# THE COLUMBIAN, BLOOMSBURG, PA.



# The Columbia Democrat.

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THE COLUMBIAN. Bloomsburg, Pa.

FRIDAY, APRIL 12, 1895.

#### THE POOR DISTRICT STEWARD.

OPINION OF THE COURT.

In Re-Petition and rule to show cause why mandamus shall not issue to induct Peter A. Kline into the office of Steward of the Bloom Poor District etc., Peter A. Kline, relator, and J. M. Larish, O. T. Wil son and A. C. Hidlay, respondents. In the Court of Common Pleas of

1895. The petition is in the nature of a

district to enforce the rights of the be removed by said directors for a performance of duty on the part of the respondent.s

The relator alleges, in his petition, that he was duly and legally chosen by the respondents on the 7th day of March 1895, to be Steward of the Poor District of Bloom, and that both parties entered into an agreement in writing pursuant thereto and that the said Stewardship was to commence on the 1st day of April 1895. That at the time of filing his said petition, to wit March 23d 1895, he bad gone to great expense, trouble and inconvenience, preparatory to entering upon and into the said office. That notwithstanding the premises at a special in appointing a person to office whose of fish from the public streams is like meeting secretly and irregularly called, term has not commenced or expired, ly to follow. and had, on the 19th day of March and revoke the appointment, re-1895 two of the said Poor Directors O. T. Wilson and J. M. Larish, pre tended, in secret, to revoke the said reappointment. unanimous appointment and to abrogate the signed and sealed agreement ing the office of Steward assumed the made with the petitioner. That they declared the office vacant and elected one C. H. Lee to fill the same and for the causes named in the Act of admitted him into the possession of said office. That he, the relator, is ready and desirous to take upon himself the duties of the said office of Steward to which he was elected and is entitled. The prayer of the peti tioner is for a rule to show cause, etc. Same day rule issued to show cause why the right and title to the office oi Steward of the Bloom Poor District shall not be quieted and settled and the petitioner, Peter A. Kline, be inducted into and permitted to hold and edly had, but these allegations are exercise the said office according to

the said board acts by and through the unity of a majority of the members of said board.

Two members acting at the time of filing the bill and answer have res ponded to said petition, and the charges, made by the relator, being against the officers and representatives of a municipality, rather than against individuals the suit will not abate by the expiration of the term of office of the original respondents. When the proper papers have been once duly served upon the proper officers any further proceeding which they warrant may be taken against their successors without proceeding de novo. It is but a repetition of the same proceeding against the same party represented by another, or other persons. The Bloom Poor District which in-

cludes and is composed of territory covering several townships within the county is a body corporate and unquestionably a quasi municipal Corporation.

It was organized, and is conducted under and by virtue of the Acts of Assembly of April 2d 1860 pamphlet laws, page 538, March 12th 1869 P. L. page 320 and supplements thereto. Among other things, the 4th Section of the Act of 1860, provides that the Columbia County. No May Term directors shall appoint certain officers and assistants and among them that of Steward, as they may deem necess. bill in equity asking that a peremptory ary to serve for one year, and until of suggestion and prophecy of the writ of mandamus issue against the successors are appointed and qualified, Directors of the Poor of Bloom Poor and said officers and assistants may

relator, or, in other words, to compel neglect of duty or misconduct in office and the vacancies be filled by them.

It is equally well settled that the office of Steward is an appointed office within the meaning of Section 4 article 6, of the constitution of the State and subject to be vacated by the power that filled it. See Thomas vs. the Scranton Poor District 4 Com. Pleas Rep. page 155 and cases therein cited.

At a meeting of the Board of Directors duly convened and acting in move an incumbent, declare the office vacant and fill the vacancy by

The relator, in this case, in acceptrisk of being removed at the pleasure of a majority of the board of directors, Assembly.

His petition sets forth the meeting of the board of directors, their reconsideration of their action in appointing the petitioner, their revocation of his appointment, the vacancy of the office declared, and the appointment A Superb of C. H. Lee to fill the same and his induction into the office. True the Educational petition alleges that these proceedings Fine Art were secretly, unlawfully and pretenddenied by the respondents and we cannot under this proceeding try and

#### THE INCOME TAX DEOISION.

The Supreme Court of the United States on Monday handed down its decision on the Income tax law. The effect of it is that the income tax clause of the Wilson act is constitional, but that two large classes of wealthy citizens shall be exempt from the operations of the law. Landlords and the holders of Federal, State, county and municipal bonds are protected by the Constitution, while merchants, manufacturers and wage earners having salaries of \$4,000 or more per annum must submit to the inquisition.

It is estimated that this will reduce the revenues about \$15,000,000. An extra session of congress has been talked of, but it is not likely that one will be called.

#### The Easter Number of the New York Ledger.

The Easter Number of the New York Ledger surpasses in beauty and interest any previous issue of that famous periodical. The cover is ornamented by the figure of a beautiful young woman, arrayed in the freshest of spring costumes, surrounded by cupids bearing flowers and musical instruments, enveloping her with the odors and airs of springtime. The listening attitude of the figure is full future. The contents of this number of the Ledger are in keeping with the beautiful cover.

