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NO. 14

COURT'S OPINION.

Reviews the Testimony and Dismisses Proceedings, Placing Costs on County.

ORIGINAL PLAN TO STAND.

The opinion of the Court, in the matter of a grade crossing, at the south end of the new river bridge at Millinville, was handed down on Thursday. The finding is quite lengthy. It reviews all the testimony and sets forth that no order will be made that will in any way effect the judgment of the Court of Quarter sessions entered on July 7th, last. The proceedings are dismissed, and the costs placed upon the County.

Here are some of the reasons given for dismissing the proceedings:

First—That it is the opinion of the Court that the Act of 1901, under which this proceeding was instituted, has no application to the facts here.

Second—That the action of the viewers did not lay out a new or additional public road, or establish a new or additional grade or other crossing of the tracks of the Railroad Company.

Third—That the judgment of the confirmation absolute of these proceedings July 7, 1902, became conclusive unless appeal was duly taken. The bridge was established by that decree. The duty devolves upon the county to build and keep this and all other county bridges in repair, as well as the approaches thereto. The approach to the bridge is a part of the bridge itself. The township road terminates where the approach begins. It is a mistaken view urged on the part of the petitioners that the southern approach of this bridge extends to First street.

Fourth.—Being of the opinion that the decree of the Court of Quarter Sessions confirming these bridge proceedings is now conclusive, and in view of what the County Commissioners have done subsequent to that decree; that certain rights of the contractor have attached; we should feel reluctant to make any changes in the construction of this bridge, unless great necessity required it, even if there were a statute which expressly provided for such change.

Fifth—The evidence of Oscar Thompson, a witness produced by the respondents, is cited in said opinion. Among the cross examination of said Thompson appears the following:

Q. "You wouldn't consider that steel piers, placed upon the same piers there, that they would be as strong as if the original piers had been brought up to that elevation according to the practice and rules of bridge construction?"

Ans. "I would think not. If I were designing a bridge I would carry the stone work all the way to the top."

Q. "You would calculate that carrying the stone work up would be much better than steel piers?"

Ans. "Yes, sir."

Q. "And in carrying that stone work up you would want to commence at the bottom to build it up to the additional height?"

Ans. "Certainly."

The respondent's proposed change of this bridge, so as to accommodate an overhead crossing, would greatly enlarge the bridge, and increase the cost of its construction. It has been held that "where a bridge is to be enlarged or improved, viewers should be appointed as for a new bridge." 3 Delaware, 165.

The circumstances here show that the second section of the Act of April 11, 1848, would present another barrier to the accomplishment of such purpose; because the contractor and County Commissioners have not agreed to the proposed alteration.

Invitations have been issued for the marriage of Miss Cora Foye to Charles S. Ranck, assistant at the P. & R. station. The wedding will take place on Tuesday evening, April 14th at eight o'clock, at the bride's home.

The mother of Rev. D. N. Kirkby sailed from New York last Friday for a trip to the Bermudas, on a passenger steamer of which another son is the Captain. The trip will take about a month.

Injunction Proceedings

Rival Electric Light Companies Line up Before Judge Newcomb on Monday.

DECISION WITHHELD.

Grant Herring and T. J. Vander-slice defended the interests of the Irondale Electric Light, Heat & Power Company at the hearing of the injunction served on them by the American Electric Light & Power Company, in which they asked for a decree establishing the respective rights of the two companies "and fixing and determining the manner in which the wires and lines of the defendant company may cross over or below the lines of the plaintiff or through the space already occupied by the plaintiff or through any adjacent space which may be necessary to the plaintiff for the future growth of their business."

Fred Ikeler and A. W. Duy represented the plaintiff company. Judge Newcomb of the Lackawanna county courts especially presided with associates Fox and Krickbaum.

The immediate nearness of the rival companies, lines appears to have caused all the trouble. The American Electric Light Company claims that the lines of the other company, in order to insure safety, should clear their lines by at least five feet. The defendant company insists that a twenty-two inch clearance, horizontally, is all that is necessary and that there will be perfect safety at that distance.

The plaintiffs called as witnesses M. J. Tracy and Warren Webb, both employees of the company and Eugene F. McCabe, manager of the Electric Light Company at Lewistown, George M. West, superintendent of the Danville Electric Company, and T. F. Coagland, superintendent of the Carbondale Electric Light Company. The first named witness described the extreme closeness of the wires at the corner of Iron and Main streets. Mr. Herring, however, stated that the condition at the point referred to by witness was only temporary, and that it was the purpose to have the wires clear the plaintiff's wires by twenty-two inches. As a practical lineman the witness gave it as his opinion that the distance separating the two companies' lines should be five feet.

The testimony of E. F. McCabe was to the effect that if the wires of the one company came in contact with the low tension wires of the other company trouble of a serious nature would result. Telephone companies he said have trouble at five feet and he didn't see why electric light companies wouldn't have trouble also. On cross examination he said that for mechanical reasons he would have them three feet apart where they run horizontally. A twenty-two inch clearance he considered would interfere with the practical operation of the plant.

