

The Columbian

BLOOMSBURG, PA. Friday Morning, Dec. 23, 1870.

The Convention.

We must call the attention of our readers to the election of Delegates on Saturday of the present week, for the Convention of Monday next. It is very desirable that there should be a full representation of the different towns and townships in the county, so that whatever is done by the Convention shall have a complete sanction from popular opinion.

Radical Morality!

Honorable B. Butler, one of the candidates for Governor, has been elected to the office of Governor, and his election is a great triumph for the cause of Liberty and Justice.

Indian Affairs.

The editor of the Philadelphia Press has evidently been to Church Hill. How long will American clergy persist in converting their congregations to the faith of the Roman Catholic Church?

German News.

The war in Europe exhibits no new phases. In every encounter of arms, the Prussians gain the advantage, or decided victory.

Editor's Book Table.

OUR MAGAZINE, a monthly periodical of interesting family reading, for January, is on our table.

Peters Musical Monthly.

JANUARY number of this unique publication has its usual variety of good music, comprising songs and instrumental pieces, some of which are of great merit.

Vick's Floral Guide for 1871.

THE first edition of one hundred and fifty thousand copies of Vick's Illustrated Catalogue of Seeds and Floral Guide, is published and ready to send.

Congress is doing but little of importance.

In the Senate, on Tuesday, Mr. Morrill offered a resolution, appointing a commission to visit and report upon San Domingo, as recommended by the President.

The New York Commercial advices.

questioning Congressmen as to their views, as many of them sneak into Congress without say.

Hon. Asa Packard's income from the Lehigh Valley Railroad Company.

is said to be \$5,000 a day.

The Alabama Claims.

We are amongst many who cannot see the justice or fairness of the Federal Government assuming to pay the so-called Alabama claims, as recommended by President Grant in his late annual message.

Temperance and the Presidency.

GOVERNOR GEARY is named by a moderate admirer as a temperance candidate for the Presidency.

The Philadelphia Day.

edited by a Republican, this discusses the subject, to wit:

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several commissions to investigate the claims consist in certain damages inflicted upon the ships and cargoes of American merchants and ship-owners.

Radicalism.

Radicalism is a term which has been used in various senses, but in its most common sense it signifies a doctrine which is opposed to the principles of the Constitution.

The Federal Constitution Abolished.

Ever since its existence the Radical party has treated the Federal Constitution with contempt.

Let Radicalism therefore no longer deny that it is the enemy of the Constitution.

By "KEY."

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THE FIRST DISTRICT!

GLORIOUS DEMOCRATIC VICTORY.

COL. DECHERT ELECTED.

HIS MAJORITY 1,406.

STATE SENATE DEMOCRATIC.

THE LOUDEST CROW YET.

Col. DECHERT, the Democratic candidate, is elected to the State Senate, in the first Philadelphia district, by a majority of 1,406!

The victory is a most important one because it gives the Democrats a majority in the Senate, and thus enables that party to compel a fair appointment.

Mr. WATT attained the seat a year ago by gross and palpable fraud and outrage. He was removed by death and a Democratic successor is chosen by a majority that will not be questioned.

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Constitutional Convention.

We refer to some of our Democratic co-workers taking ground against a Constitutional Convention, for reasons that must prove themselves to be of a far more substantial nature than most of those which are most commonly advanced by the following article from the Independent Democrat, one of the ablest and strongest Democratic journals in the State:

We are sorry to see opposition to a reform convention springing up in a quarter where we did not expect it. In some parts of the State Democratic friends are taking ground against amending the Constitution, and are willing to let things go about as they are.

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Court Proceedings.

DECEMBER 12TH.

Petition for a mandamus in Scott twp. Ordered that a mandamus be issued commanding that an additional tax of \$120 be levied.

Petition for a subpoena in divorce by James L. Hess. Subpoena ordered.

In the estate of Peter M. Traugh, the auditor's report confirmed finally.

Edward Strauser vs. Wm. Bahme. Judgment reversed.

Alaron Person vs. Samuel Leiby. Lien to remain.

Wm. Arter vs. Thomas Farver. Judgment reversed.

Report of viewers of Centre Street, in Bloomsburg, confirmed, but on motion confirmed, stricken off and a re-view granted.

Thomas Hugh's use vs. Wesley Ruckel. Jury returned a verdict in favor of the Plaintiff for \$65.50.

Ordered that Thomas W. Edgar, Joseph Coleman, Reuben Krick and Enoch Fox, Jurors not answering the general list of Jurors was called, pay a fine of ten dollars each.

