CONNER -CHARLES G. MURPHY. omissioners-Branc McHride, John Mc SALI. County Superintendent-WM, H. SNYDER. History Peor District—Directors, S. H. MILLER WILLIAM KRANER, Bloomsburg, and Johnson Reller, Greenwood, Charles Conner, Sec'y,

Bloomsburg Official Directory. considery Humbing Co., John A. Funkton steam H. M. Guntz, Cashler, at Automat Ronk.—Ulan, B. Panton, Profit Transfer of the Committee of the Committee of the steam of the Committee of the Commi

Hlcomsburg Directory.

CLOTHING, &c.

15 CATHUATUR, Worsen said Clock Maker, Max L., Sat street, below Main.

BOOTS AND SHOES. M. K NORR, Bealer in Boots and Shoes, late and best styles, corner Main and Mark ests, in the old Post Office.

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I. McKELVY, M. D., Surgeon and Physician porth side Main st., below Market.

Di. B. F. KINNEY, Surgeon Dentist.—Test Dextracted without pain: Main st., nearly op-osite Episcopal Church,

Dil. A. L. TURNER, Physician and Sergeon, of fice over Kleim's Drug Store, residence of door below Rev. D. J. Waller.

M 188 LIZZIE BARKLEY, Milliner, Remse

Miss M. DERRICKSON, Millinery and Fancy Goods, Main st., below Market. CHES. JULIA A. & SADE BARELLY Ladie of Cloaks and Dress Patterna, schuleset corne dein and Weststs. THE MISSES HARMAN Millinery and Fancy

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CORKS HOTEL, by T. Bent, Taylor, east on

H. MAIZE, Mammoth Grocery, fine Greeries, Fruits, Nuts. Provision, &c., Ma

M'KELVY, NEAL & CO., dealers in try Good Greecries, Flour, Feed, Salt, Fish, Iron, Nati etc., N. E. cor, Main and Market sts.

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BLOOMSBURG, PA., FRIDAY, NOVEMBER 15, 1872.

Orangeville Directory.

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C. B. BROCKWAY, ATTORNEY ATLAW, вьормянино, ра. 55 OFFICE-Court House Alley, in the Co-LUMBIAS building. [Jans, 67,

C. W. MILLER, ATTORNEY AT LAW, Office Court House Alley, below the Columnas Office. Bountles, Eick-Pay and Pensions collected. Eloomsburg Pa. sep.20'67

JOHN M. CLARK, ATTORNEY AT LAW. OFFICE above Hower's Store, Main street, Bloomsburg, Pa.

Has entered into the Law and Collection business with John G. Freeze, Es q., Attorney at Law, office in Brower's Building, Main Street New, 18th, 1872; 4f.

NEW STOVE AND TIN SHOP. ISAIAH HAGENBUCH, Mata Street one door above E. Mendenhall's stantly on hand, and for sale at th owest rates. Finalize in sil its branches carefully attended to, no satisfaction guaranteed. Tin work of all kinds wholesale and retail. A

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Would inform his friends and the public that he has taken possession of

THE OLD STAND,

n the Exchange Block, so long occupied by hin nd will carry on the business of a

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te brings to the business an experience of man curs and assures the community that he will

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f all grades. French candles and those of detects manufacture, always to be had, wholesal not retail at lowest rates. Adjoining the Baker ad Confectioners is a well established

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And a general assortment of the choicest goods usually found in first class establishments. Physicalas Prescriptions and Family Recipes Careinly Composited. On Sandays, open from 8 a. m., to 10 a. m., and from 2 p. m., to 4 p. m.

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ale raiss. Suits made to order. Call, third door above Mrs. Brobst's store, Main street, below Reitrond, west and Oct. II, 1872.-249, MRS. L. HAWLEY MILTON.

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We would announce to the public in genera but we have taken the well known Agricultur-it Works of this place and shall make if our all o manufacture First Class Agricultural Imple-ments equal to any other makers in the State polyas MAIN STREET, BELOW MARKET, BLOOMSBURG, PA. Mcnuments, Tombs, Hendstones, &c. Work nearly executed, Orders by mail will receive special attention, N. E. Work delivered free of charge, T. L. GUNTON, Proprietor, oct 571-tr, P. O. Box 297.