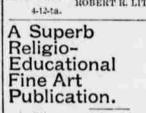
It is replete with delightful editorial matter, appropriate miscellany, poetry, children's stories, correspondence, science, and the always interesting department for wives and mothers, entitled "The Woman's World." The Easter Number of the New York Ledger contains twenty-eight pages, beautifully illustrated, and is sold for only 5 cents.

The bill to prohibit the killing of deer in the State under a penalty of \$200, for five years after October 1 next, passed finally in the House. A good faith, a majority has the right similar bill as to the shooting of quail and power to reconsider their action and other game birds and the taking

> A lot of new judgment exemption notes, with attorney's commission, and waiving everything, just printed at this office. Sold single, or in tf. books of 25 and 50.

# AUDITOR'S NOTICE.

Estate of Thomas Lutz deceased. The undersigned, an auditor appointed by the Orphan's Court of Columbia county to make distribution of said estate, will sit in his office in Bloomsburg, on Monday, April 29, 1895 at 9 o'clock a. m., when and where all persons hav-ing claims against said estate must appear and prove the same, or be debarred from coming in on said fund. ROBERT R. LITTLE, Auditor. ROBERT R. LITTLE, Auditor.



"The earthly footsteps of the

# That Tired Feeling "I have been taking Hood's Sarga-

#### Is a dangerous symptom. It means

a lack of vitality in the blood-a decrease of the red corpuseles upon which the strength and richness of the blood depends. It comes especially in the Spring because the system has been subject to unusual demands during the cold weather. The wasted vigor must be re-supplied. That tired feeling must be overcome, or else the approaching hot weather will have most serious effects. The best

#### Spring Medicine

Is Hood's Sarsaparilla, because it cures That Tired Feeling by purifying, enriching and vitalizing the blood, givorgan of the body. It "makes the could hardly get around the house. I bottle I began to feel much better and the action of the bottle I began to feel much better and the house is the second way. The hip trouble caused me great is the second is the second is the second bottle I began to feel much better and is the second is

Purify

parilla for six months. Before I began **Hood's Has Merit** taking it I had that tired feeling when I got up in the morning, also a terrible One Bottle Convinced-Farther headache and my blood was very impure. Since I have been taking Hood's Use Cured

### Hip Disease, Sciatic Rheumatism, That Tired Feeling.

is pure again." WILLIAM GARDNER, "I read that one bottle of Hood's 10 Tower St., Fall River, Mass. Sarsaparilla would convince me of its merits, and I have found this true.

"Some two years ago two ulcers appeared on my hip, which, after being and my nerves were in a bad condisore a long time, broke and discharged. tion and appetite was poor, so I con-I also was attacked with sciatic rheu- cluded I would take Hood's Sarsapaing it power to carry health to every matism, my leg being drawn so that I rilla. After I had taken the second organ of the body. It "makes the could hardly get around the house. I

our

the appetite and assisting the stomach and digestive organs in their impor-tant functions. The importance of at-tending to this matter of health now cannot be overestimated. Hood's Sar-cannot be overestimated. Hood's Saroughly renovate your system and fit you for the duties and pleasures of

the spring and summer. The Wonderful Cures

### I Was on the Gain.

This was very encouraging, and I found St., Norwich, New York.

Hood's and Only Hood's.

pains, but took Hood's Pills and was

cured." James Scanlon, 54 Roxford

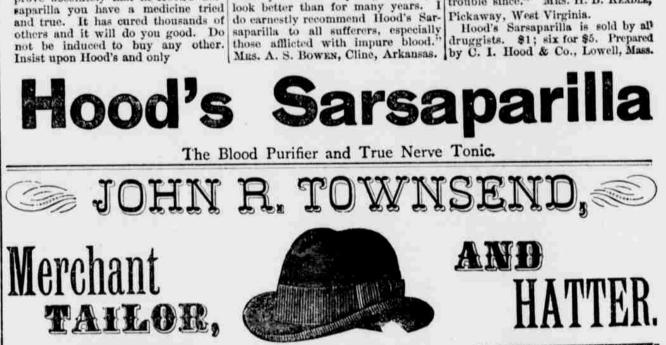
Sarsaparilla all that tired feeling is

gone, also the headache, and my blood

Makes the Weak Strong.

"I had a tired and drowsy feeling

"I took Hood's Sarsaparilla for a tired, worn out feeling, and it has plished by Hood's Sarsaparilla have given it the leading place in the field of medicine. When you take Hood's Sarsaparilla to purify your blood you without trouble. I have no symptoms elas. I commenced using Hood's Sarare not experimenting. The facts all prove absolutely that in Hood's Sar-saparilla you have a medicine tried look better than for many years. I book better than for many years. I



that I could sleep well at night. My health steadily improved, and, of course of scrofula, salt rheum, eczema and I continued taking Hood's Sarsaparilla. other diseases which have been accom- My hip has been restored to good con-

saparilla will make a vast improve- Hood's Sarsaparilla. In three weeks half each, we were cured. My mother ment in your feelings. It will thor- my rheumatism entirely disappeared used to be troubled with headache and and I found that

the terms of his appointment.

