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THE CONSTITUTION-THE BASIS OF OUR LAWS AND LIBERTIES

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ALLEGATIONS OF PETITIONERS ALL SUSTAINED.

House Cannot Be Re-Licensed for One Year-The Opinion in Full.

the petitioners have sustained all al- Lord Bacon quoted in State vs. Thompvoked, and puts the costs on the defendant. We publish the opinion in full, as follows: GLOUCESTER CO. COMMON PLEAS

In the matter of the application to revoke licenses issued to Wm.

CHARLES E. SHEPPARD, Esq., J. BOYD AVIS, Esq., Attorneys of Petitioners. FRANCIS B. DAVIS, Esq.,

A. H. SWACKHAMER, Esq., Attorneys for Respondents.

STARR, Judge.

by Charles F. Repp and Albert T. Repp, or shall nominate, and with the adunder the provisions of Chap. 114 of the Laws of 1906, known as the Bishop's Bill. point the appointive officers." The

intoxicating liquors to certain persons or. "All officers appointed shall hold specifically named, being minors, under their office for one year only." Sec. 3. the age of twenty-one years, at times there So, you see, the Mayor and the Counin designated.

the issuing of the licenses

fically mentioned and on divers other days emoluments of the offices? since the licenses were granted.

other times within the same period, he er than that fixed by law." known, who were visibly under the influence of intoxicating liquor.

ards and disorderly persons in his said ed Attorney General, the former office

sons and others, being minors under the under the control of the Attorney age of twenty-one, to lounge in and fre- General. The former office was dequent the licensed place on specific days clared vacant, Thompson vs. The and other divers times, since the license State. Again, where a Master in

witnesses, and testified to the purchase, over the bar, on different occasions of intoxicating liquors, from the bartenders of These bartenders admit Mayor's office is vacant, and his acts making .many of the sales in question. No serious denial is advanced, by the respon dent, as to the fact that some of the sales at least, as charged in the petitions, were made. It is found as a fact that all of the boys to whom such sales were made, were at those times under twenty-one years of

These being the undisputed facts, respondent attempts to escape culpability by swearing, and in this he corroborated by the bartenders, that specific instructions were given, to the latter, not to sell minors and that an sales so proven, occurred in knowledge, permission or consent, and in day. In fact, his manner reminded novations, chief of which may be menviolation of his express orders. It also the boys of the time he came in to tioned the cut eight-page form of makeup, is also the first to introduce two exceptions, the respondent was Meetin' not personally present when any of the sales to minors were made, and that the sales were without any express authority or permission on his part.

This feature of the case will be disposed of upon the theory that such sales were not in the personal presence of the pro prietor, and occurred in direct violation of argued, by counsel for the petitioner with much force, that in view of the respondent's testimony that he was continually in and about the establishment. It was almost | th' law!" impossible to belevle that these occurrences could have happened, so repeatedly, with out some knowledge on his part, which indicated that the conduct of the agents was the result of his permissive sanction

Upon the question of the defendant's liability in such case we find the established principle to be, that in a proceeding of this character, the proprietor of a hotel is responsible for each and every violation by his agents, of the law prohibiting sales of intoxicants to minors, no mat ter if the sales occurred in his absence without his knowledge or consent, and in direct violation of his instructions.

There are authorities which hold to the contrary of this rule, but they refer invariably to prosecutions started with the purpose of holding the principal responsible criminally for the act of his agents It would seem that the doctrine of "re

applied to a situation of this character. In no other way can strict obedience, on the part of a license holder, with respec to the laws regulating excise matters and management of a licensed place, be en-

[Communicated.]

The following clipping from the Swedesboro "News" of January 22,

"The Mayor waives his right of appointment, and Dr. J. G. Halsey and Dr. V. E. DeGrofft were appointed nembers of the Board of Health for Last Monday morning Judge Starr three years," raises the question, can three years, raises the question, can a Mayor of a city or a borough hold two or more offices at the same time? all officers are under the control of the one who makes the appointment." be noticed that the Mayor waived his prerogative in order that he may be appointed a member of the Board of Health for three years by the Council. This was no doubt cooked and dried before the Mayor waived his prerogative. Section 3 of the The petitions in this matter were filed Borough act, plainly says: "The May-The acts complained of, which are allact is mandatory, he shall nominate, leged in the petitions to have worked a etc. There is no power vested in the forfeiture of such licenses, are as follows: | Council to appoint or elect an officer, 1. That the license holder sold and gave | without the co-operation of the Maycil has appointed himself, and Dr. 2. That he sold and gave intoxicating Halsey for the term of three years,

