

THE PEASE CASE.

Judge Ikeler dissolved the injunction in the case of the B. & S. Railroad Company vs. H. C. Pease on the 5th inst. As the case has attracted considerable attention the opinion of the court is printed in full.

OPINION.

The Rail Road Company, Plaintiff, has the right of way, thirty feet wide, through the lands of the Defendants, the Bloomsburg Iron Company, et al., at the point where this dispute arises, on which to lay and operate a double track rail road.

On this right of way, at Iron Dale, the Plaintiff alleges the Defendants are intruding, by promoting the location and erection of a new, permanent building for manufacturing purposes, which building is in the course of construction to the extent of about sixty feet along the west side thereof, and of about six feet at its northwestern corner, and that if the said building be completed and permitted to remain, it will be impossible to construct and operate the double track rail road on said right of way, and therefore irreparable injury will result to the Plaintiff.

The Defendants aver that said new building does not intrude or encroach upon the said right of way as appropriated by said Plaintiff; that at the point of the alleged interference the present track of the rail road as constructed by the Plaintiff, is and was located and constructed along the eastern side of said right of way, by agreement and understanding between the said Plaintiff and the then owners of the land, and at that time it was also agreed and understood between the same parties, that in subsequently changing track already laid, or in laying another or double track, they should be laid west of the present track, or so placed that they would not encroach upon or in anywise interfere with any of the old buildings then standing, or the land on which they stood.

The Defendants further aver that the said new building complained of is outside of the eastern line or limit of the Plaintiff's right of way, and entirely within the line or limit of land occupied by old buildings existing at the time of the appropriation of the right of way by said Plaintiff, and east of the eastern line of said appropriation as fixed and established by all parties then interested.

Therefore interesting and important questions of fact as to the truth of these allegations, upon the one side and upon the other, must be carefully considered and determined at the proper stage of this case.

Declarations of a party, or of their agents, officers, or employees, made in the absence of the other party, can only be received as evidence when it is against the interest of the party making them, or in corroboration of the evidence of the other party. By the identified and proved draft, or map of survey, in the rail road company's office, the location of the original centre line of the Plaintiff's right of way, and the location and construction of the rail road track on said right of way in reference to said centre line, through the land of the Defendants, plainly appears; and measuring east from either, a portion of the new building, at the northwest corner, is within the limit of fifteen feet. In the construction of the present rail road track, along and at the point in controversy, it was located and built west of the centre line of the right of way, as fixed and established by said office map, or survey, by the Plaintiff Company. In consideration of that fact and of the location and condition of the tail race and old buildings, and the working of the furnace property of Defendants, it is reasonable to believe, in case the evidence should be otherwise evenly balanced, that in the construction of another or double track it was to be built west of the present track. This seems to be the position attempted to be established by the Defendants, and which it is necessary for them to establish, in order to justify the location and construction of the new building complained of.

But it is better, perhaps, to refrain from a further discussion of the merits of the case at this time. The affidavits and drafts of the Plaintiff disclose a prima facie right of way in the Plaintiff, over the land covered by a portion of the new building, which right is denied by the affidavits of the Defendants, and we might continue the injunction until the question can be determined by final hearing, or further order of the Court. But it is clear to our minds, however, that there is no danger of immediate injury or interference with the rights of the Plaintiff in working and operating their road, and with the disputed, important facts involved in the case, we feel obliged to dissolve the injunction. In the end, and upon the report

of the Master in deciding this controversy, we may be obliged to seek the intervention of a jury, to inform the conscience of the Court, as to the disputed facts. If, upon final hearing, the Plaintiff fails to establish its right of way as claimed, and it shall be determined that no portion of the new building intrudes upon its right of way, then no damages can accrue to the Defendants, in the mean time, for the delay in building, etc.

And upon the other hand, if the Plaintiff succeeds in establishing its right as claimed, and the Defendants, in the meanwhile, carry the building to completion, the costs of erection and removal may justly be attributed to their own folly.

And now, January 5th, 1894, the preliminary injunction, heretofore awarded, is dissolved, until final hearing or further order.

BY THE COURT.

COUNCIL PROCEEDINGS.

The first regular meeting of Town Council was held Thursday evening, January 4th, with president and all members present.