To this petition and rule O. T. Wilson and J. M. Larish, on March 30th 1895, demurred and made answer.

Demurred. 1st Because there is no vacancy in said office

2d. Because the bill is uncertain and insufficient in law.

Answered to the charges contained in the bill.

1st. That the appointment was not legal but obtained by the fraud pointment was procured by his misand wrongful acts of the relator.

Poor District.

said Stewardship, that the action of that it was the bounden public duty the board of directors, at their meeting of the respondents to admit the relaof March 19th 1895, in revoking the tor into office when the same was wrongful appointment of the relator, was warranted and lawful and regular in appointing C. H. Lee and in inducting him into the office of said Stewardship.

4th That damages to the relator cannot be considered in the present proceeding.

We must decide the case upon pe tition, demurre and answer and are not, therefore, called upon, or required to decide all of the numerous ques tions mentioned.

All matters charged in the petition by the relator and denied by the respondents must be proved by the relator, or they are not established, or made out. All, or any, new matter set up in the aeswer by the respondents, in avoidance, and denied by the relator, must be proved by the res pondents. Hence a consideration of the questions raised by the demurr er and matters charged in the petition. admitted, denied and hot proved will decide this case. Under the demurrer it is argued by counsel for the respondents that the bill must be dismissed for want of proper parties, respondents. That now, in April 1895, the old Board of Poor Directors having gone out of office on the 31st of March, 1895, only one member of the former board remaining, is not suffi-cient to warrant further preceedings against the new board, or poor district.

The Bloom Poor District is a muni cipality, represented by a board of directors consisting of three in number elected by the voters of the several districts composing its territory, and P. M. Saturday.

determine the disputed right and title to the said office.

If the petition had been filed subing only a refusal by the respondents representations and by wrongful 2d. That the written agreement means, accompanied with proof, by is not binding on Poor Directors, or evidence taken, that he had been vacant and even enforce such admission by a writ of mandamus.

But the bill was filed eight days before the time agreed upon in writing, by the parties, at which the relator could demand entrance into his office, and furthermore it contained notice and full knowledge of the relator's removal from his appointment the vacancy declared, and the filling of the same by the appointment of C. H. Lee and his acceptance, induction and service in said office.

We are therefore, upon the matters set forth in the petition constrained to sustain the demurrer.

Mandamus will not lie to compel a municipality to admit to office a person duly and properly elected when there is no vacancy in the office, and it is already filled by an actual incumbent exercising its functions de facto and under color of right, as the bill in this case shows. Quo warranto, is the proper remedy to compel the admission of another claimant to a public office and to determine the disputed title to the same, and not mandamus.

This proceeding being premature and without right, on the part of the relator, the demurrer must be sustained, and the rule discharged. And now, April 4th, 1895, it is so ordered. By the Court.

E. R. IKELER, P. J.

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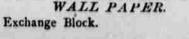
Man of Galilee," piously traced with note book, pencil and camera, has created quite a stir in sequent to April 1st 1895, the time England. The London News fixed by the parties for entrance into has ordered 40,000 copies of the office by the relator, and after a the No. 1 Portfolio alone. demand made by him to be permitted These folios each contain 16 beautiful views-also an eight ing only a refusal by the respondents colored map in all portfolios. to permit him to hold and exercise colored map in all portfolios. his office, for the reason that his ap-The collection of 384 photographs was made by the celebrated landscape photographer, R. E. M. Bain. The descriptwrongfully and unjustly rejected, we ive matter was written by Rev. 3d. That there is no vacancy in might hold, under this bill in equity John H. Vincent, D. D., L. L. D., and Rev. James W. Lee, D. D., after 3 separate tours of the Holy Land. An opportunity is thus given to make a delightful tour through Palestine without leaving home, bringing a far off country and time near to us.

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It is almost impossible, for want of advertising space to go into details, but if you want to see the finest line we have ever shown, we are anxious to show it to you. Some exclusive styles in just dress patterns in the latest weaves.

# CLOVES.

Our department in this respect is the most complete in town, and we are now showing the finest line of gloves, Men's, Boy's, Ladies' and Misses in kid, lisle thread, silk chamois and dog skin, for Men's street wear we have ever offered to the public. Our ladies' silk gloves go with a guarantee, which it will pay you to look at. We are making a special drive on Men's Dog Skin gloves for street wear, as they go now for 75c the pair.

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PURSEL & HARMAN,

cents. PERCALS.

colors plain and figured at 35 and 60

Vou will want shirt waists for mornings and these are the most useful things for that purpose we can show,

and the price is very reasonable, only 10c per yard, 36 inches wide.

# HOSIERY.

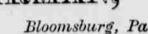
We are selling the Y. D. Hosiery double sole, high spliced heel and the best stocking that we can buy. These are absolutely fast black.

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