liquors to other persons, being minors un- and by so doing has sought to deprive der the age of twenty-one years, whose his successor of his prerogative, and names are unknown upon dates therein get the emoluments of the Board of specified and at divers other times since Health. If the Mayor can waive his prerogative at will to get himself ap-3. That he sold and furnished intoxi- pointed to another office, why may he cating liquers to certain named persons, not get himself appointed to the office known in the neighborhood to be of con- of Marshal. Clerk and all other apfirmed intemperate habits, on days speci- pointive offices, in order to get the Mayor and Council of a borough can-4. That on specified dates and divers not appoint an officer for a term longother times within the same period, he er than that fixed by law." O'Rork sold and furnished intoxicating liquurs to vs. Newark, and cases cited. The Sucertain named persons and others un- preme Court has decided that when one office is subject to or under the itrol of another, they are incompat-5. That on dates stated, both specifically tible, and one person cannot hold both. and generally, he harbored certain named Where a person was appointed Proseindividuals, who are alleged to be drunk- cutor of the Pleas, and later appoint-

was declared vacant. The Prosecu-6. That he permitted certain named per- tors of the Pleas are subject to and Chancery was appointed Chancellor, 7. That the licensee kept a disorderly his office as Master became vacant, house in which be permitted illegal practices of various kinds to be habitually carried on, to the common nuisence of the neighborhood.

First: The allegations with reference to First: The allegations mentioned in the petitions, were called as Therefore, the conclusion is if the Mayor has been appointed by the Council, and accepted the office of member of the Board of Health, the

> JOHN FORD. Swedesboro, N. J., 2-8-'09.

are ultra virous, and void.

Uncle Dicky on the Davis Decision.

The old man came into the store Tuesday night, all aglow with animation, puffing vigorously on his ancient nicotized pipe, moisture both in his eyes and trickling out of the corners of his mouth, and as for smiles,

"Well, by Dad!" he ejaculated, catch ter county. ing his breath.

What now, Uncle Dicky?" inquired

"Did ye hear th' news?"

his express instructions, although it was theat-Jedge Mars hez kicked awf his So it may be seen that one man on a perliticle baby duds an' stan's up straight ez a cob an' gives his decision agin th' likker place w'at broke

> "Well, what of it-didn't the citizens of that town make out a good are brought before them. Of all officase? How could he help giving them cials the judges understand the evils the decision," replied Chod. soberly. of the business and the bad effects "Now that haint th' p'int I wuz a- of drunkenness upon the community drivin' at; 'taint th' jestice uv a case at large. It's up to the men in the thet allus goes but mighty often th' liquor business to strictly obey the perliticle pull nd' th' kind uv a law- law, in every particular, if they hope

W'y it wuz on'y Sundy, one uv our perliticle fellers sed thet Jedge Mars 'udn't go agin th' hotel an' kill hisself in polertics an' now he ups an' gives a square decision, like a free man, an' ez fer me. I'm mighty proud thet ole Jersey jestice hain't entirely

ver a feller hez thet giv's th' decision.

dead in this county. Then the supervising principal de-

livered himself thus: country, in the past ten years, con-cerning the liquor traffic. The peo- be forced to leave the resort through ple are now coming to look upon the business as a waste and nuisance. waitresses in many of the leading hos They are not only inclined to make telries. A hundred girls, recruited management of a licensed place, be to forced.

The opinion of the Supreme Court of North Carolina in the case of State vs. Kittelle, 110 N. C. 560, 15 L. R. A. 694, ges of the courts understand this attitude of public sentiment and are courately states the line of reasoning Continued on Seventh page.

The opinion of the Supreme Court of have taken the places of the negro serving men employed at the big Chalfonte Hotel, and other hotels along the beach will follow the except the opening of summer.

