

LOOKING BACK

100 Years Ago From The Pages of The Walton Reporter - Saturday, December 21, 1923

THE WEEK IN WALTON

What We Are Talking About at the County Hub

NEW YEAR'S BALL DEC. 27

Kicked on Knee by Horse—Masons Elect Officers—Church Caught Afire—Fell on Cross-cut Saw.

In observance of Christmas and New Year's the O. & W. freight office and freight house will be closed, Tuesday, Dec. 25, and Jan. 1, 1924. Way freights will not run on above days.

Bert Gorton of Rock Rift fell recently-while carrying a cross-cut saw and his right arm was painfully injured where the points of the saw penetrated the flesh. Dr. Gould attended him.

Reports received from canvassers in the recent Red Cross roll call and campaign for funds for a community nurse show a total of \$860 thus far received, while some canvassers have not reported.

Referee Cooper of the industrial commission was at Walton hall Wednesday to hear claims under the workmen's compensation law. Only a few matters came up and these arose in most cases out of minor injuries.

The annual New Year's ball of Company F, 10th Regiment, will be held in the armory next Thursday evening, Dec. 27. The Kings of Melody, a seven-piece orchestra from Binghamton, will furnish the music for the dancing which begins at 9 o'clock.

John Loker of Frear hollow was kicked by a horse Wednesday and had a deep gash cut in his leg near his left knee by one of the calks in the animal's heel. Mr. Loker was stooping over to unfasten a rope across the back of the stall when the horse kicked him. Dr. W. B. Morrow was called in attendance.

During the service last Sunday Plymouth church caught fire. Smoke began to pour into the auditorium while the minister was preaching. At first it was thought that the furnace was smoking but upon investigation it was discovered that the rafters in the basement were burning. The men got busy fighting it and saved the church.—West Brook correspondent.

The hour of the entertainment given by Walton members of the Elks for the children of Walton and vicinity has been changed from 1 to 10:30 o'clock Christmas morning in Walton Hall. The change was made in order not to conflict with the dinner hour. All children under 16 years of age will be admitted free. Parents may be admitted but a small charge for them will be made. There will be moving pictures followed by a Christmas tree with a gift for each child. Sick children will be visited Christmas morning by Santa Claus.

Herbert D. Henderson was elected master of Walton lodge No. 559, F. & A. M., last Thursday evening. Other officers chosen are as follows: Senior warden, J. T. Sherwood; junior warden, Cyrus Leroy; treasurer, W. E. Henderson; secretary, George M. Carpenter; trustee, W. G. Moore. Delaware Chapter, R. A. M., has elected these officers: High priest, James M. Peake; king, Cyrus Leroy; scribe, Ernest Guild; treasurer, W. R. Reynolds; secretary, G. M. Carpenter; trustee, Harry F. Marvin.

The Dairymen's League net price for November is \$2.23, according to figures made known Monday by G. W. Slocum, president. The gross price is \$2.43. The item of expenses is the same as the preceding month, namely ten cents per one hundred pounds. Certificates of indebtedness add another ten cents, according to the statement. Statistics show that the league handled 1,526,584 pounds more in November of class 1 milk than in the month previous and 498,917 pounds more of the same article than in November, 1922.

A recent order of the post office department states that Christmas day will be observed as a holiday by the rural free delivery mail carriers. Only one delivery will be made in the forenoon on Christmas day by the city delivery carriers. The Walton post office will be kept open to the public until 9 o'clock each evening, Dec. 21, 22, 24. It will be the earnest endeavor of this office to make prompt deliveries of all mail during the Christmas rush. Hereafter the post office door will be open Sunday for the convenience of boxholders from noon until 3 p. m. instead of from 9 a. m. until noon. Train 5 from New York no longer carries mail Saturday night and the first mail is now received on the milk train at noon.

While Harry Hall, the Hamden garage owner, was driving to Walton last Friday evening accompanied by his wife and Mr. and Mrs. Floyd Sands of that village his Ford car was run into by a Ford racing model owned by a New York man. The accident occurred on the east side of Haverly hill, just outside the village limits. The Hall machine was thrown across the highway into the fence, overturning on its side. The occupants were not seriously injured. The driver of the New York car stopped and left his name and car license number. The Hall party walked to Walton and attended the show at Walton Hall. When Mr. Hall went to the place after the show he found that someone had stolen a tire from one of the wheels.

MONDAY WAS BUSY DAY FOR JUDGE MCNAUGHT

Contested Claims Against Two Estates Heard by County Judge in Delhi

(From Delhi correspondent.)

