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## JUDICIAL FIGHT CARRIED TO COURT

Judge McPherson, at Harrisburg, Hears Testimony in Montour-Columbia Case—Claims of Contestants—Opinion of the Court.

The hearing in the contest between Judge Herring and Robert R. Little at to the regularity of the latter's nomination by the conferees at Exchange, took place in Harrisburg last Thursday, and was argued on Friday. The following is gathered from the reports in the daily paper:

HARRISBURG, Sept. 14.—Great interest attaches to the Montour-Columbia judicial fight, which was taken up by the Dauphin County Court at a special session, over which Judge McPherson presided. Objections were heard which had been filed by Judge Grant Herring to Robert R. Little's certificate of nomination. Judge Herring was appointed by Governor Hastings to succeed the late Judge Ikeler and is fighting for the Democratic nomination. James Scarlet, of Danville, is the Republican candidate.

Judge Herring's case was presented by Congressman M. E. Olmsted and Messrs. Weiss and Gilbert, of this city, and R. S. Amerman, District Attorney of Montour County, while for Mr. Little there appeared Robert Snodgrass, J. A. Strahan and B. Nead of this city. Both Judge Herring and Mr. Little were present in court, but took no part.

County Chairman Howery, the first witness, testified that after Judge Ikeler's death he was besieged by friends of Little to call the County Committee together, pursuant to rule, to fill the vacancy. Mr. Little himself having urged him personally and also written a strong letter, asking that the meeting be called on the morning of August 13.

Having been court stenographer under Judge Ikeler and feeling friendly to his family Chairman Howery declined to fix a time until he had consulted Fred Ikeler. He thereupon called a meeting of the committee for Saturday morning August 13. At the meeting Herring received 25 out of the 28 votes.

From other testimony it appeared that on the evening of the 12th at Exchange there had been a judicial conference, of which no public notice was given and at which Little claims the votes of three of the four alleged conferees. The conferees claimed as representing Montour county were Dr. McHenry, who lives at Exchange and Henry Divel, of Danville.

Dr. McHenry said that he had had no notice of any such conference until the other conferees came to Exchange that afternoon. He understood that he had been appointed by Judge Ikeler during his lifetime and hesitated about acting, but because he thought he had no authority after the Judge's death. Divel, the other Montour county conferee testified that he was appointed verbally during the Judge's lifetime, but admitted that he had told one person that he had not been appointed.

Fred Ikeler swore that his father had frequently told him of his intention to appoint Divel and McHenry and presented a paper in his father's handwriting, drawn by him a few days before his death, intended as a formal written appointment. It was not addressed to either of the alleged conferees and was not signed by the Judge, and was a form which he had directed to be sent in typewriting to both men.

Fred Ikeler admitted that he had told various persons before his father's death that he had not appointed conferees. He admitted that there had been no announcement of the appointment of the conferees in Montour county and no announcement of the meeting of the conference, but he had caused Divel and the two Columbia county conferees to go to Exchange on the eve of the meeting of the County Committee, and had requested Dr. McHenry to meet with them.

Herring's counsel produced one witness who testified that both before and after Judge Ikeler's death Divel had told him that he had never been appointed a conferee, supposing that he would have to have written notice. Two other witnesses testified that a few days before his sickness Judge Ikeler told them that he had not appointed any conferees.

HARRISBURG, Sept. 15.—The argument on the objections to the nomination certificate of Robert Little as a Democratic candidate for President Judge in the Twenty-sixth Judicial District, filed by Judge Grant Herring, was concluded before Judge McPherson this morning.

Mr. Herring, denied that the power to appoint conferees was hereditary; that Judge Ikeler having been nominated by the Montour county convention with power to appoint, had died before making any appointment, and that those who pretended to act as conferees were nominated after the Judge's death by his son.

Even had Judge Ikeler appointed conferees a conference after his death and before the vacancy caused thereby had been filled under the printed rules of the Montour county democracy was illegal and void. Little, argued Mr. Olmsted, had put the rule in operation by demanding a meeting of the county committee to fill the vacancy, but finding that he could not control the committee he had got this rump conference together the evening before and attempted thus to overthrow the rules and the will of the Democracy.

The County Committee merely stood in place of the County Convention, and whenever any candidate named by the latter resigned or dies the County Committee was authorized to fill the vacancy, and had done so by nominating Herring to take Judge Ikeler's place before the conference.