Mr. H. C. Pease appeared and presented a petition or request that the town grant him permission to erect upon the Irondale property, buildings and machinery for producing electricity, and also the construction, erection and maintenance of poles, wires and other apparatus and machinery upon the streets of Bloomsburg for the purpose of conducting electricity through the said town and thereby supply light, power and heat to the citizens, corporation, public or private of said town and places adjoining &c. The request granted and an ordinance to be drawn in accordance therewith.

On motion the police are directed not to give shelter to the same tramp more than one night. Directed that the Chief of Police demand and secure the keys to the lock up from G. B. Martin, a former policeman.

Permission asked by Fire Co. to hold dance in Town Hall on Feb. 22nd. Inasmuch as resolution had already been passed refusing to allow any dance to be held in Town Hall, permission refused.

Wm. Rabb granted building permit for house on edge of town north side of First street.

Sewer ordered to be put in on West street up from opposite Mr. Holmes' house to upper side of First Street.

Sewer ordered to be put in on West St. from opposite Mr. Neyhard's to Ringrose and Creasy properties.

Parties on Jefferson St. ask to have Solicitor withdraw the exceptions to opening said street. On motion exceptions on part of town are withdrawn.

Street Commissioner is instructed to haul ashes and make temporary walk on Fifth street from P. & R. Depot to West.

Street Commissioner is ordered to notify the Hess Mfg. Co. or successors to remove within 20 days all that portion of shed or building on Iron street that is now out on said street.

President of Council was directed to see about getting the proper kind of coal for the steam fire engine.

The following bills were presented:
M. C. Woodward, for constable. \$ 4.17
Steam Heat and Electric Light Co. 28.40
A. V. Hower, watchman 6 months. 6.00
Water Co., for hydrants. 86.67
John Whitenight 5650 lbs stone 2.30
Brooke & Co. blank books &c. 9.05
Policemen for month of Dec. 70.00
Secretary for December. 20.00

CORPORATION ELECTIONS.

The following persons were elected directors of the Bloomsburg Banking Company on Tuesday: J. G. Freeze, J. K. Grotz, B. F. Sharpless, H. J. Conner, E. A. Sloan, J. G. Wells. The board was organized by the election of Col. Freeze as President; H. H. Grotz, cashier; F. M. Everett, assistant cashier; R. H. Ringler, bookkeeper; Col. Freeze, solicitor and secretary.

The election of officers of the First National Bank of Bloomsburg on Tuesday resulted as follows: Directors I. W. McKelvy, Dr. E. W. M. Low, M. I. Low, C. R. Buckalew, E. B. Tustin. The board organized by electing the following: I. W. McKelvy, President. E. B. Tustin, cashier; Mary Tustin, Teller; W. H. Hilday, bookkeeper.

The following were elected Tuesday January 10th, as directors of the Farmer's National Bank for the ensuing year: N. U. Funk, C. M. Creveling, J. W. Eves, Wm. Gingles, C. W. Runyan, C. A. Kleim, Wm. Kramer, P. A. Evans, W. S. Moyer.

LECTURE AT THE PARISH HOUSE.

Rev. P. A. L. Hubert D. D. will deliver a lecture in St. Paul's Parish House on Wednesday evening, January 17th, subject, "The Light turned on." There will be full evening service, with the vested choir. Rev. Hubert is the Financial Secretary of Livingstone College of Salisbury, North Carolina; and his mission in the north is to raise funds for the institution. He is a highly educated colored man and has already spoken in the Lutheran and Reformed churches, and at the Y. M. C. A.

This College began its work in 1882 with three teachers and three students. It now has 14 teachers, 250 students, buildings and ground valued at one hundred thousand dollars.

Livingstone College represents a negro self help endeavor. It gets no State aid; has no wealthy organization behind it. Its chief support comes from colored people. They contribute for this purpose about twelve thousand dollars annually. Buildings and Scholarships have been donated by friends of the cause.

A Scholarship costs \$60. It will help two persons to complete a year's course of instruction.

Special Needs; additional outfit for Printing office, Scholarships for young men and women who have no means of help, a new hall for recitation and society rooms and an endowment fund.

The lecture will be free, and the public generally is invited. At the close of the lecture a collection will be taken up. Everybody come and help along a good cause. Don't let the collection keep you away. Give only what you can afford, be it much or little. Rev. Hubert is a fine speaker and his lecture is an entertaining and instructive one.