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Crices reasonable and the best work done. KNOB MOUNTAIN HERO,

The Montrose. ALSO, DOUBLE CORN PLOWS,

country Preduce, Lumber, Old Iron, taken bange. We also bayes store in connectinge. We also have a store in connection Agricultum Works, where may I a full assortment of MERCHANDIS will be sold at small profits. One as fore purchasing closwhere and we gua

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THE ESPY HOTEL. ESPY, COLUMBIA COUNTY, PA. WILLIAM PETTIT. Espy, Pa

FIXTURES, CORDS, TABSELS,

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BETWEEN New York, Cork and Liverpool-

NEW AND FULL-POWERED STEAMSHIPS BRUSHES, &c., &c. OCEANIC, REPUBLIC, BALTIC, CELTIC GERMANIC, BRITTANIC, ADRIATIC, ATLANTIC, Sailing from New York on SATU: RDAYS, from Liveryool on THUSBDAYS, calcing at Cork Hardro each way. From the White Star Dock Pavonia Ferry, Jersey City. Possenger accommodations (for all classes purivalled, combining SAFETY, SPEED, AND COMFORT.

> seons and stewardessed accompany Surpsons and siewarnesser—accompany these steinners.
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> Brails from all appearate.
>
> For inspection of plans and other information, entily at the Company's Cillicos, No. Bilicondway, New York.
>
> jan. 12, 1872.
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> J. B. 87/, BKS, Agent.

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J. H. MAIZE, Main st., corner of Centre, Bloomsburg, Pa.

Has no extensive stock of FINE FAMILY GROCERIES.

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CASH PRICES. His goods are the best in the market, and ar-old at rates so low that becannot self on cred t. His plan is to have first class goods and sel FOR CASH AND CASH ONLY.

Bloomsburg, Oct. 11th, 1872. TO INVESTORS.

To those who have funds to invest in large or mall amounts, or who wish to increase their come from means already invested in other ss profitable securities, we recommend, after all investigation, the Seven -Thirty Gold Bonds of the Northern Pacific Raticaad Company .learing seven and three-tentus per cent gold nierest (equal now to B); currency.) and sold at par, they yield an income considerably more han one-third greater tuan U. S. 5-20's. They are Coupon and Registered, tue lowest denomiation being \$109, the highest \$10,000,

Nearly one-third of the Main Line of the Road will be completed and in operation with a large business the present season. All the property and rights of the Company, actuding a most valuable Land Grant, averaging about 21,000 eres per mile of road are predged as security or the first mortgage bonds now offered, All taurkelable stocks and tonds are received n exchange at current price. Descriptive pam-

ons, Tributary Country, &c., will be farmished New York, Philadelphia and Washington, Financial Agents N. P. R. B Bonds for sale in Bioomsburg by the Frst Na lound Bank, and Bloomsburg Banking Com

blets and maps, showing Box e of real, Connec



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Have on hand and for sale at the most reas-ple rates a splendid stock of CARRIAGES, BUGGIES. PLAIN AND FANCY

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of all the newest and most fashforable styles well and carefully made and of the best mater Alinspection of their work is asked as it.

An inspection of their work is asked as it.

Believed that none superior can be found in the country.

[an 171]

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MOST DURABLE PAINTS now in use are the

Montour Slate Paints. They cover one-third more surface, last longer nd cost less than White Lead, the place o viacit they are very generally taking water conomy, durability and neatness are desired,

Hear what our Practical Painters says It gives me great pleasure to recommerd your date Paints—as supplying a need we have long elt, and overcoming a great difficulty, which as long toen acknowledged by all practical aninters, namely the oxidation of Wnite Lead by the atmosphere, causing it to crumble of healt off. The almosphere, causing it to cramble or halk off.

I am satisfied they will paint one-third more surface and in a better manner than any other planent I have ever used.

Kingston, June 25, 1872. GEO. C. GOULD.

We cheerfully concur in the above opinion expressed by Mr. Goo, C. Gould.

