

The Columbian.

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NO. 32

ARGUMENT COURT.

An Unusually Large Amount of Business at Monday's Session—All Judges Present.

NEW COURT RULES.

There was lots of business before the Court on Monday, and the whole day was taken up in disposing of the various matters. All the judges on the bench. The attendance however, as is nearly always the case at argument court, was scanty.

In line with other counties of the state, the court ordered that the new State Supreme Court rules for admission to the bar be adopted. Following are the rules:

"Now, August 3, 1903, it is ordered that Section 3, of Rule VI, of the Rules of Court of the Twenty-sixth Judicial District be amended by the addition of a fourth paragraph to read as follows, to wit:

"A Fourth: The subjects prescribed for preliminary examination of applicants for registration as students at law, in Rule VI, and the subjects prescribed for examination of applicants for admission to the bar of the Supreme Court of Pennsylvania, as adopted by the Supreme Court of Pennsylvania, to take effect on the first Monday of January, A. D., 1903, are hereby adopted respectively as the subjects for the preliminary examination of applicants for registration as students at law, and as the subjects for the examination of applicants for admission to the bar of this Court; and it is hereby provided that the subjects herein adopted, as the subjects respectively for preliminary examination and for examination for admission to the bar, shall be changed or modified from time to time so as to conform to such changes or amendments as the Supreme Court of Pennsylvania, may from time to time adopt in respect to the subjects for examination as prescribed by it, without any further action by the Court.

"In all cases where a preliminary or final examination of applicants for registration as students at law, or for admission to the bar is required, the Board of Examiners appointed by this Court may, in lieu of such examination, accept the certificate of the Board of examiners appointed by the Supreme Court that the applicant has passed a satisfactory examination under the requirements of the said Supreme Court Board of examiners appointed by this Court in respect to the regularity of any registration or clerkship and moral character of the applicant.

"Further, that the clerk record this order at length in the Quarter Sessions Docket, and properly index the same under the title: Rules of Court.

BY THE COURT.

Estate of Alex. McCarty. Decree of Court of April 3, 1902, confirming report of auditor, and as therein made, be reinstated as final decree of the Court.

A. W. Hiney vs. Stephen Levan and Rebecca Levan. In matter of petition, filed June 1, 1903. Ordered execution on judgment revoked and set aside, and rule granted to show cause why judgment should not be opened and defendant permitted to make defense.

Commonwealth vs. William Eves. In re rule to show cause why judgment should not be arrested and new trial granted. Rule absolute. Defendant to pay costs within thirty days, or rule discharged.

Petition of Cornelius Witmer for review of the account of A. W. Witmer, executor of Abraham Witmer, deceased. Petition dismissed. Court declined to make order for citation upon executor to file a supplemental account, as the fifth paragraph, and petition throughout, is incomplete.

Petition of C. C. Evans, for Briar-creek township, for amending of petition for new road in said township. Amendment allowed.

Petition of John Tyson for partition of real estate of Matthias Roath. Inquest awarded as prayed for. Petition of Annie M. Skeer, guardian, for permission to make investment. Prayer granted.

William Vanderslice et. al. vs. S. B. & B. R. Rule granted to show cause why the bond shall not be approved. Returnable August 10, 1903, at nine o'clock a. m. Divorce in case of Crow vs. Crow.

Litigation Over Will.

A Single Sentence in the Will of Emma H. Neal Causes Legal Battle.

\$35,000 INVOLVED.

The Orphans' Court of Columbia County has an interesting case on its hands just now. The question at issue is the proper interpretation of a sentence in the last will and testament of Emma H. Neal, late of the Town of Bloomsburg, deceased, and the facts, briefly stated are these: Emma H. Neal died in 1887. She made a will leaving her estate to her husband C. W. Neal, "for his sole and separate use at his discretion, for the support and education of my children."

C. W. Neal was also the executor of the will, but in 1901 he resigned and his daughter, Grace Neal Hutton, became the trustee. Up to the time that he resigned from the executorship, C. W. Neal used the income at his discretion, but the trustee, Grace Neal Hutton, devoted the earnings or income exclusively to the maintenance, education and support of the children.

C. W. Neal now petitions the court to order this money, the rents, issues and profits of the estate to be paid to him, claiming that under the will they are "for his sole and separate use." The trustee answers this petition on the ground that the testatrix placed her estate originally in the hands of C. W. Neal, in trust for the support and education of her children.

Upon this interpretation of the one sentence the estate amounting to \$35,000 hinges.

The case was argued at considerable length before the court on Monday by B. Frank Zarr for the petitioner, and by Geo. W. Tustin and Fred Ikeler representing Grace Neal Hutton the trustee.

