

The Columbian.

BLOOMSBURG, PA. FRIDAY, AUGUST 30, 1889.

Lycoming County Democrats have nominated Edward W. Michael for Sheriff, John L. Geunster, prothonotary, Charles A. Kelly, district attorney, Edward J. Eldred, county surveyor.

A notice was posted at the works of the Montour Iron and Steel Company of Danville last week announcing an advance in the rate of puddlers' wages to \$3.75 per ton, other than puddlers, to \$3.50 per ton in the same proportion. The outlook there is more favorable than for some time past.

DIVIDING AN ELECTION DISTRICT.

OPINION OF JUDGE METZGER IN THE GREENWOOD TOWNSHIP CASE.

As the proceedings in the matter of the petition of citizens of Greenwood Township for division into two election districts in the first case under the Act of 1876 in this county where there has been a contest, the opinion of Judge Metzger will be found of public interest, as setting forth the method of procedure in such cases. Under his ruling, notice must be given to every meeting by the commissioners, and the residents must be heard upon the division line which the voters propose to lay out. The Act of Assembly does not require that any notice whatever shall be given. It would seem that the voters must continue to meet and give notice, until they make a line that all are satisfied with, which in case of a contest will render the proceeding lengthy, and expensive. Below is the opinion in full:

OPINION.

This is a proceeding under the Act of May 18th 1876 P. L. 178 to divide the Township of Greenwood into two election districts, so as to suit the convenience of the inhabitants thereof.

The petition for this purpose was presented to the Court of Quarter Sessions of said County of Columbia and on the 19th day of February 1888 Commissioners were appointed to inquire into the propriety of granting the prayer of petition.

On the 28th day of November A. D. 1888, exceptions to this report were filed by certain inhabitants of Greenwood Township. These exceptions are six in number but it is admitted that the only ones worth discussing are Second, Third, and Fourth which are as follows: 2nd. "The Commissioners under the amended petition divide said Township into two election districts, and at which two meetings they discharged their duties in an illegal manner."

It appears from the record in this case, and the facts admitted that the Commissioners were directed by the Order of the Court, to give five days notice, by at least six handbills written, printed or posted up in public places in said Township, of the time and place of meeting, for the purpose of discharging the duties of their appointment; that they first met on the 22nd of March 1888, at the Hotel in Millville, and that at that meeting had been given according to law, and that after hearing testimony for and against a division, the Commissioners adjourned—that they met again on the 4th day of May 1888, after giving five days notice as required, and resumed their investigations. Notice having in the meantime been given that an application would be made to the next Court of Quarter Sessions by the petitioners, for an amendment to the order, the Commissioners again adjourned after receiving petitions, and remonstrances from a number of the citizens of the County.

At this meeting, the matter of the division was talked over and considered by the Commissioners, and the division line as reported, being one about a mile or there about still further West of the line suggested at the second meeting, and never before proposed, was then and there adopted and determined upon, this meeting was for the purpose of considering the evidence in the case, and determining upon a report.

The Commissioners met again Aug. 15, 1888, at Egers Grove for the purpose of running out the line adopted at the former meeting and the line as reported by them was actually run out on that day. No notice of this meeting was given to any of the inhabitants of the Township and no discussion of said line by citizens of the Township took place at this, or the previous meeting of July 19, 1888.

The soundness of the exceptions in this case depends on two questions. First, whether, in this proceeding notice to the inhabitants of the Township is necessary, and secondly, if necessary whether the notice given of the first and second meetings of the Commissioners, is sufficient, or whether notice should also be given of the 3rd & 4th meetings or both of them.

The Act of Assembly under which this proceeding is brought does not in express terms require notice to be given to the inhabitants; but that such notice should be given, is clearly implied from the language used, and the purpose of the Act. The division is

to be made, "So as to suit the convenience of the inhabitants thereof." If their convenience is to be considered, they should not be done without notice to them. If we could have any doubt on this question it would be removed in this case, by the fact that the Order of the Court to the Commissioners expressly requires notice to be given. The power of the Court to make this division is unquestioned by the petitioners. It is their own proceeding and the order was made at their instance and becomes a necessary part of their proceedings. We therefore hold that the notice in this case was essential and that without it the report of the Commissioners could not be sustained.