NEW OFFICERS FOR THE G. A. R.

A public installation of officers by Col. Ent Post G. A. R. was held at their rooms Friday evening of last week.

After calling meeting to order and prayer by the Chaplain, Commander M. P. Lutz called to the chair Past Post Commander, T. M. Dawson, who installed the following newly elected officers:

Post Commander, Thos. E. Geddes, Senior Vice Commander, W. O. Holmes; Junior Vice Commander, F. M. Gilmore; Surgeon, C. Kunkle; Officer of Day, Z. Thomas; Quarter Master, W. R. Ringrose; Quarter Master Sergeant, Wm. Thomas; Chaplain, N. B. Fowler; Officer of Guard, P. S. Moyer; Adjutant, C. P. Sloan; Sergeant Major, Wm. Shaw; Senior Sentinel, Jacob Hartzel; Outer Sentinel, R. I. Morris. Representatives to encampment, C. P. Sloan and Thos. E. Geddes, alternate, Wm. C. Shaw.

After the delivery of the charge, the new officers took charge and Commander Geddes and retiring Commander Lutz each made a few remarks. Mr. Lutz said that while theirs was the oldest organization in the town and none of its members are under fifty years, they had not lost one member by death during the past year.

A grand social then took place at which about three hundred guests were served with bean soup and coffee.

The Bloomsburg Cornet Band were present and rendered some choice selections of music.

A \$5,000,000 MORTGAGE.

A \$5,000,000 mortgage was filed last week in the office of recorder of deeds, at Wilkes-Barre. It is given to the New York Security and Trust Company as trustees by the Central Pennsylvania and Western Railroad Company.

The money will be used to build a line from Williamsport to Watson town to connect there with the Wilkes-Barre & Western, which runs from Orangeville to Watson town, which connects with the Bloomsburg & Sullivan Railroad running from Orangeville to Bloomsburg and connecting there with the D. L. & W.

The Central Pennsylvania & Western included several roads and is connected with the Wilkes-Barre & Western, the Orangeville and Lehigh and the Turbotville and Williamsport. The plan is to get a shorter line to New York than either the Pennsylvania or Reading has.

Catharine Weaver died at her home on Market street, Wednesday morning aged about 70 years. In early life she was one of the school teachers of Bloomsburg. Three sisters survive, two of whom are married, the third Margaret, a maiden lady, has been an inmate of the Danville asylum for some time.

Extracts of an Eloquent Address Delivered by E. J. Bowman Before the Epworth Leagues of Orangeville and Asbury.

Epworth was the name of the home of the Wesley's in England, not far from the home of Shakespeare.

This was a talented family. John and Charles were the authors of a great many hymns sung in the churches.

The Epworth League is an institution of comparatively recent origin. It has for its object the co-ersion of souls and the amelioration of humanity through the atonement of Christ. It is confined to no church especially. It is cosmopolitan and belongs to no established faith, creed, or class. The world is its parish, wherever humanity exists from the rising to the setting of the sun it desires to perform its labors. Its achievements have thus far been glorious. It discusses no points of doctrine. It goes hand in hand with Christian Endeavor, the missionary cause and other auxiliaries for the redemption of mankind.

It matters not our station, condition, or nationality. It is sufficiently comprehensive to embrace all humanity.

Christ upon the Cross of Calvary died with arms outstretched embracing the world. His bosom was laid bare that all humanity could lean against it and feel the pulsations of its love.

The Epworth League follows after Christ. Love for God, love for Christ and love for our fellow man is the living embodiment and the actuating principle of the Epworth League. It numbers its hundreds of thousands within the short space of a few years. Love is the inspiration of the Epworth League, love for God, love for man. Love dwelt in the bosom of God long before the morning stars sang together and the sons of God shouted for joy.

Love had its habitations in all the plans and purposes of God before he proclaimed "let there be light", and lit the stars with fire. Love permeates the workmanship of God from the smallest flower of the sequestered glen, the glow worm, the tiniest blade of grass to the brightest planet that burns around the midnight Throne. The mountains, the valleys, the seas, the rivers, the stars, the trees and verdure and man himself, fashioned in the likeness and image of his Creator have been brought forth through love.

