

# LOOKING BACK

100 Years Ago From The Pages of The Walton Reporter - Saturday, December 1, 1923

## THE WEEK IN WALTON

### What We Are Talking About at the County Hub

#### WANTS \$50,000 DAMAGES

##### Farm Wagon Struck by Truck—Two Boys Break Arms—Caught Hand in Electric Wringer.

Fred Grey has sold the McClellon farm, Third brook, which he recently bought from John Townsend, to Irvin A. Biedekapp. The sale was made through the agency of H. M. Robinson.

Mrs. E. R. Johnston of Shepard street was painfully injured Monday when her left hand was drawn into an electric wringer. The hand was badly skinned and jammed in the wringer. Dr. Morrow was called.

Howard, son of Mr. and Mrs. W. C. Roda, of Park street, fell while playing at the Stockton avenue school grounds Wednesday morning before the opening of school and sustained a bad fracture of his right arm. On Saturday Thomas Coulter, son of Mr. and Mrs. Ward Coulter, suffered a Colle's fracture of his wrist. A Ford car he was cranking at the garage of his father backfired and the crank struck the boy's arm. Dr. W. R. Gladstone was called in both cases.

The state legislature must make provision for the establishment of a bonus bureau before the forty-five million dollar soldiers' bonus, ratified by the people at the last election, can be distributed. The bureau bill is expected to be one of the early measures of the 1924 session. Since the adoption of the amendment many who are entitled to share in its benefits have been eagerly awaiting their allotment. When the bonus question was up before during Governor Miller's administration it was proposed to make the bureau a part of the attorney general's office.

Company F opened the basketball season Thursday evening in the armory when the Binghamton All Stars were the opposing team. Saturday evening the Oneonta Wanderers will play on the armory court and on Wednesday the Colgate Maroon Stars. The Company F players are Robert Reville, Jack Smith, Alton Bartlett, Sylvester and Henry Flynn and Captain Howard Archer. The substitutes are Paul Flynn and Ray Storie. Lieutenant Frank McCook is the manager of the team. The best teams in the state are on the Company F playing schedule. The guardsmen have the strongest five which has ever represented Company F.

Mrs. Pauline M. Thompson of Walton, through her attorney, Hon. C. C. Flaesch of Unadilla, has brought action in the federal district court to recover \$50,000 damages from the D. & H. railroad for the death of her husband, Earl M. Thompson, who was killed in an accident in the D. & H. yards in Oneonta on April 16, 1923. The case will probably be tried at the February term in Albany. Mr. Flaesch as attorney for George H. Goodrich of Walton has brought action against the Ontario & Western railroad company to recover for injuries sustained when the Utica Flyer and a freight train collided at Sidney Center. Mr. Goodrich, a passenger on the Flyer, sustained injuries which confined him to his bed for some weeks. Damages in the sum of \$25,000 are asked. The action is brought in the supreme court and will be tried in Delhi.

Dr. Charles H. Mace has sold his practice in Huntington, Mass., and has located at 306 Westfield street, Mittineague, Mass., where he will have an office with his son, Dr. Roswell G. Mace, who has been practicing in that place for about two years. Dr. Mace, who is a brother of Dr. Henri F. Mace of Walton, is a native of Walton. Af-

ter graduating from the Baltimore medical college he practiced for two years with his father-in-law, the late Dr. Greenwood, at Sidney Center, locating in Huntington in April, 1902. At that time there were four doctors at Huntington and as they left, one by one, the entire field was left to Dr. Mace and his ready response to all calls regardless of the distance, or hour of the day, and the friendly interest displayed in his patients, made him a host of friends there. Mrs. Mace's interest in his work and the exceptionally fine hospitality she tendered to all will also be long remembered in Huntington.

Marshall Holley was thrown from his milk wagon and against the concrete retaining wall in front of his farm house on the Delhi state road, two miles from Walton, Tuesday morning, when the vehicle was struck by the truck of M. S. Crawford of Hamden. Mr. Holley was injured about the back but no bones were broken. Mr. Holley had driven from the barn and had stopped at the milk stand in front of the house when the Crawford truck approached from the rear. At the same time a touring car was coming from the direction of Walton at a rapid rate of speed. The driver of the truck started to swing out to pass the Holley wagon when he saw the car approaching from Walton and to avoid a collision with the car struck the rear of the Holley wagon. Mr. Holley was thrown out by the impact and landed against the concrete wall. The horse broke loose from the wagon and ran into the barn. There were three cans of milk in the wagon all of which were thrown out, but only one was spilled. The wagon was wrecked.

## MR. SHAW HAS CAUSE FOR THANKSGIVING

### Generous Supervisors Give Him \$2,750 Salary

## TRANSFER TAX FEES TOO

### Total Compensation Will Probably Exceed \$4,000 Per Annum Under Action of Board.

It was a happy Thanksgiving for County Treasurer A. B. Shaw of Hamden. The board of supervisors in its closing session last week adopted the report of the committee on salaries of county officers fixing the compensation of the treasurer at \$2,750 a year and adding the clause "it is understood in addition thereto he is entitled as a matter of law to the fees received from the inheritance tax proceedings." Last year the inheritance fees, or transfer tax fees as they are called, amounted to over \$2,000.