We come then to consider the next question, whether a notice to the inhabitants of the Township, Third or Fourth meeting was required. It is claimed that the purpose of the Third meeting was to consider the evidence in the case, and adopt a report, therefore no notice was necessary.

We would feel like sustaining this view of the case, if the Commissioners had adopted any line which had been proposed at any of the previous meetings.

We might then conclude that they based their decision upon evidence they had heard at these former meetings. But, how can we so conclude, when they in fact adopt and determine at this third meeting upon a line about a mile or there about, still further West of the line suggested at the second meeting, and one, that was never before proposed. So far as the record in this case shows, the inhabitants never knew that the line adopted had ever been suggested until, after the Commissioners had run it out and made a report to the Court. The Commissioners are not only to inquire into the propriety of the division, but if a division be determined upon, it must be made to suit the convenience of the inhabitants of the Township.

There may be little disputes on the subject of division, but where the line shall be, will be the very question which most seriously affects the interests of the inhabitants. Therefore, before a line is adopted, they should have an opportunity of being heard on the question of its adoption. What was said by Kennedy J. in the case of Macungie Township, 3rd Rawie 476, in reference to the division of a Township, is applicable to the case before us.

He said inter alia, "If then the inhabitants of the Township have the right, and must exercise it in the first place, of deciding whether their convenience shall be a division of their Township, or not, as it must be admitted I think they have, it follows that they have a right to decide where the line of division shall be, if a division be made at all, because whether their convenience shall in any degree be promoted by the prayer of petition, or whether the line in their opinion entirely, or at least mainly, where the line of division shall be."

Had notice been given of the third meeting at which the line agreed upon could have been discussed, it might perhaps, have been unnecessary, to give notice of the meeting at which the line was agreed upon was run out. But, as no notice, was given of either of these meetings, the report of the Commissioners must be set aside.

Exceptions have also been filed to the bill of cost and expenses in this case. We think the charges of the Commissioners are reasonable. It would seem from their report that they had four meetings, and we may fairly presume that they may have spent some additional time in preparing their report, and making the plot or draft attached. We also see no impropriety in J. J. Brown charging a part of his time as Commissioner, and the other portion of his time, when so employed, as surveyor. We dismiss the first and second exceptions to the bill of costs without further comment.

The third exception raises the question whether the County is liable to pay for the services of the petitioners' counsel, and his necessary expenses. This item is claimed under the provisions of the first section of Act of 1876 P. L. 29, which is as follows: "In all cases of the division, or creation of Election Districts, by the Court of Quarter Sessions of any County, in this Commonwealth, the said Court shall order the costs and expenses thereof to be paid from the Treasury of the proper County" &c.

The County is not a party to the proceeding, but as elections are part of the machinery of the Government, and the public at large is interested in them, as well as the locality which composes a district, it seems to be the policy of the law that all expenses incurred in holding and conducting the election, should be paid out of the County Treasury, which is a common fund raised by taxation of the inhabitants of all the districts in the County.

The Act governing this proceeding does not provide for the payment of any costs or expenses by the parties litigant. The question before us is not what is taxable as the costs or expenses of the successful party. The Act fixes the liability of the County to pay all costs and expenses but does not define what shall be considered as legal costs and expenses in such proceedings. It is wider than that intended by the Legislature, that it should cover all expenditures necessarily incurred. It is plain that the word "Costs" alone, would include only taxable costs, and as Attorney's fees in Pennsylvania, are not taxable costs, no such fees should be allowed, if no other term were used in the Act. But the Legislature saw fit to use in addition the word, "Expenses". Now, while "costs" are expenses and these terms are sometimes used as synonyms, yet strictly speaking, "Expenses" is a wider term than "Costs", and usually includes much more. It embraces generally, an expenditure or outlay, while costs, are only such expenses as are expressly allowed by positive law and made taxable as such.

