 32, John H. Wrin against Elmer G. Frisbee of Delhi. The plaintiff claims to have sustained serious injuries from falling in the barn of defendant, for whom he was working at the time. Edward O'Connor for the plaintiff, H. J. Hewitt for the defendant with F. W. Youmans, assisting.

Number 29, which is the action brought by Dwight V. Cornell, who listed many farms for sale through his agency, against J. Clark Nesbitt, was also placed on the day calendar for Tuesday. Cornell didn't sell farms but endeavored to collect a withdrawal fee when the parties sold in other ways or withdrew from Cornell's agency. Thomas B. Wilgus of New York for plaintiff and O'Connor & O'Connor for defendant.

Number 33 was also put on the board for hearing as soon as reached, William T. Hall sues W. Frank Clark on an account. W. I. Bolton for plaintiff and O'Connor & O'Connor for defendant.

Wilbur Barrow against John Chisholm to recover wages; Jerome Courtright, as administrator, etc., against Minnie Sherman for conversion; Laura C. Frayer against Mollie Turk

to recover money and injunction; were the other cases indicated as ready for a hearing at this term.

### Seventeen Naturalization Cases.

Other cases were added about four o'clock Monday, and while awaiting the arrival of attorneys and jurors from down the line the court ordered the naturalization officer, who was present, to take up that subject.

The following persons were admitted as citizens of the United States: Albert Weidemann, Roxbury, German, Richard Weidemann, Roxbury, German, Herman Weidemann, Jefferson, German.

John G. Hoffman, Arkville, German. Anthony Decker, Hamden, Austrian.

John G. Kuhnel, Delhi, German. Ludwig Eichler, Meridale, German.

Lothar Feig, Oneonta, German. Antonio Liguori, Walton, Italian. Annie Marie Day, Hale Eddy, English.

Emil Teichmann, Roxbury, German.

James Pangaro, Walton, Italian. Thomas Latronica, Walton, Italian.

Joseph Viscio, Walton, Italian. William Marshall, Lake Delaware, Scotch.

Pasquale Pelloso, Sidney, Italian.

### No Cause in Negligence Case.

The trial of the case of John H. Wrin against Elmer Frisbee was begun at two o'clock, and completed at 5:20 and the jury deliberated about twenty minutes, returning a verdict for the defendant of no cause of action. The plaintiff entered the employment of the defendant April 4, 1919, as a farm laborer and continued in such employment until August 18, when Wrin fell through a hatch hole in the barn and fractured one rib; also receiving other injuries which incapacitated him for work temporarily.

The plaintiff contended that while he was in the discharge of his duty and while going for grain to the third floor of the barn he fell through the open hatchway, which the defendant knew was open at the time and yet did not warn him. In going to the grain bins the usual way was over this hatchway which the plaintiff, alleged was generally closed and at this particular time the hole was obscured by some loose straw over it. The defense held that while the hole in the floor was in line with the grain bins there was plenty of room to pass around it when open. That contributory negligence was manifested by the plaintiff, who knew all about the hatch, and that it was open and used for putting straw down to the second floor two days before. It was his duty to exercise care in this as in other matters to insure personal safety. After the accident defendant, Frisbee, offered to pay Wrin a month's wages of \$50 and board him for three weeks while he was unable to work, but plaintiff spurned the offer. The jury evidently found that plaintiff was to blame in not using proper care and was therefore not entitled to a judgment. Motion for a new trial denied.

### Hancock Slander Case Spicy.

Just before adjourning for the day a jury, or rather nine members of it, were drawn to take up the Hancock slander case Wednesday morning. C. E. Scott, Frank A. Taylor and F. W. Youmans were the attorneys at the defendant's table, while Vincent N. Elwood was assisted as plaintiff's attorney by A. G. Patterson of Walton.

Wednesday morning the jury was completed, and the defendants moved for a dismissal of the action as husband and wife were joined in a single action, no conspiracy being charged, and for other reasons. The motion was denied.

In this case Mrs. Ethel R. Hauber against Charles Faigle and Mary Faigle, his wife, it is charged that the defendants had slandered the plaintiff by uttering statements regarding her relations with

Ernest Lang. The language attributed to Mrs. Faigle is unprintable and was emphatically denied by her on the stand. The defense was a denial of the charges set forth in the complaint. The parties all reside in Hancock village.

Mrs. Hauber was called at 10 o'clock and testified briefly that she was the wife of Will Hauber, the mother of three children all living together in Hancock. The husband is employed by the O. & W. railroad company.

Louise Hauber, her mother-in-law, next took the stand and proved a valuable witness. She lives in Pennsylvania, six miles from Hancock. On January 20, 1919, she and her husband came to Hancock and were stopped on the street by Charles Faigle, who told her that it was too bad her son had to live with such a woman as the plaintiff, and if she would call at his home his wife would tell her all about it.