Trees perish at their half growth, seeds that never germinate, flowers wither and die in a night, blossoms that give no signs of fruit, and fruit decays before its maturity—all of which can not be compared with the waste of human life, the waste of intellect and morals, and the neglect of opportunities and the disregard of duties and of obligations. Our responsibilities rise before us as the Alps covered with eternal snow or the pyramids along the sluggish Nile.

"Come over and help us" is the cry of Macedonia and Macedonia is every where. Wherever oxygen corrodes or gives life help is wanted. Amidst the desolation of intellect and of morals we hear a voice like the roar of ocean, to be up and doing while it is called to day. John Wesley said "the world is my parish".

The Epworth League takes up this idea of Wesley. God accomplishes through agencies; we are the agents. How often we look far away for duty when it lies at our feet, and we look for something vast and difficult when it is so easy.

God gives us life, faculties, powers and opportunities to help our fellow men. We are simply stewards of them; they do not belong to us, and we must give an account of our stewardship.

Friends may die or turn against us; hopes fail, property flee and health decay, but there are always two things left us—our opportunities to glorify God and love for him will never be rejected.

Anything lovely and abiding always calls forth our admiration. We may look upon some great mountain, bathing in the blue of heaven and that seems to run from time into eternity. We may look upon the ocean in calm or storm and find sublimity there, and so it is with Christ. He was "the One altogether lovely and the One altogether strong for He is called the Rock of Ages. He will abide till the kingdoms of this world will become the kingdoms of our God. A light streams from the Cross of Calvary that will dissipate the darkness of the world. The nations will gather around it, and it will lift them up to a bright and glorious immortality.

The evangelization of the world is a slow process, but it is far better to go on a snail's gallop to Heaven than railroad speed to Hell. We cannot benefit others without benefiting ourselves. Kind words and kind deeds have reflex action. Does it not enable us to do good? The world

should be better for our having lived in it. "Cast your bread upon the waters, and it will appear after many days." We cannot say "I do not help neither do I hinder"—no neutral ground, no standing aloof. We are here for a purpose, we must accomplish it or fail.

Nations still lie in superstition and darkness. Christ has promised to come, and we have never known Him to make a false promise. His word is as steadfast as the mountains. It will be when thrones have crumbled and dynasties are forgotten. Earth redeemed, Paradise restored, humanity glorified. We can build monuments that will stand in the sunlight of memory when our voices are hushed in the stillness of death—good deeds, charitable acts. Mortality is written upon everything around us, but the good works we accomplish will live after us. There is nothing brighter and better than God's approbation, and we can have it as well as God's sunshine. Help one another would bring in vogue the golden rule. He that achieves lustily here amidst the darkness, mortality and beggary of this poor bighted sphere will accordingly take a loftier, a more sublime position in the world to come.

Moral heroism is the brightest gem that crowns our humanity. Way back yonder I see the flames of martyrdom flashing through the darkened ages. Those martyrs followed in the hallowed footsteps of that Divine Being who was crowned with thorns and spiked to the Cross of Calvary. "Let the lower lights be burning" till the nations realize his second coming. Every God's tree and flower are useful, are we to be the exceptions? Alexander asked Diogenes, what can I do for you? The reply was, "Get out of my sunlight." We must stand in nobody's way, but be bright and shining lights. In regard to duty we must say as Pompey did when his friends tried to dissuade him from entering upon the boisterous sea, "It is necessary for me to go, not necessary for me to live."

Everyone can plant a chapel within himself; himself the priest, his heart the sacrifice, and the earth upon which he treads the altar.

Argument Court.

Court convened Friday morning with Judge Ikeler on the bench.

Hiram T. Moyer vs. Emma R. Moyer. Petition for divorce filed. Subpoena awarded.

W. H. Magill, Esq., sworn and admitted to practice as an attorney in the several courts of Columbia county.

Estate of David Stroup, deceased. Petition of legatee for executors to pay in specie or kind, &c., filed. Order of Court filed.

Inquest in petition awarded estate of Jacob O. Wilson, deceased.

Sale of real estate of Mary A. Pursel by Jas. R. Montgomery, com. ordered. Decree filed.

Hotel license of Reece Fairman transferred to Susan Fairman.

Auditor's report estate of Abraham Troxel, deceased, confirmed nisi.

Sale of real estate of Thomas Davis, deceased, ordered. Petition of Executors to bid at sale filed.