INCOMPATIBILITY OF OFFICES. DEMOCRAT INSTALLS

APPLIANCE KNOWN

Two weeks ago we made brief men-

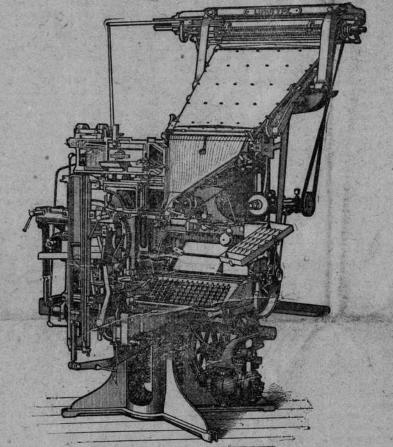
of such a nature that one person can- The machine is termed a type-set-not discharge the duties of both at the ting machine, but in reality it is not. same time." Second, "When one office it casts words into lines of solid metal metal in a liquid state. is under the control of the other, as at the pleasure of the operator of the

capacity of the linotype maing able to put copy into type with line.

or spilling type, as is the case in hand composition, nor is it necessary to go MOST UP-TO-DATE TYPE SETTING to imposition, nor is it necessary to go through the costly process of distribution in the type after its mission has been fulfilled. With the machine, it is simply a case of throwing it back. After the minutes had been read into the melting pot, thereby making and approved, Mr. Pierce, of the Fi-

ready for use again. plied by a quarter-horse electric motor, while gas is employed to keep the

The operator touches the keyboard, keyboard, which very much resemb-les the keyboard of an ordinary type-writer. the various keys respond to his wish and as each key is pressed a matrix responds out of the magazine above the operator's head, running down in chine is such that it will more than uniform fashion until a line is form-do the newspaper work of the Democrat as well as all the "plain matter" operator releases the matrices and to this office. The great advantage to be derived in this office will be in be
defined by pressing a small lever, the because they could then sell them to because they could then sell them to be decayed they are carried automatically into a suthorized to receive private bids for the \$20,000 school bonds, and submit molten metal and cast into a solid them to Council. While this work is going on by



whether he be of a mechanical turn ited into its proper channel. or not. It is in good working order preferably during the first of any

There is a ton and a half of iron in this machine, and about 7,000 parts.

The Democrat which led this section of the State in introducing varthis wonderful machine into Glouces-

It is guaranteed by the company six or seven thousand ems in that "W'at news, are you a gran'dad time. The man who can set one thou-agin? put in Uncle Sam. hour is considered a good workman. linotype machine can do as much work as at least five men at the case. There are other advantages. The ington, D. C.

around the cigars at his own exp

UNCLE DICKY.

to get their copy to this office early. gone through the impression process.

The linotype—which is Model No. This carries the matrices back to the 5, the very latest out—was installed top of the magazine and by a nitche January 1st. It is a piece of work arrangement somewhat in imitation which is bound to interest any one, of a Yale lock, each matrix is depos-

It is possible to equip one of these and we would be glad to show our machines so that it will set many friends just what a wonderful piece hundreds of different faced type. The of mechanism it is and what wonder- ordinary needs of any office, however, ful work it does. A general invitation do not require a single machine to be is extended to the public to visit the supplied with more, than three or office at any time for this purpose, four. The Democrat's new machine is equipped at present with three sizes

The linotype was invented by a German clock-maker, named "Mer-The first Mergenthaler machine invented had matrices made of long strips of brass, about two feet in length, which were hung on

There are in the neighborhood of 300 patents covering the linotypes and improvements New York Tribune was the

that the machine will set 5,000 ems an first newspaper to install linotypes. hour. A real good operator can set They purchased four in July, 1886, and gradually added to their equipment until there were 53 in their composing room.

There are, approximately, 13,000 American built linotypes in use throughout the world, including the Government printing offices at Wash-

Gordon-Knapp.