Catharine Street, Bloomsburg, Thos. Edgar, Charles Fowler and Daniel Snyder appointed viewers.

Petition for a road in Locust township. Clinton Mendenhall, Jacob Knitler and Jackson Cleaver appointed viewers.

Petition to vacate an alley in Bloomsburg, near Jefferson Meyer's house. Josiah Roberts, Wesley Fleming and John Quick, appointed viewers.

DECEMBER 13TH.

Petition of Mary Alice Blitner, for guardian. John Johnson appointed, and Elijah Yeom approved as surety.

Petition of Franklin R. Thornton for guardian. B. F. Hartman appointed guardian, and I. W. Hartman as surety.

Petition of Mary Ann Stackhouse for guardian. Luther Garman appointed guardian. Security to be approved of by one of the Judges of the Court.

Petition of Nicholas Kindt for an Auditor in the estate of Frederic Bohr, deceased. E. H. Little, Esq., appointed.

Petition of Elwood Hughes, guardian of minor children of Jacob Hill, de'd., for discharge. Court ordered the guardian to be discharged on paying over the funds in his hands.

The petition of heirs of Daniel S. Young, to take real estate at the appraisal was granted.

The petition of Lewis C. Young to take at the appraisal in the estate of Thomas W. Young, was granted.

Petition for a view of a road in Pine township, near I. Derry's saw mill. Isaac A. Dewitt, Isaac Evans and Benjamin McHenry, appointed viewers.

Report of viewers of a road in Locust township, near Nathan Kostenbauer's confirmed nisi.

DECEMBER 14TH.

Petition for the appointment of trustees for the society of German Lutherans at Berwick. John Kiser, Jacob W. Dietrich and Reuben Seybert, appointed.

Petition of T. G. Boyle for divorce. Sine qua non.

In the matter of Wm. McKelvey vs. Danville, Hazleton & Wilkesbarre R.R. Co. On motion of Mr. Freese, the court continued the appointment of viewers of damages with leave to report at the February term, 1871.

Sheriff acknowledged a deed to Henry C. Freese for a property in Briar creek township.

In the estate of Isaac Oliver, de'd., on motion of Mr. Heiler, M. E. Walker, Esq., appointed auditor to distribute balance in hands of administrator according to law.

Report of C. W. Miller, auditor, making distribution of the money arising from the sale of the real estate of Benjamin Byrnes, a lunatic, by Reuben Bellis. Report confirmed nisi. Exceptions filed.

DECEMBER 15TH.

John Jacobs vs. G. L. Johnson. Jury returned a verdict in favor of the defendant.

McHenry vs. Evans. Jury returned a verdict of \$25.21 in favor of plaintiff.

Petition of Warren W. Wilbur for appointment in the estate of Henry Mather, O. B. Melick, Esq., appointed commissioner. Notice to be served on Jesse Mather.

In the estate of Henry Melick, de'd., citation on John R. Meyer to show cause why he should not pay over the principal of a judgment to Sarah Everett. Ordered that he pay over to Sarah Everett the trust fund in his hands: the sum of \$250.

In the case of MICHAEL LAMAN and J. C. RUZAN vs. H. S. CLARK and JAMES POST, on motion of C. B. Brockway, Esq., the death of Michael Laman, one of the plaintiffs suggested, and his executor, Wm. Martin and wife vs. Timothy Ragan and others. Jury returned a verdict in favor of plaintiffs for twenty dollars.

Report of sale of the real estate of Daniel S. Vandervliet, confirmed nisi.

In the estate of William Melick, deceased, inquest awarded and John F. Hartman appointed guardian ad litem of Amanda Kline.

Lewis Yetter, executor of George Hower, deceased, vs. David R. Hower. Verdict finding for the plaintiff \$1,612.50.

John Hess's heirs vs. Collins Suttiff. On motion of Mr. Whitmore, a rule on the heirs to appear on the first day of next term and accept or refuse to take real estate at the valuation, or show cause why the same should not be sold.

DECEMBER 17TH.

Victoria Cox vs. Lloyd Cox. Petition in divorce on motion of Mr. Freese, C. W. Miller, Esq., appointed commissioner to take depositions.

In the estate of John Richards, de'd., on motion of Mr. Clark, court grant a rule on the heirs to appear on the first day of next term and accept or refuse to take real estate at the valuation, or show cause why the same should not be sold.