No attorney fee is fixed in a proceeding of this kind, and therefore could not be taxed as costs. But, if the amount claimed is reasonable, and the services are necessary, we hold that his compensation is in part of the necessary expenses of the petitioners, and is included within the term "expenses" used in the Act of 1876. The counsel fee in this case is admitted to be reasonable, and as we think the services of an attorney necessary in such a case we allow this item as a part of the necessary expenses of the proceeding and dismiss the exceptions.

The following Order is made in this case: And now to wit Aug. 24th 1889 the 3rd, 3rd, and 4th exceptions to the report of the Commissioners are sustained and the report is set aside. On the same day the exceptions to the bill of costs, and expenses filed are dismissed.

By the Court, J. J. Metzger, Pres. Judge Specially Sitting.

WASHINGTON LETTER.

Washington, D. C. Aug. 30 '89. The Navy department has received a cablegram from Rear Admiral Gherardi, commanding the North Atlantic Squadron, asking that the New American minister to Hayti be sent immediately as Legation aide and Hippolyte is now on his way to changeable little island. The French and English captains have placed themselves under Admiral Gherardi's orders in case of any trouble at Port-au-Prince. Fred Douglass is the new minister. It is expected that he will start this week. It is said that the Haytian object to Douglass as Minister; they want a white man.

Permission has been granted by the Agricultural department to some of the Knight Templars who will attend the convention in this city next October to pitch their tents in the department grounds.

The Postmaster General is alone in his glory this morning and it is doubtful whether he will remain. No other member of the cabinet is expected here next week.

A special train left this city Saturday night with a large crowd bound for Milwaukee to attend the G. A. R. encampment. The business men of Washington have invited the organization to hold their next annual encampment here.

Arrangements have been completed for a grand excursion, extending from October 3rd, to November 14th, and taking in every place of interest from Omaha to Massachusetts, to be given by the State department to the delegates to the Three America's Congress which meets here October 2. So unfavorable comment has been made here because the South is not to be visited by the excursionists. It hardly seems fair to leave that section out as long as it is on a trip which has to be paid for by the Government.

"Mahone's nomination by the republicans" said a Virginia democrat of prominence, "has made the fight in Virginia a serious thing for us. Mahone, as an organizer, has few equals and no superiors and we have got a hard fight on hand to hold the State." The same views are expressed by many democrats here. They believe they can win but only by the hardest kind of work.

To think of the International Exposition of 1892, being held in any other city than Washington, is a serious question. The Government owns ample grounds here right down in the heart of the city to erect all the necessary buildings upon. Four fifths of the Congressmen heard from on the subject favor Washington and there is not the slightest doubt that the Exposition will be held here as a result.

Civil Service Commissioner Lyman says that the report sent out from here stating that the Commissioners had talked with President Harrison about the proposed extension of the rules to cover the chiefs of divisions in the departments is an error. The subject has not been called to the President's attention, but will be, when he returns to this city as the Commissioners are unanimously in favor of its adoption. An open rupture between the Commission and one of the Cabinet is said to be one of the probabilities of the near future.

The navy department has had to issue new proposals for building the new cruisers provided for at the last session of Congress, because the bids received for those first issued were all in excess of the amount appropriated. It is feared that vessels of the class desired cannot be built for the amounts stipulated by Congress, and that the matter will have to be referred back to the bill for further action. We seem to have all sorts of drawbacks in the building of our new navy.

Representative Brockbridge of Kentucky was in the city last week. He does not think the republicans have any trouble to organize the House nor does he think there will be any serious contentions over the contested election cases unless the republicans attempt to seat men not legally entitled to the seats. Personally Mr. Brockbridge is in favor of the election of Congress but from a political standpoint he hopes one will be called.

Charles Wiedman, John Hefferd and John Weisenberg towed the cable to the centre of the river and set it afloat at 4.40 o'clock. It drifted slowly under the railroad bridges, giving drabram a chance to fasten the manhole with an iron bar and brace himself for the dangers ahead. The safe, however was not long for it was wedged in the barrel and buried in the first breaker of the whirlpool rapids. The mile of rapids had been shot in three and one-half minutes, a twenty-mile hour gait. Graham had not time enough to open the manhole cover to the centre of the maelstrom and was carried toward the Canada shore, passing by a crowd of rescuers on the point.