A pretty wedding took place at New Sharon chapel on the third inst., when Mr. Frank Gorden, Jr., and Miss Frances Knapp, of Phila., were made one flesh, Rev. O. S. Duffield, of Wenonah, officiating. The little house of worship had been beautifully decto continue their easy and profitable "By Dad! teacher, I b'lieve you're orated for the festive occasion. The more'en half right," replied the old bride was attended by her cousins, orated for the festive occasion. The man, proceeding to do what he had Misses May Stuebing and Lillian Kesbeen known to do before, pass sler. The groom was attended by his cousin, DuBois Willis, and William Frederick, a friend of the groom. Ushgirls were Miss Alma Sawyer and Miss More than 1,000 negro waiters in ered himself thus:

big beach front hotels at Atlantic Emma Irwin. The wedding march was played by Miss Mabel Myers. The mind that there has a great change balance of power in close elections bride wore white silk with white satin come over public sentiment, in this there for years, are slated to lose ribbon, besides veil and orange blossoms and carried a bouquet of white carnations. A reception was held at the home of the grandparents after the wedding. The bridal party left for Spring City, Pa. Mr. and Mrs. Gordon will reside at New Sharon.

face of the type is continually new, being recast every time that it is used. There is no danger of "pi-ing" MFETING OF CITY COUNCIL. TEACHERS FIGHT

To describe this machine to the the will of the late David Ogden stipgeneral public is practically out of the ulated that no fees be taken from the two or more offices at the same time? tion of the fact that a Mergentialer petitioners have sustained all alations, and orders the license reded, and puts the costs on the decompatibility of offices: a future issue we would give a more automatically, the power required because of the offices are extended explanation of the machine. The finds that two or more offices at the same time? Linotype had been installed in the keyboard, most of the work is done be honorably taken from the rental. He recommended that Mr. Cattell's extended explanation of the machine. mittee, to confer with Mr. Cattell to collect the full amount, and pay the fees from another account. Carried. He reported progress on the May-

or's fee bill for 1908. The Treasurer reported that a New York brokerage firm said they would pay a higher price for the extra school bonds if private bids were accepted, because they could then sell them to them to Council.

Mr. Pierce reported a proposition to sell the Allen property for \$1,200; pay \$200 and give a mortgage for \$1,000 and spend \$500 in repairing. (The city paid \$1,100 for the property) The Finance committee was author ized to dispose of the property on

the above terms. The Railroad ordinance, providing for the relaying of the third track, was taken up on second reading. After being amended, the ordinance was finally passed by a unanimous vote Mr. Shivers presented the report of

the Water committee of 1907, as to the investigation of water outlets. The report showed a very few proper-

ı	ties that did not harmonize with the
ı	city books. These had been made to
ı	harmonize. The report was received
ļ	and ordered filed.
ł	DILLO DILLO
Į	BILLS PAID.
ķ	Public Service, electricity\$ 9.23
ı	J. Rachor, Sr., relief 4.50
	Chas. Cristison 2.40
	S. A. Stewart, relief 6.68
	W. A. Fisher, relief 9.11
	S. B. Munyan, oats, corn, bran. 13.97
	J. D. Carpenter, Adver 19.35
	J. Frank Wilson, Adver 17.70
	W. J. R. R., freight 70.13
	A. Starr, express
	B. A. Cook, overcharge50
	C. Christie & Co., 2.40
	Standard Oil Co., oil 4.05
	Thos. L. Wentz, wood 135.00
	C. R. Peddle, architect 71.18
	Mr. Matlock reported that the Fire
	Department needed six coats and
	twelve pairs of boots, and these were
	ordered purchased.
	ordered parenased.

reason of not being able to run the pump to full capacity. He thought the matter of a new main should be

The committee was encouraged to go ahead and ascertain cost of a

proper main. The Water Superintendent's report showed collections for January of \$3, 294.97; 17,856,500 gallons of water pumped, 5,600 pounds of coal used. Final payment of \$1,417 was ordered made to C. M. Garrett for the municipal building, when release of liens is filed and accepted by the committee. A Star ventilator was authorized placed in Council chambed at a cost

The bond of Wm. T. Cozens, in the sum of \$200, with seventeen sureties, representing \$500,000 or more, was received and approved.