Monday of this week was an exceptionally busy day for Judge Andrew J. McNaught in Surrogate's court chambers in Delhi.

The first matter to come before him was the application for an order of Eunice L. Mason as administratrix of the goods, chattels and credits of George W. Mason, deceased, for permission to compromise a cause of action existing in favor of the estate of said deceased. Judge McNaught granted the order. Mrs. Mason was represented by Miller, Matterson & Quinn of Syracuse, Mr. Matterson appearing in person.

It will be remembered that George W. Mason was killed in the Maywood accident on the Ontario & Western railroad, and following that Mrs. Mason brought an action in the U. S. district court for the northern district of New York for \$100,000, the amount which she will receive under the compromise order being \$15,500. Mr. Mason was survived by his widow and two sons, both infants.

The settlement of the estate of Paul Sawyer, late of the town of Middletown, consumed the greater part of the forenoon. Evidence was taken in the matter of a contested claim pertaining to that estate.

TREASURER REQUIRED TO PAY TRANSFER TAX FEES TO COUNTY

"A. county treasurer cannot legally retain the fees received by him in transfer tax proceedings where his salary has been fixed by the board of supervisors, and he is required by law to pay over the same to the county.

"The board of supervisors has no power under the law to permit the treasurer to retain such fees in addition to his salary. The rule is the same with regard to transfer tax fees as other fees, and a county treasurer has no right to such fees in addition to his fixed salary."

The office of the attorney general of New York state thus replies to an inquiry as to whether the county treasurer can legally retain the fees received by him in transfer (inheritance) tax proceedings and whether the board of supervisors has any authority by resolution to permit the treasurer to retain such fees in addition to his salary.

The board at its November session adopted the report of the committee on salaries of county officers which stated, "The salary and compensation of the county treasurer be fixed at the sum of \$2,750 per annum and it is understood that in addition thereto he is entitled as a matter of law to the fees received from the inheritance tax proceedings." The Reporter has repeatedly pointed out that the attorney general's office, under both Republican and Democratic administrations, has ruled that county treasurers must be placed on a strictly salary basis and that all fees, including those as appraiser in inheritance tax proceedings, must be paid to the county. Heretofore the treasurer has been paid a salary of \$1,400 and allowed to retain all fees, in some years amounting to several thousands of dollars. The board this fall changed this by fixing the salary at \$2,750,

At one o'clock Edward E. Conlon, attorney for Merritt J. Reynolds, administrator of the estate of Harriet Northrup, deceased, sold a parcel of real estate at the front door of the court house belonging to the estate. The real property was "sold for the payment of debts, funeral expenses, etc., and was struck off to Carlotta Jersey of the town of Andes for \$900.

Another piece of real estate was sold following this by Mr. Conlon, this piece being the farm of the late Henry Stevens located in the town of Hamden. It was sold for \$1,250 but as this was a very low figure objections to the sale were made by the widow and administratrix, Anna Stevens.

Judge McNaught sustained the objections and ordered that it be sold for not less than \$2,000. The farm comprises 200 acres of land with buildings thereon and about 75 acres of woodland.

Following this sale about fifty or seventy-five relatives of the deceased, neighbors and others interested filed into the surrogate's chambers where a contested claim was tried before the surrogate. Edward E. Conlon appearing for the administratrix, Anna Stevens, and Arthur F. Curtis appearing for Stanley Stevens, a son of the decedent, who claimed that he furnished wood for two years and had not received his pay.

DRUNKEN AUTO DRIVERS JAILED.

Jesse Berry of the town of Oneonta was convicted in Otsego county court in Cooperstown last week on a charge of driving an automobile while intoxicated. He was sentenced to five months in the county jail. Howard Van Patten of the town of Otsego plead guilty to a similar charge and was

or \$250 more than is paid either the sheriff or county clerk, and adopting the report of the committee on salaries to permit the treasurer to retain transfer tax fees. This committee to which the question of the treasurer's salary was referred when the question arose last spring, had previously reported as follows: "That the county treasurer shall hereafter be on a salary basis for all services rendered by him except for services as appraiser in inheritance tax proceedings. The committee report that they have been advised that the board of supervisors have no authority to legislate in regard to fees received on tax proceedings." Who furnished this advice was not stated, but evidently the repeated rulings of the attorney general to the contrary were not consulted.