Attorney-General Charles D. Newton, a Republican, in an opinion written in 1919 held that where the treasurer is paid a salary all fees including the transfer tax fees must be paid to the county. An opinion by Attorney-General Carmody, a Democrat, a few years previous was along the same lines.

The county treasurer in Delaware county has hitherto been paid a salary of \$1,400 and allowed to retain for his own use the court fees, bank tax fees, transfer tax fees and fees on the state tax collected in Delaware county. Up until a few years ago these fees did not amount to much as the state tax was small and the transfer tax fees averaged only a few hundred dollars a year except the year when the late Henry S. Graham, who was then county treasurer, received transfer fees of over \$6,000, owing to the settlement of the Gerry estate. Mr. Graham did all his own work and the office was regarded as a part time office which properly should be held by a Delhi man. With the election of Mr. Shaw on the Republican ticket three years ago things changed. After his first year in office Mr. Shaw asked for and was allowed the sum of \$500 for clerk hire, although the business of the office had not materially increased. Up to about ten years ago no state tax was levied. Since

## WARM LINE STORM IN FALL MEANS OPEN WINTER AHEAD

An open winter until February is prophesied by Major J. I. Webb of Walton, who bases his prediction upon signs which he says he has found have held good during a period of over fifty years in which he has been interested in weather conditions.

Years ago when engaged in the lumber business in the East Branch valley Mr. Webb governed the drawing of his timber by watching the line storms. A fall line storm with the wind from the northwest and cold raw weather brought a cold winter while when the wind came from the south during the storm an open winter was ahead. Mr. Webb states that during the seventeen years he engaged in the lumber business he never knew this sign to fail. The line storm on September 20 and 21 this year was accompanied by a mean temperature of 70 degrees, whereas during the preceding week the mean temperature had been around 50 degrees. The wind also came from the south. Mr. Webb predicts from this an open winter with little snow before February.

The appearance of the woodchuck around Candlemas day early in February means cold weather ahead, Mr. Webb declares, while when woodchucks are not seen one wants to look for an early spring. When lumbering Mr. Webb would work his men nights to finish the hauling of logs when woodchucks were not seen on Candlemas day or thereabouts.

In reminiscing on the weather in past years Mr. Webb called to mind a snow storm on October 16, 1874, when twelve inches fell. There was five feet of snow that winter and on election day in November his employees enjoyed a sleigh ride to the polls at Tyler's switch to vote.

then the fees on this item, have ranged from a few hundred dollars to over \$1,000 a year. The transfer tax has also jumped up so that it has averaged above \$1,000 a year. For the calendar year 1922 the fees retained by Mr. Shaw on this item alone amounted to \$2,184. This with a salary of \$1,400, a fee of \$629 on the state tax, and court and bank tax fees brought his compensation for that year to over \$4,500. The sheriff and county clerk, whose duties are more exacting receive salaries of \$2,500 each, while the superintendent of the poor receives \$1,500 and his board.

A year ago The Reporter called attention to this discrepancy in the salaries paid county officers and also to the opinions of the attorney general's office holding the payment of both salary and fees to the county treasurer as illegal. When the question was brought up in the board of supervisors the matter was tabled by the Republican majority and still later was laid over to the regular meeting this month.

The report of the committee on salaries recommends that "hereafter the treasurer shall receive compensation on a salary basis for all services rendered by him except services rendered as appraiser in inheritance tax proceedings," and then continues: "The committee does further report that they have been advised that the board of supervisors has no authority to legislate as to disposition of the fees received by the county treasurer as appraiser in inheritance tax proceedings." The report does not state by whom the legal advice contradictory to two attorney generals of New York state was given. Apparently no effort was made to secure a ruling from either the attorney general or state comptroller as to the legality of allowing the treasurer to retain the transfer tax fees.

The action of the supervisors last week amounts to this: The treasurer's salary is jumped \$1,350, or more than the average amount of the fees taken from him while he is allowed to retain transfer tax fees which the attorney general says he cannot legally keep. The amount of such transfer tax fees may in some years exceed the salary of \$2,750 which he is also to be paid.

Had the supervisors fixed the treasurer's salary at \$2,500 and provided that all fees, including those as inheritance tax appraiser be paid to the county, the compensation given him would have been liberal for the work done in comparison to the other county offices.

## NEW TRIAL GIVEN ON EVIDENCE OF DOCTOR

### Budine Will Have Chance to Prove Age in Breach of Promise Case

The appellate division of the supreme court has affirmed the order of Justice Kellogg of Oneonta granting a new trial to Lawrence Budine of Walton in the breach of promise action brought against him by Miss. Irene Lent of Cornwall.

The order of Justice Kellogg was based on the grounds of newly discovered evidence which consisted of the testimony of Dr. W. G. Smith of Walton and Dr. William Montgomery of Ovid, N. Y. The physicians attended the defendant's mother at his birth and the defendant asserted that he could not produce Dr. Montgomery's testimony at the trial because he thought the attending physician was Dr. Arthur Montgomery instead of Dr. William Montgomery, the former's son, and did not know that Dr. Smith was also called upon the case. Affidavits of the physicians and of A. D. Peake were submitted when the motion was made.