R. H. VANNATTA,

A. W. MONROE,

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Bloomsburg, Pa. ALNO SAMPLE CARD. DREHER, REAY & CO., Bole Manufacturers, Edge, Rupert, Pa.



Improved Cuemb e Wood Pang. Taste ess. Purable, Efficient and Cleap, The best Pamp for the least money. Attention is essected by Market Bracket and New Brook Cleek Valle, which can be withdrawn williert removing the Lamber, which can be withdrawn williert removing the Lamb or disturbing the Joints. Also, the Copper Chamber, where the court removing the Lamb will outlant any other. For sale by Leniers overywhere, Send toe Catalogue and Price-Lat. CHAS. C. BLATCHLEY, MUT.

DR. CARPENTER. 136 MULBERRY STREET, NEWARK, N. J. Consumption, Bronchitts.

and all diseases of the Throat and Lungs, with this COMPOUND MEDICATED INHALATIONS, CONCENTRATED FOOD, AND COUGH SYRUP.

During the past ten years Dr. Carpenter has treated and curved thousands of cases of the above hamed diseases, and has now in his possession cortificates of cures from every part of the country. The Inhalation is breathed directly into the lungs, soothing and healing over all inflamed surfaces, entering into the blood, it imparts whalting as t permeates to every part of the system. The sensation is not unpleasant and the first inhalation often gives very decided relief, particularly when there is much difficulty of breathing. Under the influence of my remedies, the cough soon grows easier, the night sweats cease, the heetic fleub vanishes, and with improving discation the patient rapidly gains strength, and health is again within his grasp. The Concentrated Food rapidly builds up the nost debilitated patient, presenting to the stomach food all ready to be assimilated and made into good, rich healthy blood.

The Court Syrup is to be taken at night to allenost debilitated pattern, to be assimilated and soloment food all ready to be assimilated and made into good, rich bealthy blood.

The tough syrap is to be taken at night to alleviate the cough and enable the patient to obtain sleep. Full directions accompany each box of say remeller, which consist of one tabuler; one bottle of latterative labalant; one Bottle of Northing Febrifuge Inhalant; one Bottle of Antil Remarchagic Inhalant; One Bottle or tatil Remarchagic Inhalant; One Bottle for Cough

Price of Roa containing remedies to last one month, Sig two months, 4th; three months, 525

Sent to any address C. O. D. Pamphiets containing large last of patients cured sent free, Letters of Inquiry must contain one dollar to insure abswer, Address.

A. H. CARPENTER, M. D., Newark, N. J.
Dr. CARPENTER CATARRH REMEDY will
give immediate relief, and will effect a permanent cure in from one to three months. Price
of remedy to last one month, \$5; two months,
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CANCER in all its forms successfully treates.
Send for bit of patients cured, to Send for list of patients cured, to A. H. CARPENTER, M. D., Newark, N. J. july26lyr

AGENTS LOOK HERE! There is a ROBINSON CRUSOE,

over the ferritory in controversy; and over the ferritory in controversy; and only \$2.50 case worth \$5.50. Is a Great filt, selfs on the filter of their case complete superiors of the survey and locate the line of their case complete superiors of the company instructed their engineers that of Mr. Coryell, though it is more explicit in the detail of interferences the company instructed their engineers of the survey and locate the line of their only the case of the company instructed their engineers of the survey and locate the line of their only the case of the company instructed thei

A SECRET. It is your excret and mine love! Ah me! how the dreary rain, With a slow porsistence all day long, Dripped on the window pane! he chamber was welrd with shadows. And dark with the deepening gloc

ney had roted you all in white, love, martile rose it might well have been, In its cold and still repose! D, paler than yonder carven saint, And calm as the angels are,

fon seemed so near me, my beloved, Yet were, also, so far! do not know if I wept, love. But my soul rose up and said: 'My heart shall speak unto her heart, Though here she is lying-dead! will give her a last lov That shall be to her a sign n the dark grave-or beyond it !-

And thereon in enger haste, Lest another's eye should read them, Some mystle words I traced, Then close in your chapted fingers, Sare you would understand!

the secret is yours and mine, love! Only we two may know What word shone clear in the durings of your grave so green and low. But if, when we meet new.
In the dawn of a fairer day,
In the dawn of a fairer day, for whosper those mystical wo It is all I would have to say!

