

LOOKING BACK

100 Years Ago From The Pages of The Walton Reporter - Saturday, May 3, 1924

THE WEEK IN WALTON

What We Are Talking About at the County Hub

POTATO PRICE IS LOW

Hiking Through the Catskills—Still Agitating R. R. Service—Broke Hip by Fall in Delhi.

An examination for chauffeurs will be held in Walton Wednesday, May 7.

Deland Jones, who lives near Delancey, stepped into a wood-chuck hole while plowing one day recently, and in falling injured his back. Dr. Smith is the attending physician.

At the recent meeting of the Chamber of Commerce O. J. Hoos, chairman of the committee named to investigate the question of ornamental lighting on Delaware street, reported that the cost for 28 posts would be about \$3,600, or \$1.50 per foot of frontage. The matter was laid on the table for the present.

The village police have been instructed to see that all automobiles parked along the streets at night have their lights on. Gardiner Place has been designated as a parking place and lights may be turned off here as well as on cars parked on Smith & St. John's lot near the Chronicle building. On all other streets lights must be on when cars are left after dark.

Miss Marian Udell of Mead street fell while in Delhi Wednesday afternoon and sustained an impacted fracture of her left hip. Miss Udell, accompanied by her mother and Hawley Fitch, had motored to the county seat and the accident occurred when Miss Udell slipped and fell on the wet sidewalk. She was brought home where Dr. W. R. Gladstone reduced the fracture.

A Ford car driven by Dennis Beardsley crashed into a tree on the West brook highway opposite Frank Gould's tenant house, occupied by Gordon Olmstead, on Sunday afternoon. Joe Beardsley, who was with his brother, was thrown from the machine and struck on his head. He was carried to the Olmstead home in an apparently unconscious condition and Dr. Gould was called. The man had suffered a bad cut on the head but was around again Monday. The occupants of the car claimed that the accident was caused by the wishbone of the machine dropping.

The public service commission in Albany Wednesday heard the complaint of the Chamber of Commerce of Norwich against the discontinuance of the Ontario & Western passenger trains Nos. 3 and 4 between Sidney and Norwich. The railroad alleges unprofitable operation of these trains between the places named. Norwich business men testified as to their frequent use of the trains. The Kiwanis club of Delhi has made complaint to the commission as to the discontinuance of passenger service on the branch. It is reported that the railroad may restore this service, though no authority for the rumor is given. The change has disorganized the mail service between Walton and Delhi. The mail is still carried on the train and only two mails, one at noon and the other between 4 and 5 o'clock in the afternoon are now received from the county seat and tributary territory.

About 1,500 bushels of potatoes were loaded at the Walton depot Monday and Tuesday by Gladhill and Putnam of Avoca, N. Y. The price paid here was 70 cents a bushel, but owing to a decline in the New York market the firm stated that the price would be 65 cents

for potatoes loaded at other places after the cars here were filled. Walton merchants are overstocked with potatoes and there is practically no local sale for the tubers. Owing to the large overproduction throughout the country last year the same dull condition prevails in the city markets and for a long period the tendency has been downward. With new Florida potatoes already coming upon the market the prospect for any increase in price is not good. When it was found that hundreds of farmers had potatoes on hand with no local market the Farm Bureau co-operated in getting the Avoca firm to enter Delaware county. Many farmers, however, apparently prefer to use their surplus potatoes for feed rather than sell for less than the cost of production.

Miss Hannah Davis and Miss Beatrice Cohen of New York city were guests of Mr. and Mrs. W. D. Ballard the latter part of the week while on a hiking trip through the Catskills. The young ladies were boarders at the Ballard farm home a few years ago and while here gained that love for hiking which has brought them many interesting experiences. Last summer they visited Europe and walked through many of the countries. In the spring of 1921 with three other young women they crossed the continent on foot by the northern route, returning eighteen months later by the southern route. With the exception of an automobile lift across the desert and a comparatively few rides given them the entire trip west was made afoot, the party stopping in various places for short times to earn money with which to proceed. On their present trip through the Catskills they visited Kingston, Hunter, Phoenicia and Margaretville. They left Saturday morning for New York, walking over the notch to Beerston and thence to Cadosia, where they took the Liberty highway.

JUDGE WILL DECIDE CABLE WILL CONTEST

Claim Destruction of Codicil Killed Church Bequests

QUESTION ONE OF LAW

Judge McNaught Takes Matter from Jury and Gives Attorneys Time to Submit Briefs.

The contest of the will of the late Newell Cable of Walton, which was tried in surrogate's court with a jury in Delhi Wednesday and Thursday, was taken from the jury by Judge A. J. McNaught at the close of the evidence Thursday noon. Attorneys were given thirty days to submit briefs and Judge McNaught will then decide the question of law involved. About \$40,000 is involved.