In his remarks to the court Mr. Zarr stated that Mrs. Neal had created a life estate for her husband C. W. Neal and that according to the wording of the will he was given full discretion as to the use of it. The children he claimed had nothing to do with any part of the will until after the death of the father.

He also spoke upon the charge of mismanagement or misappropriation of the funds.

Geo. W. Tustin, Esq., followed for the children of Emma H. Neal, deceased, denying the right of C. W. Neal as a beneficiary in this estate, claiming that he has no standing.

His argument was devoted to the validity and construction of the will. He argued that under the contention of the other side, there was either absolute disinheritance or partial disinheritance, which it requires a clean statement of the testator to do, and where the words are of doubtful nature, they must be construed in favor of the heir as against the executor.

A man cannot hold property in his own name absolute with the profits in trust for another, for it is repugnant to reason and law that a title absolute should yet be limited.

Hon. Fred Ikeler followed for the trustee, dwelling principally upon the question of her removal from the trustee-ship. Yet he did speak long enough on the construction to analyze a part of the will as to whether or not the testator meant to leave the disputed property to C. W. Neal. He forcefully argued that the true construction was that C. W. Neal should have the sole and separate use, not to use for any purpose as might seem good to him, but for the support and education of the children, and that he might, for this support and education, use his own discretion. He further offered the books to show that the claim of C. W. Neal, of mismanagement and misappropriation, was unfounded.

Few cases there have been of late that has created more general concern, and its conclusion is eagerly awaited.

It isn't likely that the matter will end with the Orphans' Court opinion. Whatever interpretation is handed down here, the case it is said will be carried to the Supreme Court for final decision.

Frank Roys who for the last two months has been at the home of his parents in Lyons, N. Y., arrived in Bloomsburg last evening. Judging from his looks the vacation has been agreeable to his health.

To The Public:

It is no longer considered a violation of banking ethics to ask for what we would like to have, and acting on the theory that what is greatly worth having is certainly worth asking for.

The Bloomsburg National Bank

Solicits the accounts of all responsible people, promising all the courtesies that are usually extended by an obliging and carefully conducted banking house. We propose to continue to conduct our business on safe and strictly business lines, believing that such a course will be to the best advantage of the public generally.

A. Z. SCHOCH, PRESIDENT.

WM. H. HIDLAY, CASHIER.

Trolley at Danville.

Riverside will be Connected by Electric Railway. Charter Already Granted.

Will Reach Shamokin Later.

A charter was issued by the State Department yesterday says Saturday's Danville Morning News, to the Danville and Riverside Street Railway Company, to build a line from Danville to South Danville, thence to Riverside, a distance of three miles. The members of the Company are: W. F. Pascoe, W. A. Heller and H. A. Pascoe of Allentown; C. P. Hancock and F. C. Angle of Danville.

"A trolley line for our city is now assured. The company just organized will build the road from Danville to South Danville and Riverside, expecting to extend the line to Shamokin in the very near future. This road with the very probable extension of the Columbia and Montour line from Bloomsburg to Danville will make a continuous thread of street car line from Scranton to Shamokin, a distance of nearly one hundred miles and will be an important link of girdling of the state by the street car.

Work on the extension of the line from Bewick to Nanticoke will be commenced at once and it is hoped that within a few months a portion of the road will be in operation. The Berwick and Nanticoke road will connect with the Wilkebarre and Wyoming Valley road at Plymouth giving a continuous trolley system of nearly one hundred miles.

The Berwick and Nanticoke company's tracks will start at the Berwick terminus of the Columbia and Montour Electric Railroad and will be the connecting link between that Company's lines and the lines of the Wyoming Valley Traction Company which gives a connection into New York State.

Starting at Berwick, where it is hoped to have a belt for the convenience of Berwickians, the line will pass through Beach Haven, Belbend, Shickshinny, Hunlock's Creek and West Nanticoke, extending to Plymouth, where the tracks will connect with those of the Wyoming Valley Traction Company.

The building of a trolley line in Danville and vicinity is of the greatest importance as a connecting link. And as a factor in the transportation services in this section of the state it has a prominence that cannot be overestimated. The work of building the road will be commenced as soon as the necessary right of way is obtained. It is now almost a certainty that in a very few months the road will be in operation and the people of this section will be enjoying the privileges of a complete trolley system covering a distance of nearly one hundred miles."

The Friendship base ball team took a fall out of the Berwick Rangers Saturday afternoon. The game was a very pretty exhibition and was entirely free from any kicking or wrangling. The score was 5 to 2. Catcher Stout, of the visitors was painfully injured in the sixth inning by a batted ball, and it was nearly fifteen minutes before he was able to resume. Though defeated, the Berwick boys made a good fight, and it must be said to their credit that they are among the most gentlemanly lot of ball players that visit our town.