-The Atdias

IMPORTANT RAILROAD SUIT

DECISION OF JUDGE HARDING.

Rule to show cause why special in unction shall not be dissolved.

|Judge Harding after reviewing the ecded as follows:

In disposing of the matter now, it is not necessary, nor would it be either proper or possible for me to go into the railroad as set out in the bill, accompa-nied by such a showing of facts indicating on the part of the defendants, not only a present, but a contemplated futhe established rules governing Chancery Practice, to discharge this rule? We put the inquiry in this form, and shall discuss it in this order; because, practically, and in effect, the case stands now in the same position as though no special injunction had been issued. In other words, it may be considered as an

application de novo on the part of the plaintifis for a special injunction. The plaintiffs, in the first place, proffer an act of the General Assembly of this Commonwealth, entitled "An Act to incorporate the Wilkes-Barre and Phil-idelphia Railroad Company, "approved

By the terms of this act, there was granted to the corporation "the right to build and construct a railroad from a point on the line of the road of the Little Schuylkill Navigation Railroad and Coal Company, and connecting therewith, at or near the junction of the East Branch of the Little Schuylkill river; thence up the said stream, and down the Black, or Nescopec creek to the coal basin, known as the Wyom-ing coal field, and terminating at or near the town of Wilkes-Barre, in the county of Luzerne, or by such other route as may be deemed practicable;" and also the right "to lay out and con-struct branch railroads, not exceeding ten miles in length, and to connect with other railroads;" prohibiting, however he corporation from constructing "their railroad, or any portion thereof, upon any route" before that time granted to any other company whose location had been made, and the construction commenced, in good faith, within nine months from the passage of the act. The act of incorporation further pro-

of the grant. By a supplement, approved April 17th, 1866, the corporation was author-ized "to connect their railroad with the Philadelphia and Eric railroad, at or near Northumberland, or Sunbury, or at such point as their engineers may select, so as to form a continuous line of railroad, of uniform gauge, from the Wyoming coal field to the harbor of Erie, by the best practicable route, and may also make connections with any other railroad, or railroads, now authorized, or constructed, leading to or forming part of a line of railroad leading to the city of Philadelphia; and for the said purposes may cross any other railroad or railroads, at grade;" and so much of the original act as re quired the company "to commence their road at any point on that of the Little Schuylkill Navigation Railroad and Coal Company," and further desig-nated the route of the road, was re-

It will hardly be questioned that this et of assembly together with the sup-dement, gave to the plaintiffs, prima facic, the right to locate a railroad on the line now in controversy. True, the egislation is exceeding general in its erms, being totally destitute of anything like specialty, or definiteness as to location, except as between given termini. This, however, is by no means an anomaly in modern legislative grants, particularly to railroad companies; on the contrary, it is the common exercise of the right of eminent domain inherent in the legislative body. Be-sides it must be remembered that we have not in our State the English system, which requires the datum line to be surveyed and defined before the

Secretary of State.

Having thus seen that the plaintiffs possessed a legislative grant to locate heir railroad between the termini mentioned in the bill, the inquiry then becomes important concerning the time and manner in which this grant was sought to be enjoyed. In other words, did they within a reasonable time enter upon the exercise of their franchise to the extent and in the manner necessary

Did they sctually locate their road over the ferritory in controversy; and if so, when did they do it, and how did that of Mr. Coryell, though it is more explicit in the detail of interferences

other monuments as would enable enother monuments as would enable en-gineers and laborers to go on and con-struct the road; though as between rival companies where, in a proceeding like the present, the main question is priority of occupation over a given route, the first company actually upon the ground, and, in good faith, making the first survey of a centre line, and in-dicating and marking it by plain and proper stakes, or other sufficient monu-ments, even though the marks neces-sary to the actual construction of the road itself be omitted, will prevail against the second company subse-

quently seeking occupancy of the same ground, fixing a centre line, grading their road, and even expending considerable sums of money in its construc-

