

THE ANDOVER NEWS

A PROGRESSIVE FAMILY NEWSPAPER, FOR ALLEGANY COUNTY, PEOPLE IN POLITICS INDEPENDENT, BUT NEVER NEUTRAL

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POOLING CONTRACT IS A BINDING PAPER

The Dairymen's League Collect \$228 Damage for Violation of Contract.

The action brought by the Dairymen's League Co-operative Association, Inc. against Merle Holmes and George Holmes and sister of Atton, Chenango County, New York, for violation of their pooling contract and which was tried before Judge Louis Martin in the Supreme Court of Utica, N. Y. recently resulted in a jury verdict in favor of the Co-operative Association. This is the second important decision rendered in favor of the League within the last three weeks, the first one being the Barnes case decision which was handed down by Referee Merwin in the Supreme Court of Utica on January 17th.

The Holmes case establishes the fact that the pooling contracts offered by the Co-operative Association when once signed are legal and binding and are enforceable. It is the first decision that has been made on this much discussed point and will be a source of great satisfaction to the vast army of dairymen who are working out their milk problems thru an organization which has for its basis this very contract in question.

Action was brought by the League against Holmes Brothers in July to recover damages for violation of contract. It grew out of the fact that Holmes Brothers had transferred their farm to their sister, which the League claimed was done for the purpose of evading the terms of the pooling contract.

The association was represented in the case by Hon John D. Miller and Edward A. Miller of the legal department assisted by Honorable P. C. J. De Angelis of Utica. Holmes Brothers were represented by Willard R. Pratt and Frederick C. Barnes of Utica.

The defendants claimed that they had never really signed the contract, that the association had not delivered their certificate of indebtedness, that the association was a monopoly in restraint of trade, that the provisions of the contract regarding damages were illegal, that the League was conducting a business and making deductions in New York State on account of plants located in Pennsylvania, New Jersey and elsewhere, that the contract was obtained by duress, that the association had improperly deducted considerable sums of money more than authorized by the statute under which it was doing business because the defendant was not a member.

During the trial the defense waived the question of monopoly in restraint of trade. The evidence brought out the fact that the contract had not been signed by the defendants, but that they had authorized a Mr. Gurnsey to sign it for them and that their business had been operated under it for nearly a year and that they had been furnished with a copy of the contract and were familiar with its provisions.

The court held against the defendants as a matter of law on all contentions of the plaintiff except as to the question as to whether or not the contract which they had authorized Mr. Gurnsey to sign had been sufficiently ratified by them and as to whether or not they had had sufficient notice of the clauses relating to default and damages.

The jury brought in a verdict on January 27th in favor of the League. In the course of the trial the counsel for the League consented that the jury might have deducted from the amounts of damages claimed the amount of the certificate of indebtedness for the year 1921 and for the amount of the check for April milk which amounts had been withheld by the association in view of the violation of the contract. The amount of the verdict was \$228.16.

This decision, coming as it does on the heels of the Barnes case decision, is the best kind of news for the thousands of dairymen who are operating their business under the pooling plan of the association. The Barnes case decision established the fact that the association is not a monopoly in restraint of trade and that it doesn't deprive any farmer of a market for his milk. The Holmes case establishes the fact that the individual pooling contract is a legal one and is enforceable.

A poor store is quickly "found" when it commences to advertise and so is a "good" one.

EDITH R. SNYDER

Mrs. Edith R. Snyder died at the family home on Elm Street, Wednesday, Jan. 24th, following an illness of six weeks duration from a disease which the best of medical skill and care could not combat.

Mrs. Snyder was thirty-nine years of age, daughter of the late Mr. and Mrs. Charles Rogers. She was a woman of pleasing personality, who will be greatly missed in the home and the social circles of the village. She was a member of the King's Daughters and prominent in the Presbyterian Church, also the Order of Eastern Star. Since the death of her husband, W. E. Snyder, eight years ago, she has presided over the home of her father-in-law, Jesse Snyder, to whom her death is a great bereavement. She is also survived by a daughter, Dorothea Snyder, a brother, Ralph Rogers, of Buffalo, and a sister, Miss Helen Rogers, of Englewood, N. J.

Funeral services were conducted from the home Saturday afternoon, by Rev. Royal MacGowan of the Presbyterian Church, assisted by Rev. H. D. Bacon, of Portville, a former pastor. She was laid to rest in the family plot in Hillside Cemetery.

REV. J. W. WRIGHT

Rev. J. W. Wright, of Wyoming, N. Y., died Jan. 23rd from injuries received by a fall in an icy sidewalk. The remains were brought to Belmont for interment.

Rev. Wright was a former pastor of Andover Methodist Church, a gentleman of pleasing personality and a man of high character.

CARD OF THANKS

To all our dear friends and neighbors who, by words and deeds, did everything they could for us during our recent bereavement, we wish to express our sincere appreciation and thanks.