The original will was dated Jan. 5, 1912, and twelve codicils were made by Mr. Cable before his death in November, 1923. Under the original will each of certain nephews and nieces was bequeathed \$1,000 and the residuary estate was left to Mrs. P. B. Williams of Beerston. Most of the codicils revoked a \$1,000 bequest to some one of the nephews or nieces on the payment of that sum by Mr. Cable to the relative in question during his lifetime. The fourth codicil, however, left the residuary estate to six Walton churches, Baptist, Methodist, Congregational, Episcopal, Reformed Presbyterian and United Presbyterian. The fifth codicil revoked the bequest to the Baptist church and substituted therefor the Free Methodist.

The ninth codicil was dated July 18, 1922, and revoked a \$1,000 bequest to Bertrand Cable, a nephew. On February 3, 1923, Mr. Cable, who was then at the home of Mr. and Mrs. P. B. Williams, signed another codicil giving \$1,000 to

TWO MEN ARE INJURED WHEN HORSES HIT CAR

C. A. Hawkins Suffers Broken Leg and Companion Has Fractured Skull

Claire A. Hawkins of Eagleton, Montana, who has been in Walton much of the time since February for the sale of horses, had his right leg fractured in two places in a runaway accident at Liberty last Thursday. John Hanofee of Aden, Sullivan county, with whom Hawkins was trying to make a horse trade, sustained a fracture of the skull in the same accident.

Mr. Hawkins had been in Liberty several days, and had a number of horses in D. B. Wickham's stables on Spring street. He and John Hanofee, of Aden, were trying to make a horse trade. One of Mr. Hawkins' horses was hitched beside one of Mr. Hanofee's horses to Mr. Hanofee's wagon on Spring street. The two men got into the platform spring wagon which was already loaded with about seven hundred pounds of feed. On reaching Lake street, which goes down the steep hill from the O. & W. depot, the horses ran away, and dashing down the street plunged into a car going south on South Main street. Mr. Hawkins was thrown over the horses, breaking his right leg twice above the ankle. Mr. Hanofee went up and then came down, head first, upon the iron cover to a manhole, fracturing his skull.

each of the six Walton churches mentioned in the fifth codicil and the residuary estate to his nephews and nieces. This codicil was destroyed about two weeks later at the request of Mr. Cable in the presence of John G. More and Mrs. Mary Cable, executors of the will. The contestants claim that the destruction of this codicil which had revoked the legacies to the church as provided for in the fifth codicil did not revive these legacies and that the same thing was true of all the codicils theretofore executed as well as the will itself, and that these were cancelled and revoked.

The proponents claim that by the execution of the last two codicils the will and intermediate codicils were revived. The contestants claim that only the will was revived by the publication of the last two codicils. If this contention is sustained Mrs. P. B. Williams, a niece, would receive the residuary estate.

The proponents also claim undue influence in the execution of the destroyed codicil and asked that this Question be submitted to the jury. The court held there was no evidence of undue influence, and that the destroyed codicil was properly executed and its contents proved.

The question of law involved as to the effect of the execution of the subsequent codicils is said to be a close one and a review by the higher courts may be asked.

A. G. Patterson and John G. More appear for the proponents of the will while A. L. O'Connor of Hobart and Arthur E. Conner of Walton represent the contestants and certain infants.

Most of the witnesses were witnesses to the will and codicils, all of whom testified that Mr. Cable was competent, had a strong will and could not be influenced. Dr. W. B. Morrow, John G. More, P. B. Williams, Charles Neff, Mrs. Williams, Richard and Daniel Williams and Wilbur Hoyt were other witnesses examined.

The provisions of the will and its eleven codicils are as follows:

First: Directs that all just debts and funeral expenses be paid.

Second: To niece, Bertha W. Williams, bequeaths \$1,000.

Third: To niece, Abbie Houck, bequeaths \$1,000. This is revoked by codicil 7, dated Nov. 13, 1919.

Fourth: To niece, Nora Webster, bequeaths \$1,000.

Fifth: To niece, Florence Hood, bequeaths \$1,000. Revoked by codicil 6, dated July 1, 1918.

Sixth: To nephew, Edwin Cable, bequeaths \$1,000. Revoked by

The car, driven by Barnett Davidson of Brooklyn, was occupied by five other people, viz, his son, Alex Davidson, his sister, Mrs. Jennie Gallup, Mrs. Gallup's two daughters, Misses May and Jessie, eleven and fifteen years, and Max Blumen. Mr. Blumen received a severe bruise on his side. Mrs. Gallup complained of pains in her back, but an hour later was able to walk from McGibbon & Currey's rooms. All the others escaped injury or with only slight bruises and scratches.

The occupants of the car were relatives of Louis Davidson, the Clements street butcher, and had been visiting at his home.

In the mix up one of the horses stuck his foot through the floor of the car, between the seats. The car was badly wrecked, but neither the horses or wagon were even slightly damaged.

Hawkins and Hanofee were taken to Thrall hospital, Middletown, where Hanofee regained consciousness Friday morning. C. A. Hawkins is the son of Mrs. C. D. Hawkins and a brother of W. D. Hawkins of East brook, Walton. Mrs. C. D. Hawkins has been with her son in the hospital since the accident.

codicil 2, dated April 28, 1914.