But to recur to the time and manner of the plaintiffs' location, as exhibited by the affidavits before us. We have seen that the Wilkes-Barre and Philadelphia Railroad Company was incorporated in April, 1863. Now the affidavit of D. J. Waller, the President of that company was first that the line that company, sets forth that the line of their road was surveyed and determined in 1864, and that portions of the road were about that time graded; that the balance of it is already under contract, and that the plaintiffs intend forthwith and in entire good faith to complete and equip the same; that he has recently been over the route of the road as located by Mr. Coryell in 1864, and has discovered some stakes set up by the defendants indicating the line of their proposed road, and that in many places these stakes exhibit interferences with the line of the plaintills; that the Susquehanna Coal Company

and Joseph E. Stickney, defendants also in the bill, have already laid obstructions upon a portion of the plaintiffs' route, and that they threaten to erect permanent works thereon also; and further, that the Danville, Hazleton and Wilkes-Barre Railroad Compations. ny have advertised lettings for the work to be done on their proposed route, so interfering as stated with the route of the plaintiffs,

The affidavit of Samuel G. Turner Philadelphia Ratirond Company, and that, acting in that capacity, and under instructions of the board of direction, he employed Martin Coryell, a competent civil engineer, to survey and locate a route for the plaintiffs' railroad; that in pursuance of that employment, Mr. Coryell surveyed, marked, staked out and located a route, commencing at the Court House, on the Public Square in this city, and running thence down along the Easterly bank of the Susquehanna, above high water mark, across and beyond the mouth of the Little Wapwallopen Creek; that he was with the engineer from time to time, all along the line, superintending and di-

along the line, superintending and directing the survey; that a profile and draft of the location thus made was prepared by Mr. Coryeil, and submitted to the company; and that the same was not only accepted and adopted by the board of direction, but that immediately afterwards, and during the following year, the grading of partions of lowing year, the grading of portions of the road was commenced, and a large sum of money expended thereon. The affidavit of Martin Corvell, be-sides being corroborative of that of Mr.

Turner, is more specific as to the matter of actual location. Referring to the line run across the territory in controversy, he says, that the survey was commenced on the 9th day of May, 1864, and that in July of the same year he made a report of the location to the company, ac companied by estimates of the cost of the road, a map of the proposed line, together with the field notes and such other datea as would afford a fall under-standing of the matters connected with the construction and completion of the road itself. He further says, that the loroad itself. He farther says, that the lo-cation was final, and as such, was ac-cepted by the company; and with re-gard to its character or the manner in which the location had been made, he adds, that "it was marked by stakes regularly numbered," and that "num-erous and proper monuments," were set up, making the entire line so definite that "an intelligent contractor would have had no difficulty in constructing the road on that line." He says in conciusion, that he has recently been over the line of the plaintiffs' road thus formerly located by him and his assistants, and that he discovered that the Susquehanna Coal Company and Joseph E. Stickney have commenced some work upon the same location, which is heavy in its character, and which will

The affidavits of Thomas P. Blodgett and George Pfouts, the assistants who accompanied Mr. Coryell in 1864, fully corroborate all that the latter says in relation to the distinctness and comrelation to the distinctness and com-pleteness for the location then made.

And further, the affidavit of John McNelsh, Sr., for many years a civil engineer by profession, states that no longer ago than February last, he was employed by the North and West Branch Railroad Company to locate a line for that corporation over portions of the very ground in controversy here; and that in performing his duties, he and that in performing his duties, he saw at several named points, marks of the survey and location made by Mr. Coryell in 1864. Again, in March last, Mr. McNeish says the defendants— practically all those named in the bill— commenced to make and creet obstructions upon the location of 1861 at a point near the Nanticoko Dam, which, if continued, will prevent the plaintiffs from further constructing their road at all.
The affidavit of Richard C. Hughes

also a civil engineer by profession, and employed in conjunction with Mr. Me Neish, by the North and West Branch Railroad Company for the purpose al-ready indicated, is of the same general import, both as to the evidence existing of the location of 1864, and of the obtructions and interferences interposed by the defendants.