That afternoon she, in company with plaintiff called at the Faigle home. Mrs. Faigle would not speak to plaintiff when they went in, but in vile language told of her alleged conduct with Lang, called her a vile name and ordered her out of the house. On cross-examination she denied asking Mr. Faigle when he spoke to her on the street, "Is she (plaintiff) cutting up again?" But she perhaps did mention "cutting up." She testified that she knew Lang had been calling on her daughter-in-law.

It was shown during the examination that Mrs. Faigle had made the statements in answer to inquiries of plaintiff as to why she was mad at her, and the court ruled that if such was the case there would not be slander.

Fred Hauber, father of the plaintiff's husband, was the next witness. He is very deaf and only told of what he could hear when Mr. Faigle stopped him and his wife on the street. He did not investigate the matter further.

Will Hauber, husband of the plaintiff, testified that he called at Faigle's home late of the fateful Jan. 20 because Faigle had said he had something to tell him. They told him Lang was calling at his home altogether too often. "I did not answer them because it was not a proper place to do so. I did not say my wife kept a revolver under her pillow; never told anybody I kept a revolver to shoot Lang."

Plaintiff was recalled and testified that she had never had illicit relations with Ernest Lang. All such stories were untrue. The plaintiff then rested her case and the defendant renewed the motion for a nonsuit on the grounds of insufficient evidence. The court ruled that the case should go to the jury and again denied the motion.

Charles Faigle, the defendant, was called to testify on his own behalf. Said that he had been acquainted with the Haubers for twenty-five years and considered them his friends. Because of this he spoke to Mr. and Mrs. Fred Hauber about the plaintiff, saying, "I was sorry that their son had to live with such a woman," and then asked them to come to dinner at his house. Did not say anything at all about his wife, did not mention her.

On cross-examination witness admitted that he had called at Mrs. Porter's but she claimed not to know about anything being wrong with this plaintiff. I did not tell the Haubers on the street that I could prove the wrongdoing of his daughter-in-law.

Mrs. Faigle testified that she was surprised when the plaintiff came to her home on Jan. 20, as they had not been friendly for two years. I did not care to have her call on me and did not speak to her when she came in." She related the conversation in detail and positively denied making any such statements as witnesses had sworn she did. Did not use that kind of language.

At the opening of the afternoon session Mrs. Hauber's husband was recalled in rebuttal and denied that he had told the Faigles of the worry he had about his

wife's actions or of any suspicions on that point.

The evidence being closed Mr. Youmans presented the case to the jury for defendants and Mr. Elwood for the plaintiff.

The jury retired for deliberation at 3:05 and returned a verdict of no cause of action in about two hours.

The case of Jay Hawver of Andes against Helen More of that place was next called, and as the defendant was not in court the evidence of plaintiff as to the correctness of his account and the fair prices charged was taken before the court. Barna Johnson was his attorney. The claim was for labor and service rendered the defendant in 1918, amounting to \$287.15 after deducting payments he had received. The total account was \$530. Judgment was taken for the amount claimed and the costs in the case.

This was followed by the action brought by Wilbur Burrow against John Chisholm, a Meredith farmer, for wages due and unpaid. The defendant denied that he was thus indebted and the trial was brief. After a very short deliberation the jury rendered a verdict of no cause of action.

### Sued the Wrong Man.

The action of Jacob Klerk against Joseph Hyatt, a Sidney matter, was the last case tried. Klerk sued to recover damages for an injury sustained when his arm was broken while cranking a Ford car, Klerk claimed Hyatt placed the spark in the wrong position and this caused the engine to backfire and the crank struck his wrist and fractured it. After Klerk and two other witnesses had testified the plaintiff rested his case. Attorney H. B. Sewell then showed that it was not Joseph Hyatt who was in the car at the time but his father, George Hyatt, and on this ground moved a dismissal of the action. Justice McCann granted the motion and court then adjourned for the term.

The grand jury reported three indictments Thursday morning. Eight cases were considered by that body. Two indictments were sealed while the third was that against John Connor of Andes for arson in the first degree. H. J. Hewitt was assigned as counsel to Connor and after consultation a plea of not guilty was entered and the case transferred to county court.

## LIVINGSTON TITLE VALID

### O. & W. Loses Case Which Affects Much Property at Manor

(From Livingston Manor cor.)

Supreme Court Judge Nichols of Cobleskill has rendered a decision in the case of the Livingston estate vs. the O. & W. Railroad, the verdict being a judgment against the railroad. The case was tried in the September term of court at Monticello before Judge Nichols, the Judge's verdict reaching the Manor Friday afternoon by wire and causing no end of excitement around town. The decision in this case affects at least one-half of the property owners of Livingston Manor, a good share of the village being built upon a tract of land formerly owned by Dr. Livingston, the first settler, who, in his will decreed that the property should never leave the Livingston family and should always remain intact. The case in which the decision has just been rendered grew out of the validity of his will, under existing laws, and has long been a matter of discussion among legal authorities. It is expected the O. & W. will appeal this decision.