Robert Snodgrass made the argument for Little. He contended that the evidence showed that it was the intention of Judge Ikeler in his lifetime to appoint McHenry and that McHenry's subsequent service as a conferee constituted a sufficient acceptance. He denied that the rule authorizing the County Committee to fill any vacancy on the ticket applied to more than county offices not requiring nomination by another county also. He thought ticket meant the same as ballot and Judge Ikeler's name was never authorized to go on the ballot because he had been nominated by one county only.

He contended that while Ikeler had received more delegates than Little in Montour county, nevertheless Little had received a large proportion of the popular vote. He was surprised that Little had been accused of any trickery in the premises.

Mr. Gilbert concluded the argument for Herring. He said Ikeler had been nominated and was on the ticket subject to the action of the conference only. His death made a vacancy on the ticket which the County Committee had a right to fill and had filled by nominating Herring.

OPINION OF THE COURT.  
On Saturday Judge McPherson filed the following opinion:

This certificate, which declares Mr. Little to be the Democratic candidate for President Judge of the twenty-sixth district, proceeds from a body composed of four persons, of whom two had an undisputed title to represent the County of Columbia, and two—Judge Divel and Mr. McHenry—asserted an equally valid right to represent the County of Montour. The right of the gentlemen named is now challenged by the objector, and the question thus presented must first be decided; for if they had no authority to act as conferees, their attempted action was a nullity, no lawful conference has yet been held, and no Democratic nomination for the district has been made.

Their authority is said to be found in the fact that Judge Ikeler had appointed them before his death. He had been regularly nominated for President Judge by the Democratic Convention of Montour county, and had been empowered to choose his own conferees to meet the representatives of the other county of the district. If he exercised this power in his lifetime and actually appointed the two gentlemen who appeared for the County of Montour, certain other questions arise for consideration, but if he failed to exercise this power, this ground alone is decisive of the case. Whether the appointment was made, is a question of fact, concerning which we have heard and considered a good deal of evidence, but without much difficulty in reaching a conclusion. It seems to us that the apparent conflict in the testimony can be easily explained. It arises because Judge Ikeler's purpose to appoint is sometimes looked upon as a purpose merely, and sometimes as if he had already carried it into effect. I have no doubt that he fully intended to appoint Dr. McHenry and Judge Divel to be his conferees, and that he had spoken several times of such intention to his sons and to some other persons. It is not surprising that his intention should now be regarded as substantially identical with the act which he would probably have done if he had lived, and that witnesses may conscientiously declare that he had actually made the appointment, although in truth he had done no more than determine to make it. The connection between purpose and act may be close, but the distinction is real and important. The governor has not appointed to an office, by virtue of a mental decision, to name one aspirant in preference to the others; this looks to the future, and if an actual present appointment does not follow, the decision remains without effect. This is just what occurred in the case before us. Judge Ikeler had determined whom he would appoint. He had had some preliminary consultation concerning their willingness to serve, but, for some reason or another, he was postponing the actual appointment, and death overtook him before the act was done.

Concerning Dr. McHenry the evidence hardly admits of discussion. Judge Ikeler wrote to him in June, saying, *inter alia*: "Before choosing you I thought it best to consult you as to whether or not, with your extensive practice, it will be possible or convenient for you to spare the time." The Doctor sent a verbal reply that he was willing to serve if he need not be away from home for more than one day at a time; and with this reply communication ceased, for he neither saw nor heard from Judge Ikeler again, nor received any written evidence of an appointment. Judge Divel had gone further than Dr. McHenry; he had undoubtedly consented to serve, but he was well aware that the actual appointment had not yet been made, for he declared several times that he was not a conferee, repeating the declaration after Judge Ikeler's death. And Judge Ikeler himself knew clearly that the final step had not yet been taken, for only a few days before his death he prepared a form of notice which he intended to sign and send to each conferee; and in this draft, after stating that "I have selected you as one of my conferees," he requests to be informed "whether or not you will serve," thus showing conclusively that in his opinion also the transaction was incomplete.

These being the facts, they are decisive of the present controversy. No conferees from Montour had been appointed and none could take part in the meeting at Exchange; Mr. Little's certificate, therefore, proceeds from a body without authority to nominate for the district, and must be adjudged invalid. The Prothonotary is directed to certify this decision to the Secretary of the Commonwealth.