The party rode down to Lewistown in a carriage, but the rapids carried the barrel faster than feet horses could go, and it was lost sight of after it had been apparently snatched and r by the maelstrom at the Devil's Head. The lower rapids are faster, madder and more rocky than the ones above the whirlpool and the danger greater than in the upper rapids.

Graham was found at Lewistown, where he had been rescued more dead than alive, by J. J. Lomley and Seymour Fleming. He was in the boat only twenty-five minutes, also being allowed for the time he was floating in smooth water he made the four miles of angry rapids in ten minutes, average twenty-five miles an hour. Graham has announced that he will send his barrel over the Horseshoe Falls, and if it is unharmed will go over in it himself the next day.

An Incent to Every True Soldier. But to take the next and last step, that is, to declare that a soldier with honor and a soldier with dishonor are two different things, he must be honored as an honorable and a dishonorable discharge, shows too clearly that rank patriotism will go to any length to perpetuate its greedy hold on the properties of off. I am an off-spring to the whole country and I shall be respected with infinite indignation. It is an offense done to the honor of his superiors their proud record and smirches their good name.—N. Y. Herald.

carding the big guns is that they are losing the advantage which accrued them to be made. They were built to admit of the employment of large charges of powder, and thus send a projectile at a high velocity. At first they accomplished this, and projectiles from them had a greater penetration than those from guns of small calibre. In the last year great improvements have been made in gunpowder in Germany and especially in France. With the cannon-ball has been increased to 2,400 and 2,600 feet a second. This increases the velocity of the projectile of the new six-inch rifle 75 per cent, and makes its energy great enough to penetrate 104 inches of iron.

New this powder is so strong that the great guns are not required to stand more than a few rounds of it, and it cannot be safely used in them. Hence the smaller guns are to take their place, as less cumbersome and as having very high penetrative powers.—New York Evening World.

Tanner Breaks Loose. Pension Commissioner Tanner has broken loose from Washington restraint, and is on his way to Milwaukee. Encampment with speeches and interviews ready for every opportunity. He was the orator before ten thousand people at Chautauque on Saturday, where he avowed his purpose to run the pensions away about \$90,000,000 next year, and "sit up nights" to secure the surplus among soldiers and sailors of the war.

The Chief Reason for the great success of Hood's Sarsaparilla is found in the article itself. It is merit that wins, and the fact that Hood's Sarsaparilla actually accomplishes what is claimed for it, is what has given to this medicine a popularity and sale greater than that of any other sarsaparilla or blood purifier. Hood's Sarsaparilla cures Rheumatism, Headache, Biliousness, overcomes that Tired Feeling, creates an Appetite, strengthens the Nerves, builds up the Whole System. Hood's Sarsaparilla is sold by all druggists. \$1.50 per bottle. Prepared by C. L. Hood & Co., Apothecaries, Lowell, Mass.

IT'S A MISTAKE OF YOURS. If you fail to examine our stock of "Special Made Clothing." Don't purchase until you have seen ours. WE GUARANTEE.

All our garments to be of Superior Fabrics, Correctly Styled, Artistically made, and much lower priced than any other first class clothing. Remember, we are practical Tailors and Clothiers doing a large business. We are direct importers. We sell to the customer at FIRST COST.

EVERY GARMENT TO BE OF SUPERIOR FABRICS, CORRECTLY STYLED, ARTISTICALLY MADE, AND MUCH LOWER PRICED THAN ANY OTHER FIRST CLASS CLOTHING. Remember, we are practical Tailors and Clothiers doing a large business. We are direct importers. We sell to the customer at FIRST COST.

When writing for samples please mention this paper.