On application of the minor children of Joseph W. Keator, deceased, for periodic allowance, Court awarded \$100 per annum to Sarah A. Keator, \$75 per annum to William W. Keator, and \$75 per annum to Elijah R. Keator. Allowance to be computed from April 1st, 1870.

Report of the Law Library Committee for the year ending the first Monday of December, 1870, confirmed nisi.

Proceeding for laying out a road in Madison township, near Jacob Kruiser's not said.

Reported for the Columbian.

Court Trials.

Three of the civil cases tried at the recent term of our courts involved questions of public interest, independent of the particular issues involved, and may deserve some particular notice from the press.

Wm. Martin & wife vs. Timothy Ragan and others.—This was an action against certain employees or workmen of the Catawissa Railroad Company for a trespass upon the lands of Mrs. Martin, in Catawissa township. About 1835 Andrew Traub gave a release to the railroad company of a right of way through his farm, mentioning only the land "required" for the road without defining its width or location.

The road was located in 1840, and located across the farm within a year or two afterwards, and farm fences were put by Traub on each side of it at distances between which left a strip of land to the Company of about forty feet wide. These fences were kept up where first placed until 1869, when the Railroad Company had them moved back so as to increase their actual appropriation of land to a width of sixty-six feet, the width they were authorized to take by their charter.

This was the trespass complained of. The defendants in this case claimed that the Company's right of way was an easement which would not be lost or limited by non-user, wholly or in part, for more than twenty years and that the fences did not define a hostile possession as against the Company.

On the other hand, it was claimed on behalf of Mrs. Martin that the fences constituted a true dedication between the Company and the owner of the land; that the Company had in fact appropriated only forty feet when their road was originally located and could now appropriate no more without proper proceedings and paying for the additional land taken. And it was proved by Michael Brobst, a witness called by the Railroad Company, about 1830, to make agreements with Mr. Traub, and other land owners for the putting up of fences; that he agreed with Traub for his fence-making at the rate of fifty cents per rod, and afterwards, when the fences were made, went upon the premises with an assistant engineer of the Company, counted the panels and reported the work done to the Company in order to its being paid for. The land came to Mrs. Martin through several regular conveyances from Traub, and her husband brought this suit to test the question of right in dispute between her and the Company.

The court (reserving a question or two of law for after consideration) submitted to the jury to find upon the evidence whether the fences were established as defining boundary between the Company and Andrew Traub and acquired in as such subsequently, or only placed where they were persistently and without consent of the Company of right in Traub up to the lines indicated by them. The jury found a verdict for plaintiff for \$20 as damages for the trespass committed.

E. J. & P. McHenry vs. Joseph R. Eason.—This was an action on the case for damages for an alleged fraudulent transfer of goods by Rev. Albert Hartman to the defendant, whereby the plaintiffs lost their debt against Hartman. The trial lasted from Tuesday afternoon until Friday forenoon, and resulted in a verdict for the plaintiffs. The principal witness to sustain this action was the Reverend gentleman whose pecuniary affairs and transactions in 1868 constituted the subject-matter of investigation, and he testified that he sold his store in July of that year to the defendant with the intention of hiding his creditors in the collection of their debts, and that the defendant assisted him in accomplishing that object. The other facts of the case as they appeared upon the trial were as follows:—That Hartman had a small store in Toot Hazzleton in 1868 and was in failing circumstances; that he gave a bill of sale of the goods to Evans upon some terms which had reference to the payment of his debts; that he continued in possession of the store for about thirteen days after the sale when Evans took possession of the goods and proceeded to sell most of them out by auction on various evenings during the months of August and September, and that some other property covered by the bill of sale was applied by Hartman, or by him and Evans about the same time to the payment of some small debts which the former owed. The defendant alleged that the proceeds of the auction sales and of some private sales made by him were applied by him to the payment of certain of Hartman's debts pursuant to a preference of creditors made by Hartman when he had his bill of sale executed, and that in fact he had actually paid about \$75 more than he actually came into his hands. It appeared he had paid back debts to the amount of \$650 and \$100 besides on a bill debt, but the value of the goods which came into his hands was in dispute and was not clearly ascertained. Besides his testimony and that of Hartman were in direct conflict as to the terms and objects of the original contract of sale—the defendant averring that he was to pay the preferred debts (including one of the bank debts on which he was creditor) and that his engagement to do so was the consideration for the transfer to him of the goods, while Hartman asserted that the transfer was made to hinder creditors and to allow him to go on with his business and pay creditors in a somewhat different order of preference.

The case was one of doubtful result, but as the plaintiff's debt against Hartman was