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The formation of labor is said to be affecting the National Guard circles. At Williamsport alone twenty-five young men have already asked for their discharge, claiming that the trade organizations to which they belong requires them to withdraw from the guards.

We have learned quite recently of the entertainment given at Orangeville on Memorial Day last year. Should the good people of that borough desire the services of a good, active committee, they can probably get some Wilkes-Barre gentlemen to act in that capacity. Mr. Frank Ricketts can furnish their addresses. If they want to engage the Light Street band they must speak in time.

#### WILL BENEFIT CORPORATIONS.

The Pennsylvania Canal to be Utilized for the Sale of Water Power.

In speaking of the bill, signed by Governor Stone last week, which gives the railroad companies the privilege to sell water from the canals in their control for private, domestic, or other purposes, the Harrisburg correspondent to the Philadelphia *North American* says:

"The act is general in its character, and applies to every canal in the State, but it particularly affects the Pennsylvania Canal, owned by the Pennsylvania Canal Company. The canal has recently been abandoned from Loyalsock to Columbia, a stretch of 144 miles, and in order that the Company may utilize its water rights it was necessary to secure the passage of this bill.

The Company expects to supply water power to manufacturing establishments and other industries at Harrisburg, Nanticoke, Sunbury and other points along the line, in the vicinity of its dam in the Susquehanna river. Many industries at Bloomsburg, Catawissa and other points, from Northumberland to Wilkes-Barre, will now get their water power from the Company.

The bed of the canal at certain places will be eventually filled up and covered with railroad tracks, and along certain other sections the towpaths will be utilized for this purpose. Under the Stinemans bill the Company is not required to maintain the bridges across the canal.

The Railroad Company expects to fill up the old basin at the terminus of the canal at Columbia and lay tracks to increase its yard facilities. The canal parallels the railroad from Harrisburg to Columbia, and the ground it occupies can be utilized by the railroad at a very small cost. From Clark's Ferry to Sunbury the canal is on the opposite side of the river from the railroad, while from Sunbury to Muncy, and from Sunbury to Nanticoke it runs along the tracks.

By signing the Stinemans canal grab bill Governor Stone has encouraged the promoters of the Erie land grab scheme to redouble their efforts to force it through the House. They are confident the Governor will approve the bill, if given a chance, in the face of the precedent set for him by Governor Hastings in vetoing a similar measure in 1897.

The bill has passed the Senate and its position on the House calendar will probably bring it up this week.

## Supreme Court Opinion

In the case of T. J. Vanderslice versus W. Krickbaum.

### Judgment Entered for Respondent on the Demurrer.

In the Supreme Court of Pennsylvania, Commonwealth of Pennsylvania, ex. rel. John G. Harman, District Attorney, vs. William Krickbaum.

No. 116, January Term, 1901. Appeal by defendant from the Court of Common Pleas of Columbia County. Filed May 13, 1901.

MESTREZAT, J.  
Jeremiah Snyder was elected Treasurer of Columbia County on November 6, 1899, for the term of three years, commencing on the first Monday of the following January. On December 11, 1899, he executed and delivered to the Commonwealth a bond in the sum of \$15,000 for the faithful discharge of his duties. On January 4, 1900, he gave to the Commissioners of Columbia County a bond in the sum of \$60,000 conditioned for the faithful performance of his official duties. William Krickbaum, the respondent and appellant, is one of the sureties on each of said bonds. In November, 1896, Krickbaum was elected to the office of County Commissioner of Columbia County and entered upon the duties of his office the first Monday of January, 1897, for the term of three years. In November, 1899, he was re-elected to said office and entered upon its duties the first Monday of the following January. At the time of becoming surety on said bonds he was, therefore, a County Commissioner of Columbia County.

At the instance of T. J. Vanderslice, Esq., the District Attorney of Columbia County presented a suggestion to the Court of Common Pleas of that county, setting forth the above and other reasons for a quo warranto against the respondent, and the writ was duly awarded against him to show by what authority he claimed to exercise the office of County Commissioner of said county. The respondent filed an answer to the suggestion, admitting the facts above recited, but denying the other allegations of the suggestion. The relator demurred to the answer, so far as it admitted the facts, and moved the court for judgment of ouster against the respondent. The demurrer was sustained and on March 11, 1901, judgment was entered against Krickbaum, ousting him from the office of County Commissioner of Columbia County. On the same day the court below issued an injunction against the respondent, restraining him from exercising the office of County Commissioner and from retaining in his possession the books and papers of said office. The action of the Court in entering the judgment of ouster and in issuing the injunction is assigned for error.