Besides, in carrying out our order of the 26th of June last, Mr. Coryell adds another affidavit, in which he details his observations in connection with the work which was then done. He says substantially, that in company with substantially, that in company with Richard C. Hughes, and other intelli gent assistants, he went over so much of the original location as lies between the Outlet Lock and the mouth of the Big Wapwallopen Creek, and found railroad from Sunbury to Catawissa, thereon several of the monuments originally made by him and also several of the stakes still remaining; and further, hicken, in Luzerne county, and combat he found from the stakes still remaining; and further, hicken, in Luzerne county, and combat he found from the stakes still remaining; and further, hicken, in Luzerne county, and comthat he found marks of a recent survey, which interfered with the original loca-tion at Solomon's Rock below the Outbe surveyed and defined before the franchise is granted; nor have we the New Jersey system which requires the final location, as soon as it has been determined, to be filed in the office of the termined, to be filed in the office of the several different points, all of which appoint of State.

It must not be overlooked in this connection that the location and construction of the defendants' road up to this several different points, all of which appoint of time, and as far as Catawissa, though subsequently continued and though subsequently continued and

the engineer of the Danville, Hazleton and Wilkes-Barre Railroad Company, was present, and that he accompanied them over portions of the route at least, and saw them follow the original line and measure the interferences. The additional affidavit of Richard C. Hughes upon this point has also been

RATES OF ADVERTISING.

Local notices, twenty cents a line.

Cards in the "Business Directory" column upon the ground. He proceeded with competent assistants, and located, finally, a line on the eastern bank of the Susquehanna river, from Wilkes-Barre to a point on the line then being constructed in Scotch valley, which was adopted by the defendants at a regular meeting of the board of directors;" a map or profile being also made by Mr. McNair, which was attached, and marked "J. S. McNair, A.;" that this line "was well and permanently located upon, by driving stakes at stations one hundred feet apart, and making regular bench marks, which still

ing regular bench marks, which still remain upon the ground." the equity of this proposition. They deny not only the present existence of any legal right in the plaintiffs to the line of the road as embraced in the bill, but they claim to have established a complete controvertion of all the matters, both of law and of fact, whereby the enjoyment of any such right at this time, is entitled to the protection which a discharge of the present rule would effect.

They further set up, as belonging to themselves, a prior legislative grant authorizing them to lay out and con-

which a discharge of the present rule would effect.

They further set up, as belonging to themselves, a prior legislative grant authorizing them to lay out and construct a railroad over the very ground named in the plaintiffs' bill. They claim to have been upon, and to have occupied the ground by an actual location of their road over it long before the plaintiffs took any steps under their alleged grant, amounting to what in law is recognized as locating a railroad.

Priority of legislative grant, however, was not seriously urged in the argument. Indeed, that position was altogether untenable, and could not have been sustained under any view of the case; for, though the grant under which the defendants claim, may have been earlier in date as a statute, it was nevertheless in effect some years subsequent to that of the plaintiffs

On the 15th of April, 1859, an act of of the plaintiffs

On the 15th of April, 1859, an act of the General Assembly was passed incorporating "The Wilkes-Barre and Pittston Railroad Company," with authority to construct a railroad "along and near the Susquehanna river, and to be constructed as near to it as possible, on the East side of the Susquehanna river, and to be constructed as near to it as possible, on the Lackswanna and Blooms, river, from the Lackswanna and Blooms. The affidavit of Samuel G. Turner states in substance, that in 1864 he was river, from the Lackawanna and Blooms burg railroad, above the borough of Philadelphia Raifroad Company, and that, acting in that capacity, and under the capacity, and under the capacity, and under the capacity and the capacity and under the capacity and the cap

before us that of William N. McCay, who states that he was an engine r under Mr. McNair in the months of October and November, 1870, and that he ran "alevel in the experimental surstructed or located."

This was a valid act of incorporation; and under it the company might have entered upon the faction and construction of a railroad from the terminus above Pittston to a point on the East side of the Susquehanna opposite Shickshinny.

The restriction

side of the Susquehama opposite Shickshinny.

The restriction continued in the proviso imposed upon them the necessity of completing the road between these termini, before they had authority even to locate any other part of it.