By the Court.  
J. B. McPHERSON, P. J.  
Judge Herring has appointed Alex Billmeyer and James T. Brannen as his conferees, and on Saturday they wrote Mr. Little's conferees, J. B. Robison and T. J. Vanderslice, requesting them to meet in conference at the Exchange Hotel, Bloomsburg, on Wednesday the 21st.

In pursuance of this, a conference was held at that time and place, and after five ballots an adjournment was made to Friday afternoon. Should there be no nomination by next Monday the candidate can get on the ballot only by nomination papers, as that is the last day for filing certificates of nomination.

HARTMAN—REESE.  
The home of Captain Edward Reese, at Park Place, was the scene of a happy marriage on Tuesday, at 3 p. m., when his only daughter, Miss Rachel, and Robert E. Hartman, of this town, were made man and wife. The ceremony was performed by Rev. J. M. Buckley, pastor of the Centralia Methodist Church. The ushers, all brothers of the bride, were Dr. George W., John B., Thomas J., Edward C. and Daniel Reese.

After the ceremony a wedding dinner was served. Later a reception was held, which was largely attended.

The newly made man and wife, took the Lehigh Valley train for a tour, after which they will return to Bloomsburg and reside.

A number from this town went to Danville on Monday evening to witness the demonstration in honor of the soldier boys of Company F. Twelfth Regiment, who returned home. The soldiers were met at the station by an immense crowd of people, all joining in giving the boys a noisy and enthusiastic welcome. A parade was formed consisting of the Town Council and many secret societies of the town. Frank Sanders, Robert Dodson and Chris Reice of town are members of this company. They came up from Danville Tuesday morning.

The Republican Senatorial Conference for this, the Twenty-fourth District met at Danville yesterday afternoon. The candidates were W. K. Holloway, of Danville, N. H. Culver and S. M. Spenser, of Williamsport. Six ballots were taken, but no nomination made. The conference then adjourned to meet again Wednesday Sept. 28th. The conferees from this county were Isaiah Hagenbuch, W. M. Monroe and Nehemiah Kitchen.

Samuel Neyhard's large gray team ran away Monday morning, breaking the wagon to which they were hitched all to pieces. They had been standing at Creasy & Wells' lumber yard, something frightened the horses and they started down the railroad on a dead run. The wagon would not stand the bouncing over the railroad ties, and went to pieces. The horses kept on the railroad until they reached Bryfogle's farm, where they were captured.

The chestnut crop this year will not be so good. Farmers from the surrounding country, who are able to judge, state that the blossoms were blown off by the high winds and that the yield will be short in consequence.—Millville Tablet.

"McDoodle's Flats" drew a good sized audience at the Opera House last evening. The performance was right good in spots.

## SENATORIAL CONFERENCE

J. Henry Cochran Renominated.

The Williamsport Sun of Friday Sept. 16 gives the following report of the Senatorial conference held in that city on the 15th:

Senator J. Henry Cochran has been honored by the Democrats a second time, the conference of this, the Twenty-fourth state senatorial district having again nominated him for state senator at the Park hotel. The record in this district has thus been broken, for no man before has been nominated a second time.

The conference convened at 8 o'clock, in room 1 of the Park hotel, the conferees present being as follows:

Montour—George Maier, James Ryan.

Columbia—Woodin Hanley, J. K. Sharpless.

Sullivan—Ellis Swank, Lawrence Lowery.

Lycoming—Walter E. Ritter, C. F. O'Dea.

THE CONFERENCE.

The conference organized by electing Mr. Ritter president and Messrs. O'Dea and Hanley secretaries, and the names of J. Henry Cochran of Lycoming; W. H. Rhawn, of Columbia, and Edward J. Mullen, of Sullivan, were proposed as candidates. Only two ballots were taken. On the first Mr. Cochran received four votes, those of Lycoming and Montour counties, Mr. Rhawn getting the two Columbia county votes and Mr. Mullen those of Sullivan county. Before the second ballot was taken Messrs. Rhawn and Mullen announced that they believed it would be to the best interests of the party to nominate Senator Cochran, and that his nomination would command the approval of the Democratic party. For those reasons they would withdraw. The second ballot therefore resulted in the unanimous nomination of Mr. Cochran.

A committee composed of Messrs. Sharpless, Ryan, O'Dea and Lowery was appointed to notify Mr. Cochran of his nomination and to bring him before the conference. Mr. Cochran appeared and made a brief and modest speech in which he accepted the nomination. Speeches were also made by Messrs. Rhawn, Ritter, Mullen and Maier.