Many a man celebrates his birthday to such an extent that he wishes the next day that he had never been born.

A Full Line of New

HAMMOCKS

FROM

1.00 to 8.00.

All this Year's.

No Old Patterns Carried Over.

FOR SALE BY

J. G. Wells,

General Hardware,

BLOOMSBURG, PA.

DEATH OF H. B. FORTNER.

End Came Suddenly While Making a Call

Rev. Henry B. Fortner died suddenly at the home of Isaac L. Artman of Mt Pleasant township where he had gone to make a call, Friday night. For two Sundays preceding he had been filling the pulpit of the M. E. Church at Millville, and had been staying at that place. He was in his usual health Friday, and in the afternoon preached a funeral sermon. Friday evening he went to the Artman home to spend the night. He retired about nine o'clock and a half hour later he called up a member of the family to give him some medicine. Seeing that his condition was serious, word was hurriedly sent to Millville for a physician but before his arrival death occurred.

Deceased was born in Nescopeck something more than sixty years ago, the son of Mr. and Mrs. Geo. Fortner and is survived by two sisters—Mrs. LeGrant Sponenberg, living near Nescopeck, and Mrs. Henry Fowler, who resides in Schuylkill county.

He had been for many years a member of the Central Pennsylvania Conference of the M. E. church and was very active, earnest and successful in the ministry, being especially so in revival work, and his efforts in this line were always attended with the most satisfactory results. With the exception of a single charge—Green Castle—his services had been entirely in the Danville district, and among other places he had been located at Beach Haven, Selins Grove, Waller, Wapwallopen, etc.

On account of failing health he took the superannuated relation at the last session of the annual conference, held in Altoona last March, but was contemplating returning to the active ministry in the spring.

Mr. Fortner was very generous and often denied himself to help young men through school—principally Dickinson college—and many are in this way very largely indebted to him for their education.

The remains were taken to the home of his sister, Mrs. LeGrant Sponenberg, at Nescopeck, where services were held Monday afternoon. They were then taken to the Methodist church, in Berwick. Rev. R. H. Gilbert officiated at both services. Interment was made in Pine Grove Cemetery, Berwick where all his relatives are buried.

The Rev. Erskine Wright, rector of Christ Episcopal Church, Danville, is enjoying his vacation in Europe.

WE DON'T CARE

Anything about profit, or even cost, we are going to have a Clearance of Summer Stocks. Every dollar's worth must go, and our sacrifice prices will make them move on the double quick. Fall goods are pressing Summer Clothing hard. Every day brings new arrivals which must have the place now occupied by the remainder of our Summer stocks. If prices slashed to the very quick will vacate the tables, they shall be vacated. The cost of former price of the garments cuts no figure. Every one is of superior quality—but they're Summer goods. So the buyer who wants to anticipate next year's wants and secure a bargain of she first water had better speak quickly. Such snaps as these will not remain long on our counters.

Here are some of our Moving Prices.

<p>\$18.00 Suits \$14.00.</p> <p>12.00 " 9.00.</p> <p>9.00 " 6.50.</p> <p>Wash Suits, Crash Pants Etc., at Cost.</p>	<p>\$15.00 Suits \$12.00.</p> <p>10.00 " 7.50.</p> <p>8.00 " 6.00.</p>
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BEN GIDDING, Bloomsburg's Clothier.

Prices Reduced Quality and Style not reduced.	Shirt Waists Reduced.	Prices Reduced Quality and Style not reduced.
White Shirt Waist Suits, Graduated flounces, waist trimmed with Hamburg insertion.	White Shirt Waist Suits, Tucked skirts trimmed with lace insertion and tucks.	White Lawn Skirts—Some with Tucked circular flounces, others with box plaits and tucks.
Were 3.90 now 2 75	Were 4.25 now 3.00	From 3.00 to 2.00
O O O	O O O	O O O
White Striped Madras Suits, Gored skirt, shirred flounces, waist trimmed with lace and tucks.		Shirt Waist Suits Madras, Lawns and Gingham 2.00, 2.50, and 3.00. From 3.00, 3.50 and 4.00
Were 5.90 now 4.75		O O O
Special Prices on All Shirt Waists and SHIRT WAIST SUITS.	THE LEADER DEPARTMENT STORE	Shirt Waists, Striped Madras and Lawns. Were 75c and 1.00, Now 39 cents.
		Special Prices on all Summer Fabrics and SUMMER WASH GOODS.