No action, however, of any kind seems to have been taken by the company under this charter; even the enrolment to warm of the continuation of their road, and even though the defendant profiled it; though they spread it over elaborate maps, and adopted it as the location of their road, it lacked at the very threshold every tax was not paid, and, hence, after the legitimate element calculated to give it expiration of one year from the date of force; and especially so, as against a the act, it ceased to have any vitality whatever.

it the power of resuscitation. The time for the payment of the enrolment tax was extended for one year then next.

Prouts, describing positive acts done by them in connection with the location of 1864, pursuant to the charter of was extended for one year then next.

Again, on the 10th of April of the plaintiffs, can we say that priority of occupation over the route in contro-

But it is further insisted on the part of the defendants that the plaintiffs' rights under their act of incorporation of 1863, and the supplements thereto have lapsed. How lapsed? Suppose it be conceded that their character originally amounted to no more than an Bloomsburg railroad above the borough By a further supplement, approved April 11, 1867, the company acquired the right, inter alia, of making "lateral

Hazieton, or Sancad."

high Valley Railroad."

It will thus be seen, that after the supplement of April 10th, 1867, before referred to, both the Wilkes Barre and referred to Railroad company, and sought to be enjoined, was continued;

referred to, both the Wilkes-Barre and Philadelphia Railroad company, and the Danville, Hazleton and Wilkes-Barre Railroad company had legislative authority for locating a railroad between the termini mentioned in the bill. It follows, then, as a matter of course, that in this proceeding, preliming in the constitutes a location of a railroad as the constitutes a location of a railroad as between rival companies seeking occupation, or priority of location, when the later rocation, was continued; it has not expired yet.

Still considering the plaintiffs' grant but as an option, did they not by promptly and diligently entering upon its enjoyment, and by expending large sums of money in the survey, location and partial construction of their road, raisethe grant to the dignity of property? We say, in conclusion, that there is nothing in the case indicating either an abandonment or a lapsing of the plaintiffs' rights. And further, though the plaintiffs' rights, And further, though the existing laws relative to the right of existing laws relative to the right of pancy of the same ground, under separ-ate legislative grants; and we have also reviewed the evidence adduced in way over the lands of the Susquehanna Coal Company, still this would afford no warrant, either for them, or their agent, Joseph E. Stickney, to erect ob-structions on the line of the plaintiffs'

oad,
The rule is discharged.
GARRICK M. HARDING,
President Judge.

IN A GRAIN CORNER .- Mr. Boffin disappeared from New York about a month ago. since which time Mrs. Boffin has endured the trying alternations of hope and fear. The other day the truant appeared in a most forlorn and dilapidated condition. Mrs. B. encountered him in the parlor hall with bitter reproaches. "I shall never, never forgive you, Henry," exclaimed his incensed wife. "Couldn't help it my love," meekly responded the guilty and humiliated Boffin; "I've been to Chicago." "Been to Chicago!" scornfully riterated Mrs. B. as an expression of contempt swept across her Grecian profile ; "you've been drunk!" "Yes, my love, I got into the 'grain cor-

THE other Sunday the following was posted up in the lobby of the Cambridge Washington county, N. Y., Presbyterian Church: "Notice-The person who stole 'Songs of the Sanctuary' from sest No. 32 should improve the opportunity of singing them here, as he will have

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Miscellaneous

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UNITED STATES MAII

deens, state-rooms, smoking-room and bat us in midship section, where least motion

Poetical.

Of this deathless love of mine, to I sought me a little scroll, love,

Miscellaneous.

The Wilkes-Parre and Pullar despite Rairond Company
The Danvill Hagleton and Wilkes-Barre Entired Co., Samon P. Lawe, and Jos. E. Suckney.

general merits of the controversy exist-ing between these rival corporations. That can only be done after final hearand can only be used after that the requiring upon bill, answer and evidence. All that is immediately requisite may be summed up in the inquiry, Have the plaintiffs exhibited to us such a clear statutory right to the line of the ture and permanent invasion thereof, as should induce a chancellor, under

vided, that the road should be com-menced within ten years from the date

o secure its enjoyment to the exclusion f all comers ?