Geo. M. West and T. F. Coagland substantiated the testimony of Mr. McCabe.

For the defendant company, H. M. Rust, an electrical engineer of Wilkes-Barre, was called. He said that if the lines are 12 or 15 inches apart there could be no practical interference. A clearance of 22 inches vertically and 12 inches horizontally, he said would not cause any appreciable effect. The cross examination brought from the witness an admission that if the wires were ever less than 12 inches there would be trouble, and also that there was danger from sagging wires.

W. O. Dewitt, superintendent of the Irondale Company, when called to the stand said that the condition at Iron and Main streets was caused by the non arrival of poles and that new and higher poles would be put up.

Dr. W. M. Reber, president of the new company, testified that he had instructed the linemen not to go closer than 22 inches vertically and 15 inches horizontally.

Argument was made Wednesday morning by Fred Ikeler for the plaintiffs and Grant Herring for the defendant. Judge Newcomb took the case and will make known his decree later.

The examinations at the Normal School will begin on June 8th.

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DR. BIEMAN'S X-RAY MACHINE.

Dr. Henry Bierman has purchased a static and X-ray machine of the Van Houten & Ten Broeck Co. of New York. It is the latest and most improved make, and occupies an important place in the field of medicine and surgery, as these machines are revolutionizing the treatment of many diseases. By its use the doctor is enabled to locate foreign substances in any part of the body; he can determine fractures for he can see all the bones of the human frame. He can also determine cancerous and other internal growths, and treat them by the X-ray, which is now admitted to be a new and successful treatment for such diseases. In consumption or tuberculosis the diseased portions may be readily seen. Previous to the use of X-Rays varicose ulcers were regarded as being almost incurable, but they yield readily to the treatment in conjunction with the static current. It is also an excellent cure for rheumatism in its various forms, neuralgia, nervousness, sciatica, insomnia, etc.

The machine is one of the very finest manufactured, and the X-Rays given by it are pronounced by Dr. Bierman to be the most satisfactory he has ever seen. It will be utilized by the doctor in his own practice as well as in doing work for other physicians, making skiagraphs (X-Ray pictures) and treating patients.

The machine is the only one of its kind in this section. There is no danger attendant upon the application of X-Rays; on the contrary the effects produced upon the system are soothing and likewise beneficial, while relief is afforded the patient almost instantaneously.

MUSIC RECITAL TONIGHT.

Miss Delia Geisinger's music pupils, assisted by other able local talent will give a musical in the Library room this evening. The program is an excellent one, and consists of recitations, and vocal and instrumental solos and duets. The proceeds will be devoted to the Library fund, and the room should and no doubt will be crowded.

HIS FAREWELL SERMON.

Rev. M. E. McLinn's pastorate of St. Matthew's Lutheran Church terminated Sunday evening, when he delivered his farewell sermon to a congregation, which taxed the capacity of the church. Every available space was occupied, even the aisles being filled. Sprinkled among the vast audience were people from many other churches who had come to hear his last words and to make manifest their esteem for the departing pastor. During the several years of his work here, Rev. McLinn, has by his exemplary life, and Christian bearing, won a place in the hearts of our people, and formed a link which time or distance will not break.

As a token of esteem the congregation presented him with a purse, containing \$100. Mrs. McLinn was also kindly remembered.

Rev. and Mrs. McLinn left Bloomsburg on Tuesday for his new charge at Appolo, Armstrong County.

A BUSINESS FAILURE.

A judgment of four thousand dollars has been entered by confession in the Prothonotary's office, against J. Lee Martin, jeweler and optician, and it is said that other debts of more than two thousand dollars are outstanding. An execution has been issued and the entire stock in the store levied on. Mr. Martin has been ill for some time and has been in Philadelphia undergoing medical treatment. It is likely that an effort may be made to compromise with his creditors, and should this fail, bankruptcy proceedings may be instituted.

Commissioner G. W. Sterner has moved into his brick house on Market street, after residing at the Red Mill in Hemlock township for several years. During all of that time he has brought his children to the Normal School each morning, and come for them at night with his horse and buggy. No doubt this was at times a serious inconvenience to him, but he believes in education and has gone to more trouble for his children's sake than very many fathers would have done.



Are You Ready For Easter, Sir?

If you've forgotten something and you can't remember what, just look over our display of **EASTER CLOTHING**, Haberdashery and Hats, and perhaps you'll remember what you forgot.

A mint of money will be spent in Easter trappings. The swellest of Suits and Top Coats are here while our Easter Neckwear is in full blossom—tropical profusion. Our new Spring Hats in the soft or stiff styles are right up to the scratch. Street Gloves—New Spring styles in Shirts—medium weight Underwear—Silk Umbrellas, etc.

Bright styles for brave dressers; peaceable kinds for quiet tastes; purse consolation for all.

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Best for the Price.
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A big handful of value.
All the popular colorings.
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5 Patterns for 50c.
They are every thread Wool.
Biggest value for the money in the country.

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