JESSE SNYDER,
MISS DOROTHEA SNYDER,
MISS HELEN ROGERS,
RALPH ROGERS.

PETER HUYCK WAS CAUGHT WITH GOODS.

Cost Andover Hotel Man About \$85 to Run Punch Board.

State Troopers, disguised in citizens clothing, swarmed down in Andover Saturday, and in the evening walked into the basement and lunch room of The Swink Hotel, run by Peter Huyck, and found a punch board in full operation, all loaded with various prizes, running from pen knives to \$5 gold pieces.

The proprietor was arrested upon a charge of misdemeanor, and the punch board confiscated. The outfit was taken before Justice H. P. Bundy and the trial set for Wednesday afternoon.

Village Hall was packed soon after noon with those who wanted to hear what was going on at the trial. While the crowd was wondering why the Justice and his prisoner did not show up, the proceedings were being pulled off at Justice Bundy's residence, on East Greenwood Street.

The offense, had it been taken to the District Attorney and been carried thru, and the prisoner found guilty, would have drawn a minimum sentence of \$1,000 fine and about a year in state prison. But as the charge was only for misdemeanor, it was triable by a Justice of the Peace, whose sentence limit is \$50 fine and six months imprisonment.

After Mr. Huyck had plead guilty, Justice Bundy gave him the full fine of \$50 and six month imprisonment, suspending the imprisonment under good behavior.

Besides the fifty-dollar fine Peter will lose the punch board and its contents valued at about \$35 more. The Justice will donate the proceeds of this board to the poor.

HOME BUREAU

As there were some who were unable to attend the first lesson in the clothing on account of sickness, this lesson will be given again Friday at 1:30 p. m., Feb. 9th, at the Methodist Church parlors.

This work is drafting patterns of the one-piece dress, not only for adults, but for children. The lessons following will touch on color and combination pattern construction, how to change patterns for different garments, decorative stitches, finishes, preparation of material. A work in which every woman in the community should be interested. Come.

Slain Boy's Mother's Voice Young Ward's Nemesis

Son of Millionaire Baker and Political Boss—Self-Confessed Slayer of Ex-Gov. Clarence Peters Has Been Freed by Judge Seeger, of New York Supreme Court, Without Trial.

Written Specially for The Andover News by Edward Percy Howard New York, Feb. 1. — Walter S. Ward, the millionaire bread king and political boss of Westchester County, N. Y., now has the privilege of wondering whether growing public pressure will even yet drag him to the

in fact that possibly it seemed to crowd out of the news columns to a large extent further intimate details and investigations in connection with the Ward case.

Even when the young man was set free without trial the incident did not appear greatly to arouse the edi-

Still Small Voice Cries for Justice in Shooting of Son



Walter S. Ward, son of Millionaire Bread King and political boss, leaving court a free man. He was shot down by son of wealthy baker Ward, has gone to Gov. Smith of New York, pleading for a thorough investigation of the dismissal of the murder indictment against the man who shot her boy.

Geo. S. Ward, millionaire bread king and political boss, father of Walter Ward, the self-confessed slayer of Peters.

Judge Seeger, of N. Y. Supreme Court, who dismissed, without trial, the indictment against Walter Ward.

bar of justice to answer for the shooting of Clarence Peters, the unfortunate penniless ex-gob he shot to death more than six months ago on a lonely road in his father's political ballwick.

Up to date, tho the young man has confessed the killing, he has been able to laugh at the law, and to smile on the unfortunate mother of his victim whose every effort to bring to trial the slayer of her son has failed.

Without money or influential friends, the unfortunate woman has been pushed into the background until to-day she stands as a mere incident in the case.

Driven either by conscience or fear of detection, young Ward gave himself up three days after the killing and confessed to the shooting. The roar of public indignation reflected thru the press resulted in his indictment for murder in the first degree. When the grand jury finally did return a true bill charging murder in the first degree there was a public sigh of relief—a feeling that after all justice would come into her own.

Month after month passed after the killing without seeming effect on the part of the district attorney to bring the young man to trial.

The outstretching hand of the elder Ward and the weight of his political domination, however, were not taken into account. What part, if any, they played in the eventual result may not be known. The fact is that six months after the indictment the young slayer was taken before Justice Seeger in the N. Y. Supreme Court and there set free without a trial. The court announced no evidence had been produced against the prisoner. He had confessed killing his victim but that did not appear to have much bearing on the case.

It now develops that while clever lawyers and busy brains were hard at work trying to save young Ward from the shadow of the chair in a legal way, the elder Ward was planning an intensive newspaper advertising campaign. Vitovim bread was thrown on the market. Forty thousand lines of display advertising were placed with a number of influential New York newspapers of undoubted selling power, and so the stricken mother of Peters soon had the privilege of reading in place of news of the killing of her boy display advertisements announcing that the inventive genius of the elder Ward had resulted in the producing of a new life-giving bread.