COL. DEM. - - - VOL. XXXVI - - NO. 39. far as the plaintiffs are concerned, but rather urged and insisted as constituting such a state of law and of fact as will justify the interposition of the strong arm of Equity to protect them in the enjoyment of a clear chartered right upon which they were diligent to enter, and careful to distinguish, we are asked to continue the injunction herelefore granted in the case, until final

tofore granted in the case, until final hearing upon bill, answer and evidence. In other words, we are asked to dis-charge the present pending rule. The defendants, however, interpose a most vigorous and persistent dissent to the equity of this proposition. They deny not only the present existence of any legal right in the plaintiffs to the

ville, or Sunbury, with the right to cross and re-cross the Susquehanna river at any point or points, between the Nan-ticoke Dam and town of Danville." A proviso was attached to one of the sections of the act, requiring that the por-tion of the said railroad, from the terminus above Pittston to Shickshinny, or to a point on the East side of the Susquehanna river, opposite to Shickshinny, shall be first built and completed, before any portion of the remainder of said radicoad shall be constructed or located."

This was a valid age of incorporation:

It became emphatically a dead letter; and stakes set, and other monuments it was denied a place in the statute book.

Thus it continued until the 27th of February, 1867, when the Legislature, by a supplement of that date, breathed into

This language is singularly indefinite; still we must presume that the Legislature latended to authorize the company to begin the construction of their road at any point on the Easterly side of the amount to a permanent obstruction of the plaintiffs' line if carried to complehanna River between the town of Sunbury and "The Lackawanna and

> or branch railroads, not exceeding fif-teen miles in length;" and again, by a still further supplement, approved March 20th, 1869, authority was given them to "connect their sald railroad at Hazleton, or Janesville, with the Le-high Valley Railroad."

support of the plaintiffs' claimed priority. We turn, therefore, to the evidence submitted on the part of the defendants, with a view to ascertain when and how their location was made.

The affidavit of Simon P. Kase, the President of the Danville, Hazleton and Wilkes-Barre Raliroad Company, is before us. Mr. Kase, after referring to the act incorporating the company, and the several supplements thereto, says, that in pursuance thereof, the de-fendants "surveyed, located, fixed, marked and determined a route for a railroad from Sunbury to Catawissa,

menced in 1867 to construct thereon their railroad, and completed it to Cat-awissa in the fall of 1870."

It must not be overlooked in this conpear and are properly designated upon the maps submitteel, and are now filed completed in another direction to conin the case. While this examination was being made by Mr. Coryell and his assistants, we learn that Mr. McCaffrey, now in controversy at all. On the contrary, the objective point, or terminus of the line was Hazleton, not "on the of the line was Hazleton, not "on the cast side of the Susquehanna river," towards "the Lackawawanna and Bloomsburg Rallroad, above the borough of Pittston, in Luzerne county." But to recur to the affidavit of Mr. Kase, he says: "In November, 1870, the company Instructed their engineers

until we reached the Little Wapwallopen croek. From thence we followed
the river pretty closely to South
Wilkes-Barre, where our survey ended.
The entire line was only experimental,
and in no wise a location. We set no
centre stakes, or any other stakes for location. Our object was merely to get the
topography of the country, 3 &c.
In addition to this affidavit we have
before us that of William N. McCay.

same year, the Legislature by another supplement, stripped off the restriction contained in the proviso before referred to, and arrayed the corporation in a new dress almost entirely. By that supplement, the effete act of incorporation of April 15th, 1859, was galvanized into actual life again; and for the first time stood forth a living statute under the name, style and title of "The Danville, Hazleton and Wilkes Barre Railroad Company." Authority was given to the corporation to "commence the construction of their railroad at may point on the line thereof

option, which, unexecuted, is not pro-perty; suppose further, that it was not exclusive as against subsequent legislative grant for all time; may not the power which granted the option measure at least the space during which it shall be exclusive? Here was an option certainly, granted by the Legislature to the plaintiffs, to construct a railroad between the termini named in the bill, at any time during the period of ten years next ensuing the

way over the lands of the Susquehanna

no occasion to sing them hereafter."