Mr. Cozens, Overseer of Poor, re-ported he had calls from poor people for a physician, and asked for information as what to do. On motion of Mr. Burkett, the Finance committee was directed to ascertain what can be done in the matter of having a city physician. Dr. Curry said he wanted to do the right thing by the people in want, but how about a city grocer, butcher, shoemaker, etc.? He outlined the ethics of the medical profession and concluded that worthy poor never suffered for lack of such attendance Dead beats, professional and otherwise had such troubles, but worthy poor

The Mayor's report of lights out for January was received and filed. Residents of Carpenter street protested against the character of concrete work done for them, and the general condition of the street. Mr. Cattell's communication was read, received and

Joseph B. Best's declination of the position of Assistant Fire Engineer for the 2nd district was read; and accepted, and John S. Jessup, Jr. was

A bill of \$10.80 for substitute librarian was ordered paid when in proper form, but that hereafter when substitutes are needed Council be consulted as to employment. Adjourned at 10 o'clock

-An entertainment by the children will be given in the Central Baptist Church Friday evening, February 19. The program will consist principally of musical selections, among which will be several illustrated songs. The principal number on the program will be "Tom Thumb's Wedding," which ne will be worth the price of ad-

FOR THEIR RIGHTS.

Urge Passage of Bill Giving Them
Protection Equal to That of
Policemen.

Spirited debate ensued at the hearing before the House Committee on Education Monday afternoon when arguments were presented by the opponents and supporters of the tenure of office bill, drawn by Dr. William

Wentzel, of Trenton, and Prof. school teachers, principals, superin- Thos. Stevenson. tendents and supervisors, after serving a three years' probationary pertheir salaries be reduced, the bill being practically the same as introduced last year.

The hearing was attended by prominent educators from all parts of the State, and a large delegation of Trenon school teachers were

applaud the addresses of Samuel H. who was the first speaker in support of the bill, and Professor Ebenezer

introduced the speakers.

In beginning his address, Commis-

bodies the rule adopted by the Trenton Board of Education, which requires that no teacher may be dise thoughts of dismissal, and that this needless worry hampered her in her it was a model hotel. This testimony that glaringly inefficient teachers Mr. Avis represented the defendant, were not disturbed by thoughts of distical leaders of the community.

almost impossible to obtain represen- jury. tative men to serve as members of the Trenton Board of Education if it were the custom here to drop teachers for social and political reasons. He argued that the bill should be enacted into law because it caused meritorious teachers to cease worrythat the Trenton Board's rule, giving teachers a right to a hearing before dismissal, has never been taken advantage of, and that he remembered Contract.

only two cases of suspension during Summerill.

of the bill would in a great measure better conditions in the educational field, because it would give school Davis. teachers a standing in law equal to the legal protection given to civil ser-field S. Stratton, Appellant. On Convice employees, firemen and policemen in their position.

"Of all professions and employ-'Overnight action often occurs and a eacher is discharged. If you would treat us as having a pride in our profession instead of in the dollars that it affords; if you wish us to build up your schools without our minds being harrassed and our activities hampered, give us freedom and the power to think. We simply ask to be protected against the hasty acion of people who may not know what they are doing. Principals have their troubles with teachers who have a 'pull;' protect the principal as well as the teach-

Professor H. C. Krebs, superintendent of t heSomerset county schools was subjected to considerable interrogation by Assemblyman Martin and McKeag when he argued that one of the main benefits of the bill was to get rid of inefficient teachers.

Professor Krebs stated that the bill would be particularly beneficial to the teachers in the rural districts where boards of education dismiss her by allowing her position to lapse. The bill would compel boards to take affirmative action in dismissing a teacher instead of withholding her re-appointment, as is now the custom.

Professor H. M. Maxson, superintendent of the Plainfield schools, stated a teacher serving for a number of years has an equity in the Teachers thousands of dollars, and he argued that it would be the height of injustice if this equity should be desroyed by the summary action of a board of

"This bill will protect the equity of the teachers of New Jersey," he said. "If the State law demands that a teacher must join the retirement Fund, another State law should protect her rights under the former law. speaker if he knew of an efficient teacher who was discharged.

"I do not personally know of such a case. I do know that the teachers of Plainfield are worried each year until they receive reappointment, and the most worried teachers are gener-

If a school superintendent is not in sympathy with his board, should he be discharged, even if he is efficient?" asked Mr. Martin.

[Continued on Fourth Page]

FEBRUARY TERM OF COURT

The Brewer Indictment.