There was an unfortunate side to this campaign so far as Mrs. Peters was concerned. Newspaper columns are not elastic, and the Ward advertising copy was very large, so large

THE FLAPPER FLAPPED

A News reader says he will pay the subscription to the Andover News to the first person who will commit the following lines to memory and come to the News office and give the same without an error. Try it.

A flapper went flapping
To flap the flaps of her
Flapping flappers flaps.

For flapping the
Flaps of her flappers flaps
She, two flappers flapping
Flaps did inflap:

But if one of the
Flaps of the flappers flapping
Flappers, doth unlap a flap,
Then: the flappers

Flapping flap that unlapeth,
Unlapeth the flapping flappers
flaps.

"PLAIN BILL" RE- PLIES TO "A VICTIM"

Is Ready to Match Black and Blue Spots From Fall With Any One.

I will own up right on the start that I don't know the answer to your problem, Mr. "A. Victim." But I do know how to sympathize with you, for if any one has fallen down and bumped any place that I haven't, in the last month, I would like to see where it was. I'll match black and blue spots with anyone for the cigars as to expressing my opinion about the walks.

Oh Man, Mrs. Bill says I am a disgrace to the neighborhood. The other day she sent me over town to get 3 lbs. of beans and a dozen eggs, and I had them put in one sack so I could carry them easy, and coming home I didn't fall down but a couple of times. I would probably have slipped up five or six times only I kept saying over and over: "Every day and in every way I am getting spryer and spryer." But when Mrs. Bill looked in the sack she said: "Every day and in every way you are getting to be more and more a darned fool."

When I saw that outfit scraping the road to make it nice for the autos I wondered how much benefit that would be to nine-tenths of the taxpayers, but I seem to be about the only one who ever makes any kick so that I wouldn't say anything.

The only thing I can think of to remedy the slippery sidewalk is we might have a week of prayer; you know they do that for rain sometimes. Anyway, it wouldn't make the walks any worse, and we have already tried a week or two of cursing. Ask me something easier next time. This was too much for me.

PLAIN BILL

of them. O! yes, he is also a pianist. Standing next to Dworak is our great little baritone, xylophone leader, baby saxophonist and splendid accompanist, Temple Coaz. Never heard him? Well, here is your chance.

And way up at the head of the line is Francis Shorts, anything but short, with a clear tenor reaching at times to a beautiful falsetto. And when he lets loose with his saxophone and xylophone playing — well just come out and hear all of them.

Now look at the company as a unit. First, an ensemble of male voices ranging from opera selections to modern popular music; second, four soloists; third, four saxophonists with numerous sizes of instruments; fourth, four star xylophonists playing, as one man, with sixteen hammers; fifth, three pianists; sixth, a reader and impersonator.

Now, I ask you, doesn't that sound like a wonderful combination, one that you would like to hear and with whom you would enjoy passing a splendid evening of music — music by male voices which are generally proclaimed as the "best?"

Thousands of people have appreciated this organization during the last five years, and we are sure all who take advantage of their appearance here will gladly be listed as staunch followers of The American Glee Club.

Admission 75c or by season tickets. Get season tickets reserved at Brown's before the big sale of single admission tickets begins or you will be out of luck.

Our Classified Ads get results.

THE GREAT AMERICAN GLEE CLUB HERE

Third Attraction on I. O. O. F. Lecture Course Thursday Evening, Feb. 8.

Yes, it's true, they are really headed this way and will land in time to give us all a "real" time on the evening of Feb. 8th. This organization has been, for the last five years, one of Lyceum's best musical attractions and reports received on their work this season proves they are living up to all previous records.

This company of artists is good for the simple reason they have a good combination. Let us look at it a minute. Lancelot Bufton, manager of the company, sings second tenor in the quartet work, plays the saxophone and xylophone and adds a few humorous impersonations.

One of the best basses in Lyceum work is Anthony Dworak, base of the American Glee Club. When he starts "going down" seems like China was the next stop. But how he can get the music out of his saxophone! And when it comes to the xylophone he can just make his four hammers travel as fast as the rest

Look Our Cash Special Over And Save 19c on the Dollar

- 1 Large Can High Grade Milk 11c
- 2 Large Cans High Grade Peas 25c
- 2 Large Cans High Grade Corn 25c
- 1 Large Bottle Catsup, reg. 35c size - 18c
- 1 Large Can Tomatoes 13c
- 1 Large pkg. Armour's Corn Flakes - 08c

\$1.00

MRS. C. W. WILLIAMS

The Parlor Grocery

GEORGE E. BROWN

George E. Brown died Monday night, at his home on Hill Street, after a brief illness of pneumonia. Funeral service and burial were Thursday. A suitable obituary will be published in next week's News.