E. O. THOMPSON. Special Made Clothing, 1338 CHESTNUT STREET, PHILADELPHIA. (Directly opposite the Mint.)

THE MOST PERFECT LUBURG CHAIR. Luburg's Patent Luburg Chair is the most perfect chair ever made. It is made of the finest materials and is of a simple, elegant design. It is easy to move and is very comfortable to sit in. It is a perfect chair for the office, the library, the study, the parlor, or the bedroom. It is a perfect chair for the man of business, the student, the scholar, or the gentleman. It is a perfect chair for the man of letters, the man of science, or the man of art. It is a perfect chair for the man of power, the man of influence, or the man of wealth. It is a perfect chair for the man of honor, the man of respect, or the man of fame. It is a perfect chair for the man of God, the man of heaven, or the man of glory. It is a perfect chair for the man of the future, the man of the world, or the man of the universe. It is a perfect chair for the man of the East, the man of the West, or the man of the South. It is a perfect chair for the man of the North, the man of the South, or the man of the West. It is a perfect chair for the man of the East, the man of the West, or the man of the South. It is a perfect chair for the man of the North, the man of the South, or the man of the West. It is a perfect chair for the man of the East, the man of the West, or the man of the South. It is a perfect chair for the man of the North, the man of the South, or the man of the West.

WILLIAMS & ROGERS. A LEADING, POPULAR, PRACTICAL COMMERCIAL SCHOOL. Commencement September, Practical English and Military Departments.

Presenting an opportunity for a young man for the real work of life, which thousands of young men have found a stepping stone to honorable and successful success. The Institute is a complete and up-to-date business school, and is a perfect preparation for the young man who wishes to enter the business world. It is a perfect preparation for the young man who wishes to enter the military service. It is a perfect preparation for the young man who wishes to enter the civil service. It is a perfect preparation for the young man who wishes to enter the law. It is a perfect preparation for the young man who wishes to enter the medicine. It is a perfect preparation for the young man who wishes to enter the engineering. It is a perfect preparation for the young man who wishes to enter the architecture. It is a perfect preparation for the young man who wishes to enter the agriculture. It is a perfect preparation for the young man who wishes to enter the commerce. It is a perfect preparation for the young man who wishes to enter the industry. It is a perfect preparation for the young man who wishes to enter the science. It is a perfect preparation for the young man who wishes to enter the art. It is a perfect preparation for the young man who wishes to enter the profession. It is a perfect preparation for the young man who wishes to enter the ministry. It is a perfect preparation for the young man who wishes to enter the priesthood. It is a perfect preparation for the young man who wishes to enter the nobility. It is a perfect preparation for the young man who wishes to enter the royalty. It is a perfect preparation for the young man who wishes to enter the empire. It is a perfect preparation for the young man who wishes to enter the world. It is a perfect preparation for the young man who wishes to enter the universe. It is a perfect preparation for the young man who wishes to enter the eternity. It is a perfect preparation for the young man who wishes to enter the infinity. It is a perfect preparation for the young man who wishes to enter the omniscience. It is a perfect preparation for the young man who wishes to enter the omnipotence. It is a perfect preparation for the young man who wishes to enter the omnibenevolence. It is a perfect preparation for the young man who wishes to enter the omniscience, the omnipotence, and the omnibenevolence. It is a perfect preparation for the young man who wishes to enter the omniscience, the omnipotence, and the omnibenevolence. It is a perfect preparation for the young man who wishes to enter the omniscience, the omnipotence, and the omnibenevolence.

WHY WE SOLICIT YOUR ORDERS. BECAUSE we have the experience as practical Farmers and Manufacturers for Twenty Years. BECAUSE of our extensive manufacturing and acid chambers. BECAUSE we give our entire personal attention to the manufacturing of Fertilizers. This is our specialty, and we place at your disposal all our facilities.

For these reasons we make the thorough guarantee found on first page of our circular. We have a full line of goods, and are prepared to place them within your reach. Let our representatives have your orders early. FOR SALE BY DAVID LONG, MILL GROVE. NATAN MILLER, MAINVILLE

Tanner's New Order.

Pension Commissioner Tanner has issued the following important order: "The rule which has hitherto maintained in this office regarding proof of evidence of disability, under which the evidence of one commissioned officer, or one orderly sergeant was accepted, while, in the absence of that evidence the testimony of two private soldiers has been required, is hereby so far modified that, in the absence of the commissioned officer or orderly sergeant, the origin shall be held to be proven on the evidence of the claimant and one private soldier, provided always that said claimant and said private be men of reputable character."