The trial of the disorderly house indictment against Frank and Clara Brewer, presented by the Grand Jury lastTuesday, was begun Tuesday morning. There was more that the usual challenges in selecting a jury, both the State and defense exhausting the limit of ten each. The following

constituted the jury:-Frank A. Homan, Howard Brown, Nimrod Chew, Edward Owens, Chas. Babcock, John Gluwick, Frank Mattson, Tullis R. L. Packer, Allen Barr, Ebenezer Mackey, which provides that Rufus S. Adamson, Marcus Pierce,

The Prosecutor's opening, in which he outlined the facts on which the iod, may not be dismissed without a State would rely for conviction, if hearing and upon just cause, nor may proven, indicated that the West Deptford hotel was simply a brothel of the lowest order, and if proven the indictment has been found none too

The first witness was Wm. Cooke, who testified he was, and for ten years has been, an agent of the Law and Order Society. He first visited Bullock, of the Board of Education, the place May 4, last; later became a boarder, and gave in detail what he saw and heard during his residence Mackey, supervising principal of the there. E. J. Hawn and VanLeer, also agents of this society, detailed what Assemblyman Rathburn, of Passaic, they saw and heard, and gave names of persons, male and female, they saw there between May 4 and June 28 last. sioner Bullock stated that the bill em- It is needless to say the testimony is

unprintable. The defendants called as witnesses to rebut the testimony of the three missed without having been given an opportunity of being heard. He said that the average efficient school teachthat the place was quiet, orderly and school work, while it often occurred was not shaken on cross-examination.

missal because they felt secure in The testimony was completed Wedmerely "pleasing the social and poli- nesday evening, and the lawyers sumcal leaders of the community." med up this morning. As we go to Mr. Bullock stated that it would be press the case is in the hands of the

The Civil List.

Judge Lloyd was in Court on Monday morning to try Supreme and Circuit Court cases, but as none were ready, he put all off for the term.

Following is the list of appeals to the Common Pleas, all of which will ing about their positions. He said likely be tried at this term except

Nos. 1, 2, and 3. 1. Robert C. Folwell, Appellant, vs. William C. Warlow, Appellee. On Contract. D. O. Watkins. Jos. J.

2. New Jersey Society for the Pre-

4. Herbert Jones, Appellee, vs. Jos-

eph E. Wright, Appellant. On Contract. John Boyd Avis. Francis B. 5. Cali Minzia, Appellee, vs. Win-

tract. Edgar Shivers. J. J. Summer-

ill. 6. Joseph Lettiri, Appellee, vs. Winments, the teacher alone is kept in a field S. Stratton, Appellant. On Constate of nervous trepidation," he said.

7. Charles W. Harmon, Appellee, vs. Gustave Mueller, Appellant. On Contract J. J. Summerill. David O. Watkins. 8. John Hoffman, Appellee, vs. Adam

Miller Appellant. On Contract; on Appeal. J. J. Summerill. J. Boyd 9. William C. Fox, Appellee, vs. Randolph Lacy, Appellant. On Contract; on Appeal. J. J. Summerill. J.

10. James M. Tweed, Appellee, vs. William J. Miller, Appellant. On Contract. D. O. Watkins. J. Boyd Avis. 11. Asa C. Harker, Appellee, vs. Herbert W. Lentz and Sophia Lentz, Appellants. On Contract. J. Boyd Avis. D. O. Watkins.

12. William J. Adamson, Appellee, vs. Abner Cleaver, Appellant. Contract. J. Boyd Avis. A. H. Swackhamer.

13. Brannin & Sons, Appellee, vs. Samuel Kean, Appellant. On Contract. J. Mercer Davis. S. Stanger

Iszard. 14. Frances L. Wilkins, Appellee, vs. The Whitney Glass Works, Appellant. On Contract. D. O. Watkins.-S. Stanger Iszard.

A Cyclonic Storm.

Wednesday's wind storm was a fierce one in some sections. Down at West End it played particular havoc About one o'clock a veritable whirlwind swept a section 200 yards wide A big window was blown out of the Walker house, and chicken houses blown down; at the Lupton farm, on Mantua ave., the big red barn was the Gunn tract, a new double house was unroofed, also one of D. H. Mumfords small houses. Fences, at all

weak in the posts, were leveled.

In West Philadelphia, a church was unroofed, and one man killed by flying

At Clarksboro, a chimney was blown off Isaac Haines' shed and roof and plaster broken.

-At 4 p. m. next Sunday Rev. Chas eWoody will address the men's meeting in First Baptist Church.