Seventh: To nephew, Vernon Cable, bequeaths \$1,000. Revoked by codicil 1, dated Sept. 2, 1913.

Eighth: To niece, Mattie Suttle, bequeaths \$1,000. Revoked by codicil 11, dated July 6, 1923.

Ninth: To nephew, James Chandler Cable, bequeaths \$1,000.

Tenth: To nephew, Bertrand G. Cable, bequeaths \$1,000. Revoked by codicil 9, dated July 18, 1922.

Eleventh: To nephew, Warner Cable, bequeaths \$1,000.

Twelfth: To my niece, Lizzie Rock, bequeaths \$1,000.

Thirteenth: To nephew, George Cable, bequeaths \$1,000. Revoked by codicil 10, dated June 11, 1913.

Fourteenth: To executors, bequeaths the sum of \$1,000 to be held in trust and the annual income therefrom to be divided into four parts, one part to be paid to a nephew, Claude C. Cable, and one part to each of the three children of said nephew, Claude Cable, viz, Mildred Cable, Theodore Cable and Howard Cable.

The rest, residue and remainder of the estate is given to a niece, Bertha W. Williams, or to her heirs. John H. Townsend and John G. More were named executors. David More and Mrs. Mary Cable were witnesses to the will which was dated January 15, 1912.

If the will and codicils are upheld each of the six churches will receive upwards of \$4,000.

THE BIGGEST FISH STORY.

(From Hamden correspondent.)

Dr. McNaught is the champion fisherman of the town. While trout fishing on Monday at the eddy on the farm of William Ogden just below Hawleys station he landed a carp measuring 34 inches in length and weighing a trifle less than 18 pounds.

RAN AWAY WITH LAND ROLLER

Team Damages Car in Accident at Sidney Center.

(Sidney Center correspondent.)

Frank Gregory's team, driven by Bruce Freeman, became frightened at the land roller which they were taking home from J. W. Vitch's shop Friday morning and ran away doing quite a bit of damage. As they came down Depot street the roller collided with C. H. Brush's new Ford touring car which was standing in front of Marshall DeMelt's place and dam-

aged the car badly. The land roller was also wrecked.

EARLY MORNING FIRE RAVAGES FRANKLIN GROCERY

(From Franklin correspondent.)

The Downtown grocery and the apartments above occupied by George Galusha and family were gutted by fire early Monday morning.

Shortly before four o'clock that morning members of the Galusha family were aroused by the smell of smoke in their apartment over the store on lower Main street, Franklin, of which Mr. Galusha was proprietor. It is thought that the fire started in the kitchen, possibly from an oil lamp which had been left burning as one of the children was ill.

The fire had gained such headway by the time it was discovered that the family were forced to flee down an outside stairway very scantily clad. Help was immediately summoned over the telephone. Excellent work was done by the firemen and the fire was confined principally to the second floor, which was completely destroyed. Practically nothing from this floor was saved. There is some salvage on the store floor, particularly of canned goods. The loss is only partially covered by insurance. Mr. Galusha is undecided as to rebuilding. The store was owned by E. L. Wilcox & Son, who sold it to Mr. Galusha last October.

Mr. Galusha and family, consisting of his wife and five children, came from Elk creek, Otsego county and during their short stay in Franklin have made many friends who sincerely sympathize with them in their loss. As soon as the extent of the loss was ascertained generous citizens of the town quietly made appeals for assistance for the unfortunate family and before 8 a. m. between \$400 and \$500 was secured and a large amount was given later at the Franklin Dairy company creamery by the employees.

The home talent play, "The Minister's Wife's New Bonnet," was repeated Tuesday evening for the benefit of the Galusha family and over \$65 as the result. They are stopping this week at the home of Rev. and Mrs. H. W. Parsons, who very kindly opened their home to them.

MRS. BUSH WINS AWARD

Appellate Court Affirms Compensation Case Decision.

(From Stamford correspondent.)

Mrs. Joseph Bush, whose husband was instantly killed while employed on a lumber job near Stamford, in October, 1922, has won her case in the appellate division of the supreme court by a decision handed down last week. On a hearing before a workmen's compensation referee at Oneonta, her claim was disallowed. The case was appealed to the State Industrial board which decided that Mrs. Bush was entitled to compensation. The insurance company appealed to the appellate division of the supreme court which sustains the claim of Mrs. Bush unanimously. No appeal under the circumstances can be taken to the court of appeals without the consent of the appellate division which under the conditions is not likely to be granted.

The judgment on the basis of tables of mortality, approximates \$10,000.

Donald H. Grant of Oneonta represented Mrs. Bush in all the proceedings.

FRANKLIN VOTES FIRE ALARM.

(From Franklin, correspondent.)

A special election to vote on a \$500 proposition to purchase an adequate fire alarm was held Wednesday, Apr. 30. The vote was 42 in favor and 5 against.