The pleadings raise but a single question for consideration, and that is whether a County Commissioner can legally become a surety on the official bond of a County Treasurer. This involves a construction of the 66th section of the penal code of March 31, 1860, the part thereof material to this issue being as follows: "It shall not be lawful for any councilman, burgess, trustee, manager or director of any corporation, municipality or public institution, to be, at the same time, a treasurer, secretary or other officer, subordinate to the president and director, who shall receive a salary therefrom, or be the surety of such officer; and any person violating these provisions, or either of them, shall forfeit his membership in such corporation, municipality or institution, and his office or appointment thereunder, and shall be held guilty of misdemeanor, and on conviction thereof, be sentenced to pay a fine not exceeding \$500.

It was contended by the appellee, and so held by the court below, that the statute applied to the case in hand and that the act of the respondent in becoming surety for Jeremiah Snyder, the county treasurer, offended against its provisions. The learned judge, specially presiding, held that a county commissioner comes within the designation of "councilman, burgess, trustee, manager or director," in contemplation of the act, and that a county is a corporation within the terms of the statute.

We do not agree with the trial judge that a county commissioner is included in the officials designated in this section of the Act of 1860. If we correctly apprehend the position of the learned judge it is that a

county commissioner is a "trustee," for the county which he holds is a corporation in contemplation of the statute. It is quite clear that a county commissioner is not a councilman, burgess or director of a corporation within the intendment of the statute. Hence, if subject to all to the provisions of the Act, it must be as trustee or manager of the county as a corporation. In our judgment there can be no substantial basis on which such a construction can rest. It is true that county commissioners are the agents, trustees and managers of the county and its financial affairs. They are in fiduciary capacity, and the money of the county is expended on orders drawn by them on the county treasurer. They have the custody and control of the property of the county, and conduct all its litigation. They exercise all the corporate powers of the county. These are some of the powers and duties that pertain to the office of county commissioner. But the Act does not subject parties to its provisions because they possess these powers or exercise these and other prescribed duties, but because they are included among the officials therein designated. It is, therefore, as one of the class of officers named in the statute that any person is forbidden to become surety for another and it is made subject to penalties for violating its provisions.

The office of County Commissioner is, as has been said, coeval with the settlement of the country and is recognized in and exists under the present constitution of the Commonwealth. Any person familiar with the offices and affairs of the counties of the state knows of the office and general duties of a County Commissioner.

It is as distinctive, definite and well understood as the office of councilman or burgess. It, therefore, cannot be presumed that the legislature when it passed the Act in question did not know of this office which is as old as the state itself. On the contrary, it must be assumed that the legislature knew of the office and its duties and intentionally excluded it from the provisions of the Act. As easily could the legislature have prohibited from becoming surety on an official bond and named as subject to the penalties imposed by the statute a County Commissioner by his official title as a councilman or a burgess. Unless it was the intention of the law-making power, no reason can be assigned why a County Commissioner was not included in the Act. Naming the officials set out in the statute shows conclusively the legislative intent to exclude all other officials. Expressio unius est exclusio alterius.

We are dealing with a highly penal statute and, as said by this Court of the section in question, we cannot for this reason extend it by implication beyond its special meaning. The construction we have given the Act conforms to this well established rule of interpretation. It is not for the Courts to extend the Act to County Commissioners or to other officials for reasons that moved the legislature to make the Statute applicable to the officials therein designated. Those reasons, doubtless, were as convincing why a County Commissioner should have been included in the provisions of the statute as why a councilman or burgess should have been made subject to the Act, but it is not the reasons that impelled the legislature to pass the Act, nor the meaning or spirit of the statute that controls its interpretation and determines whether the respondent is within its terms. The fact that the language of the Act does not clearly include the office held by the respondent excludes him from its operation.

In support of his position, the learned trial judge cites and relies upon Commonwealth vs. Morrissey, 86 Pa. 417. He evidently confounds the language of the two sections of the Act. It was there held that the treasurer of a school district was a township or municipal officer within the terms of the 65th section of the Act of March 31, 1860, which prohibits under certain penalties "any state, county, township or municipal officer," charged with the collection and disbursement of public money, from converting it to his own use. If the 66th section had made it unlawful for any city, borough or county officer instead of councilman, burgess, trustee or manager to do the acts therein named, the case cited would have been applicable and controlled the construction of the 66th section.

But instead of using the broad language of the 65th section and making it applicable to any "State, county, township or municipal" officer, the language of the section confines it to certain designated officers of a city, borough, corporation, municipality or public institution.

The view we entertain of the case makes it unnecessary to determine whether a county is a corporation within the meaning of the Act. This question becomes immaterial if a County Commissioner is not subject to its provisions.

The assignments of error are sustained, the judgment is reversed, the injunction is dissolved and judgment is entered for the respondent on the demurrer.

### A GREAT SHOW.

Two Immense Audiences Witness the Finest Amusement Enterprise that Ever Visited Bloomsburg.