At the trial of the case in supreme court in Delhi the jury awarded Miss Lent a verdict of \$1,750. The main defense of Budine was that of infancy at the time the alleged promise of marriage was made in June, 1920. Miss Lent, the plaintiff, alleged that at the time Budine was 21 years of age but Budine asserted that he was only 20 and in the eyes of the law incapable of making a contract.

Justice Kellogg last summer granted the motion for a new trial on the ground of newly discovered evidence and this order the higher court now affirms. The case will be set for retrial in Delhi next March.

Lawrence Budine is engaged in the market business with his father, Leslie M. Budine, in Walton. He became acquainted with the plaintiff, Miss Lent, while she was visiting her sister, Mrs. Earl Hinman, in Walton.

Peake & Peake of Walton are the attorneys of record for Mr. Budine and Henry Hunter of Cornwall represents Miss Lent.

## KILLED IN TROLLEY CAR

### Former Andes Woman Was Fatally Injured in Oneonta

## LEG SEVERED BY WHEELS

### Was Hurrying to Cross Tracks and Get on Right Side of Trolley.

Mrs. B. Shaw Miller of 156 Chestnut street, Oneonta, a former resident of Andes, was fatally injured in that city Monday when run over by one of the trolley cars of the Southern New York Power & Railway company. She died that evening in Fox hospital.

Mrs. Miller was a domestic nurse of capability and had been employed at the home of H. Thomas Powell at 380 Chestnut street for some time. Monday she was to leave and started from the house to catch a trolley car coming into the city in order to go to her home.

She had forgotten something, however, and went back into the Powell residence for it. She had to cross the street and the trolley track to be on the right side of the car at stop 6 and started to run as the car approached in order to cross ahead of it. She must have misjudged the speed of the approaching car for she was hit by one of the forward trucks. Motorman Ronald VanTas-

sel saw her predicament before the car hit the unfortunate woman and blew his whistle and applied his brakes but he could not stop until the front truck of the car had passed over one of the legs of Mrs. Miller, severing it from her body. A motorist from Syracuse also saw the imminent accident and shouted to Mrs. Miller, but apparently she did not hear him.

The accident occurred at 1:40 o'clock in the afternoon. Death came that evening at Fox hospital, to which the injured woman had been removed.

Mrs. Flora Martin Miller was born at Liberty on April 9, 1854, and lived there until she moved with her parents to Andes in 1865. There she was married in 1874 to B. Shaw Miller, who survives her, and in 1906 they came to Oneonta, where they lived with a daughter, Mrs. Leslie J. Skinner. There survive another daughter, Mrs. Foster Axtell, of Maryland, and three sons, John of Binghamton, Albert of Albany and Robert of Andes. She also leaves two sisters and two brothers.

## DEATH OF DR. S. J. WHITE

### Former Franklin Physician Dies at Unadilla Home.

(From Unadilla correspondent.)

Dr. Samuel Jessup White of Unadilla village died at his home in that village Friday afternoon, Nov. 23, at the age of 61 years, following a stroke of apoplexy from which he never rallied. Dr. White had been seriously ill with pneumonia for several days.

Dr. White had been a practicing physician in Unadilla since 1916, coming from Schenevus to take up the practice of Dr. Butler upon the latter's death. He was a beloved citizen of the village and to his wife and son sincere sympathy of many friends is extended. He was president of the village and a member of the Masonic lodge.

Dr. White was born Aug. 16, 1862, at Gilbertsville, the son of Samuel Jessup and Mary Fitch White. He graduated from Williams college in 1884, and from New York University in 1888. He first settled at Franklin and took up there the practice of medicine. He later moved to Schenevus, but since 1916 has been one of the most influential leaders of Unadilla. Dr. White was a member of the Presbyterian church.

He is survived, besides his wife and son, Samuel Jessup White, Jr., who is in New Mexico for his health, by three sisters, Mrs. Helen Barclay of Mt. Vernon, Mrs. Elizabeth Hitchcock and Mrs. Sarah North of Haddonfield, N. J. The funeral was held Tuesday afternoon with burial in Ouleout Valley cemetery in Franklin.

## EXPLOSION IN BARN

### Fire Destroys Building on Harpersfield Farm.

(North Kortright correspondent.)

The large barn on the Charles Ruthingham farm in the town of Harpersfield, now owned by Mr. and Mrs. Beebe, who purchased the place a few years ago, was totally destroyed by fire Wednesday noon, Nov. 21, together with a quantity of hay, grain and some farming implements.

Threshing was being done in the barn that day and the company of men had just gone to the house for dinner when a noise like an explosion was heard in the direction of the barn and on looking out, the building was seen to be in flames.

In half an hour the building was in ashes. It was a mild day and the cattle had been released from their stanchions and were in the pasture, or they, too, would likely have perished. The horses were also saved. There was some insurance, but not enough to cover the loss.

The cleaner of the threshing machine was burned up and the tongue of the gasoline engine. The top of Fred VanDusen's car, which stood outside, was also burned.