A Fortunate Young Lady. Miss Jennie Martin, 176 North St. Paul St., Rochester, N. Y., says: I suffered long from Kidney complaints — home physicians failed to afford relief. A friend induced me to try Dr. Kennedy's Favorite Remedy, made at Rondout, N. Y. The effect was wonderful. When I had taken two bottles I was cured and have had no trouble since. I write for the benefit of others. S. 16 4c.

Take Hood's Sarsaparilla 100 Doses One Dollar. Hood's Sarsaparilla is found in the article itself. It is merit that wins, and the fact that Hood's Sarsaparilla actually accomplishes what is claimed for it, is what has given to this medicine a popularity and sale greater than that of any other sarsaparilla or blood purifier. Hood's Sarsaparilla cures Rheumatism, Headache, Biliousness, overcomes that Tired Feeling, creates an Appetite, strengthens the Nerves, builds up the Whole System. Hood's Sarsaparilla is sold by all druggists. \$1.50 per bottle. Prepared by C. L. Hood & Co., Apothecaries, Lowell, Mass.

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Clothing for Men, Youths, Boys and Children, that cannot be equalled to select from. The latest and most stylish lot of Hats, Caps and Men's Furnishing Goods just received that will excel all others that we have had.

We are determined to have what is wanted in the line of CLOTHING, HATS, CAPS, TRUNKS AND FURNISHING GOODS, and POSITIVELY will save you more money than to buy them in Wilkesbarre or Scranton.

As have said before our Prices are always the lowest, And Our MOTTO is Always "FAIR DEALING" RESPECTFULLY YOURS, I. MAIER, The Reliable Clothier.

The Largest Clothing and Hat House in Columbia and Montour Counties.

Consult Your Interests, By patronizing a live and PROGRESSIVE HOUSE. The Largest Stock, The Most Reliable Goods, Lowest Prices.

Square Dealing and courteous attention will always be found at the OLD ESTABLISHED CLOTHING HOUSE OF DAVID LOWENBERG.

CHANGE OF BASE. NEW FIRM. Cummings & Verdy, BAKERS AND CONFECTIONERS, BLOOMSBURG, PA.

Wm. R. Cummings and George W. Verdy having purchased the entire Baking and Confectionery business of D. S. Oliver in the exchange stock announce that after July 1st, 1889, they will continue to supply the public with FRESH BREAD, CAKES, ROLLS, BISCUITS, ETC. OF EVERY VARIETY. FOREIGN AND DOMESTIC FRUITS and NUTS. ICE CREAM PARLORS ATTACHED. Orders for parties, picnics, festivals, &c. solicited. Posting assured that we can please we ask a share of public patronage. June 28 '89-tf. CUMMINGS & VERDY.

COME AND HAVE YOUR EYES EXAMINED BY J. G. Wells, the Optician, WHO HAS JUST COMPLETED A THOROUGHLY PRACTICAL COURSE AT BUCKLIN'S OPHTHALMIC COLLEGE, NEW YORK.

NO Extra Charge MADE for Examining Eyes, PERFECT FIT GUARANTEED. Fine line of pebble and white crystal lenses constantly in stock, also the Finest line of watches, clocks, and jewelry in Bloomsburg.

For watch work and jobbing neatly and quickly executed. All work guaranteed to give satisfaction. CARPETS and MILLINERY. N. 21 door to L. W. Hartman & Son's, Main St., Bloomsburg, Pa. NEW CARPETS - Latest Paris Velvets, Boloy Tapestry and Brussels, from 50c. up. INGRAIN from 20c. up. RAG CARPETS from 30c. up. STAIR CARPETS from 12 1/2c. up. MATTING, to close out for 10c. up. OIL CLOTH, all widths and prices. G. W. KEITER. NEW MILLINERY! Just opened—New Fall Styles for Ladies and Children in Felt and Straw. FEATHERS, TIPS, RIBBONS, VELVETS, &c. H. E. WASLEY.