In reply to a question as to the right of the county treasurer to retain transfer tax fees and of the board by resolution to permit him so to do the attorney general's office referred to an opinion on the same question given February 7, 1923, on an inquiry of the state comptroller. This opinion, published on page two, concludes that the board of supervisors, acting under authority conferred by subdivision 5 of section 12 of the county law, must fix the salary of the county treasurer at a definite sum, and that the board is without authority to allow fees in addition to the salary so named. These fees include the transfer tax fees, the attorney general's office writes, as quoted, in enlarging upon the purport of this opinion.

It remains to be seen whether the board of supervisors, the law-making body of the county, will continue to permit the county treasurer to retain fees which the attorney general has ruled he cannot keep.

given a, sentence of thirty days in the county jail.

\$25,000 VERDICT REVERSED

O. & W. Railroad Wins Point in Ralph Oles Action.

The United States circuit court of appeals, in New York city, on Dec. 17, handed down a decision reversing a verdict of \$25,000 awarded April 27, by Judge Bondy and jury in United States district court, to Ralph R. Oles of 126 Linden avenue, Middletown, in his suit against the New York, Ontario & Western railroad.

Mr. Oles, who was a trainman in the employ of the railroad, was run over by a locomotive early in the morning of Oct. 6, 1922, at Mountindale, resulting in the amputation of his right leg below the knee. It is understood that the appeal was on the ground that the award was excessive.

O. & W. PAYS BIG CLAIMS

Railroad Settles Two Cases From Maywood Wreck

WILL TRY BROWN ACTION

George Mason's Widow Paid \$15,000 and Mrs. Cole \$14,000 for Husbands' Deaths.

The O. & W. railroad settled several important actions in federal court at Utica last week.

Mrs. Eunice L. Mason, widow of George Mason of Sidney, who was killed in the wreck of the Utica Flyer at Maywood on March 24th last, was awarded \$15,000 in

an action brought against the railroad for \$100,000. The case was settled without a trial.

John Fitzpatrick of Hamilton, mail clerk, hurt in the Maywood wreck, was given \$1,300 in an action brought for \$10,000 against the railroad. This suit was settled without a jury trial.

The case of John H. Brown of Sidney, fireman, was adjourned over to the April term of federal court in Syracuse. The action is for \$100,000. It is understood that the company has offered Brown \$8,000 to make a settlement.

The case of Daisy Cole of Norwich, widow of Roland D. Cole, killed in a wreck at Oxford last April, was settled for \$14,000. Sult was brought to recover \$60,000.

In all the above cases the railroad was represented by W. H. Sullivan. D. J. Seubert of Syracuse was attorney for Mrs. Cole, and W. B. Matterson, formerly of Norwich, member of the Syracuse law firm of Miller, Matterson & Quinn, represented the plaintiffs in the other cases.

FELL OVER BABY CARRIAGE

Hancock Man Breaks Arm for Third Time.

(From Hancock correspondent.)

Halsey Young of Hancock had the misfortune to break his right arm Sunday evening. He went down to the cellar to get some wood and in returning fell over a baby carriage, breaking the arm between the wrist and elbow. This makes the third time Mr. Young has had the same arm broken, twice by being kicked by a Ford.

RAISED HAVOC WITH STATION

Stamford Man Held For Driving Car While Intoxicated.

William Felter of Stamford was held in \$200 bail by Justice Murdock of the town of Oneonta Saturday on a charge of driving an automobile while intoxicated. Friday afternoon Robinson's car raised havoc at the West End gasoline station of D. E. Robinson, in Oneonta, breaking three posts which support the canopy over the gasoline pumps and smashing a new pump. The machine was stopped part way up the steps into the rooms occupied by Mr. Robinson. The bail was furnished.

MERIDALE BOYS BREAK WRISTS

One Fell on Icy Steps and Other Hurt While Coasting.

(From Meridale- Correspondent.)

While riding downhill after school Friday Ralph Shaver of Meridale had the misfortune to break his left wrist. Dr. Ormiston of Delhi was called and reduced the fracture.

Henry Hitchcock of Meridale met with about the same kind of accident Sunday afternoon when he slipped and fell on the icy steps and broke his left wrist. Dr. Ormiston attended him. In both cases the boys were very young and both were very bad fractures. They are doing as well as can be expected.

DROP CHARGE IN ELOPEMENT.

(From Hancock correspond.)

Peter Merrill, a Greek fern picker, and Miss Anna Forester of Winterdale, Pa., who eloped last week, were located in New York. The girl's father gave his consent to their marriage and the charge against Merrill has been dropped.