Bloomsburg & Sullivan R. R. Co. vs. Bloomsburg Iron Co., H. C. Pease et al. Equity. Opinion of Court filed. Injunction dissolved.

Sale of real estate ordered. Estate of John Mericle, deceased.

H. W. Smith vs. H. O. Stine. Order of Court filed. Rule discharged. Sheriff to proceed with writ of Fi. Fa. according to law. Costs to be paid by petitioner for rule.

Petition of Frank Sponenberg for discharge under insolvent laws.

Inquisition on body of George W. Adams, deceased, approved.

Isaac Dyer, vs. Locust township. Judgment of non suit stricken off.

The W. C. T. U. will hold a Silver Medal contest at the "Zion church on the evening of Saturday the 20th inst. Should the evening be stormy it will be held on the following Monday evening. Admission 10 cts., children under twelve years free. Owing to the illness of three of the contestants the date has been changed to the 20th instead of the 13th, as previously announced.

BRIEF MENTION.

About People You Know.

Miss Agnes Fortune gave a pleasant party to a number of her friends on Monday evening.

Commissioner Utt is still sick and unable to leave his home. Commissioners Swank and Ikeler drove over to see him on Tuesday.

Columbia county was represented in the Democratic State convention at Harrisburg by a full delegation. G. M. Quick went as substitute for A. J. Derr; J. W. Hendershott for J. C. Rutter Jr., Senator Grant Herring for C. F. Small, Robt. Bockingham for L. Lowenberg, and J. H. Mercer for C. A. Shaffer. Representative E. M. Tewksbury was also in attendance.

The Grip is Grasping up.

However reluctant some of us may be to admit it, there is no getting away from the fact that this locality like nearly every other section of the country, has been severely attacked with the grip and that more people are suffering from it, in one form or another, than the casual observer can realize, is undoubtedly true. The weather condition have been well adapted to its developments of late and those who have thus far escaped an attack are indeed fortunate.

It is quite generally conceded now that the disease is contagious—that it may be communicated from one person to another—and this makes it still more dangerous. In conversation with a well known physician he informed the writer that there was no doubt in his mind about it going from one to another, and he said further that it is in the air and that consequently there is no means of evading it, although much depends upon the condition of the individual, as in certain other epidemics, and unless a person's system is in a susceptible condition he will not be effected by the contagion. But there is really little consolation even in this fact, for the anxious ones, as they cannot tell whether they are in a condition of health to escape it or not. However, it is well not to worry because doing so will not keep it off while it may have a tendency to bring it on. There should be no needless exposure, a slight cold should be attended to at the earliest appearance and every attention should be given to taking care of one's self in every way. This may help the victim after he is attacked if it does not keep off the attack entirely.

Rev. W. C. Leverett, Rector of St. Paul's Episcopal church, will address the Men's Meeting in the Young Men's Christian Association next Sunday afternoon, on the subject, "The Young Man's Opportunity." The male choir of the Episcopal Church will furnish music for the occasion. These meetings are growing in numbers and interest. The attendance last Sunday was 175. A series of talks on the now popular subject, "The Young Man," has been arranged for during the months of Jan. Feb. and March, that is already attracting the young men of Bloomsburg. Mr. Leverett delivers the second lecture in this series. Young men don't miss any of these addresses. The music will be a special feature.

The fourth lecture of the Students' Lecture Course will be given Monday next, January 15th.

The lecturer Dr. Samuel Phelps Leland, Ph. D. comes most highly recommended.

The subject "World Making", is a scientific presentation of the Birth, Growth, Death and Destruction of worlds—a translation of the wonderful gospel of the skies. It is scientific but divested of all technical terms. Diagram at Slate's store.

Mr. John C. Watts, representing a Philadelphia firm who manufactures cotton goods was in Danville last week looking up the matter of moving their plant to the latter place. The factory would give employment to about 200 operators, mostly girls. They will be in Danville again in a few weeks when they hope to conclude negotiations for removing their plant.

A railroad conductor passed nine people on one ticket the other day. They were a mother and eight children. The detachment consisted of four sets of twins, the oldest pair being a few days under 6 years of age. The conductor kicked at what seemed a wholesale business, but the mother had the bulge on him and they all passed.—Harrisburg Call.