A little more than two weeks ago when the advance advertising brigade of the great B. E. Wallace Show posted the bills announcing the coming of the circus and menagerie few people had any idea that it was the stupendous gigantic affair that it really is. Bloomsburg has been visited in past seasons by numerous shows, including Barnum and Forepaugh, but this was positively the finest that has ever come our way.

The train of twenty-seven cars arrived over the D. L. & W. Railroad about six o'clock Tuesday morning having come from Williamsport by way of Northumberland. A good sized crowd had gathered, all eager to watch the process of unloading the animals, which is always a feature of a circus. It is interesting, not only to the urchin, but to the average human being. It appeals quite as strongly to the adult as to the juvenile. The first feature that impressed the spectators was the fine horses. There was a large number of them and if there was one that was not well groomed, fat and sleek, it was not taken from the train.

The outfit of the Wallace Show is noted throughout the circus world for its always neat condition, and particularly at this time when winter quarters are less than a month behind, the wagons and all sorts of paraphernalia are exceptionally gorgeous and striking. There was a small army of men at work during the unloading process, but those who remained to see this work did not realize that another army was at work on the lot in putting the acres of canvass together and arranging for the performances.

The parade left the show ground precisely at 10:20 and traversed the principal streets. The pageant was nearly a mile in length and was so neat and clean that it could have been driven through a parlor. A glance at the passing exhibition demonstrated the pride taken in the equipment.

At one o'clock when the window in the ticket wagon was elevated for the sale of seats, the rush was fierce. Hundreds of hands containing the admission price were shoved out toward the ticket seller, but everyone had to await their

## THE BEGINNING OF SUMMER.

Hail the Coming.

When we leap from the lap of winter, away over Spring into the lap of Summer,

we shall be ready to supply exactly that which you need to wear, at prices guaranteed to be as low, and in many instances lower than others.

#### WHITE SKIRTS.

Made of good muslin, lock stitch, flounce 14 in. wide, very full, and trimmed with 20 tucks and 2 rows insertion, and edged with lace, \$2.00.

#### FANS.

New line of white and colored Fans for Commencement presents, 25c. to \$2.00.

#### GOLD RINGS.

Plain band rings, and with stones, warranted for 3 and 5 years, 25c. to \$1.00.

#### CORSETS.

Straight front Corsets made by the R. & G., W. B. Nemo and Flexibone Corset Co., \$1.00 to \$1.50.

#### STOCKINGS.

Every pair of stockings we have is strictly fast color, and can be depended on for good wear.

Children's hose, 6 to 9½, extra good for the money and will be hard to match, 2 prs. 25c.

Children's finer hose, 5 to 9½, much finer than we usually have, 25c. pair.

#### SUITS.

Tan covert cloth suit, with plain gore skirt, percaline lined and velveteen bound. Jackets lined with mercerized linings, double breasted, reduced from \$7.50 to \$5.95.

#### TAPESTRY CURTAINS.

The line is now complete, 22 kinds, \$1.69 to \$9.00.

#### BRILLIANTINE.

White, garnet, navy, gray, black, 38 in wide 50c. yd.

#### BLACK TAFFETA SILK.

Extra heavy 36 in. wide, \$1.25. The kind usually sold at \$1.00, 26 wide 85c.

#### BABY CAPS.

Not the kind every body has but better than others show. Our new ones at 25 and 50c. are beauties.

Children's Under Waists made of fine batiste, trimmed around neck and arm hole with good embroidery, 39c. each.

Infant's Reefers, made of white Bedford cord, trimmed around sleeves and collar with lace and insertion, \$1.50 to \$2.25.

## HARTMAN'S NEW STORE, BLOOMSBURG, PA.

turn. The jam was too great to elbow through and it was fully half an hour before the rush was over. By that time the large enclosure was pretty well filled. By the time everything was ready to commence scarcely a seat was vacant. The performance, well, we wouldn't attempt to describe it. It was great from start to finish, especially the Stirk Family of bicyclists. Mile. French and her mysterious globe, and the renowned Nelson Family. The acrobatic feats of the latter were marvelous. The tricks performed by them defy the laws of gravitation and equilibrium. There were countless other features of an extraordinary kind, all new, grand, bewildering and never seen before. The attendance in the evening was not quite so large as the afternoon, but it was estimated at about five thousand.

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Small Hardware. Scores of bargains in it. Aside from the above we have Brooms, C. C. Ware, Sterling Wickless Oil Stoves, Jardinieres, Washboards, Stoneware, Crocks, Flower Pots, Lamps, Burners, Chimneys, Wicks, &c. Hundreds of other articles too numerous to mention. Our motto, "Quick Sales and Small Profits, and Fair Dealing to All." We shall be pleased to see you at any time. SPECIAL ATTENTION GIVEN TO MAIL ORDERS. Try us and be convinced.

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