After the adjournment of the conference a supper was given to the conferees and candidates at the hotel.

HISTORY OF THE NOMINEE.

Senator J. Henry Cochran was born in New Brunswick, Jan. 15, 1845. His parents removed to Calais, Me., shortly thereafter, where he resided until at the age of eighteen he removed to Pennsylvania. He received a common school education and has always been engaged in the lumbering business. In more recent years he has also been interested in banking, being the senior member of the firm of Cochran, Payne & McCormick, of this city, and is engaged in other industrial enterprises. He was elected a member of the state senate in November, 1894.

Mr. Cochran is a public spirited man of wide acquaintance, his friends being legion, and it is safe to predict that his election is already assured, and by a large majority.

The news of the death of Albert McDowell, in New York, on Sunday, was received here on Monday. The remains were brought here on Tuesday afternoon and taken to Lightstreet for burial. The deceased was a son of the late Theodore McDowell, and was engaged in business in New York, being the inventor of a garment drafting machine.

The boiler house, being erected by the Normal School, on Penn street, to furnish steam for the buildings, is getting pretty well along. The stack is just about completed. It will be some time before the work is entirely finished, but they are prepared to furnish steam in a day's time, should the weather demand it.

Rev. C. H. Brandt, who has been pastor of Trinity Reformed Church for the past five years, has resigned. The resignation is to take effect the first of November. He has accepted a call from the Lawrenceville Reformed Church. He has been an active worker, and his pastorate has been very successful.

A chicken and waffle supper will be held in the Buckhorn M. E. Church on Saturday evening, 24th inst.

## One Dollar Saved Is Two Dollars Earned.



Now is the time to save it. This is the store where you can save it. \$30,000.00 worth of first-class Suits, Overcoats, Hats, Shoes and Furnishings, are to be closed out completely. Why pay a profit on wearables this Fall, when you can buy them from us at actual manufacturer's cost? Early buyers get first choice.

Suits and Overcoats of \$15.00 quality, G. O. of B. Price, \$11.00					
" " " 12.00 " " " " " 9.00					
" " " 11.00 " " " " " 8.00					
" " " 10.00 " " " " " 7.50					
" " " 9.00 " " " " " 7.00					
" " " 7.50 " " " " " 5.75					
" " " 6.50 " " " " " 4.50					
Boys' Suits, Overcoats & Reefers, \$5.00 " " " 3.75					
" " " 4.00 " " " " " 3.00					
" " " 3.00 " " " " " 2.25					
" " " 2.50 " " " " " 1.75					

## FALL WEIGHT OVERCOATS.

Not too heavy, not too light. Just right for Fall wear. Black, Grey Mixed, Tan.

\$12.00 quality, \$9.00.	\$11.00 quality, \$8.00.
\$10.00 quality, \$7.50.	\$ 9.00 quality, \$6.50.
\$ 7.50 quality, \$5.50.	\$ 6.50 quality, \$4.50.

## HUNDREDS OF PAIRS OF FINE SHOES,

For men, boys, misses and children, must be sold out completely. W. L. Douglas Shoes. Strong, serviceable, stylish. \$4.00 quality, \$3.00; \$3.00 quality, \$2.50; \$2.50 quality, \$1.90. Women's 3 and 4 shoes. Fine Shoes (small sizes), 98c.

## HATS.

Stiff and Fedora. \$3.00 kinds, \$2.25; \$2.50 kinds, \$1.75; \$2.00 kinds, \$1.50; \$1.50 kind, \$1.15.

Children's Toques, Fall styles. 50c. kind 39c.; 39c. kind, 25c. Children's Tams, 50c. kind 39c.; 25c. kind 19c. Men's Wool Merino Hose, 12c. pair. Boys' Waists, in wool or wool-mixed, cheaper than mothers can make them. Splendid wool ones, 50c. and 75c.

## MEN'S UNDERWEAR.

Fleece Lined, Natural Wool, Camel's Hair, including the celebrated "Luzerne" Hygiene. Shirts, 34 to 48; drawers, 30 to 46.

\$1.75 quality, Going Out of Business Price, \$1.25.	
1.50 " " " " " 1.15.	
1.25 " " " " " 89.	
1.00 " " " " " 75.	
.75 " " " " " 59.	
.50 " " " " " 39.	

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