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TROLLEY COLLISION.

Car No. 7 Crashes Into B. & S. Railroad Work Train at Main Street Crossing.

A MIRACULOUS ESCAPE.

Miss Ethel Swank of Catawissa, had a miraculous escape from certain death on the Columbia & Montour Electric Railway Saturday afternoon. She was one of the passengers on the car for Catawissa, which had left Market Square at four o'clock. The car was half way between West street and the railroad and moving with considerable momentum when the B. & S. work train was observed going down. Motorman Everett had tried his best to check the speed and at this moment was making a heroic effort to stop the car, but leaves made the rails so slippery that he couldn't do it. Meanwhile the passengers were scrambling off. All succeeded in getting off but Miss Swank who leaped out the front vestibule only an instant before the car crashed into the train. She slipped and fell and would probably have been killed had it not been for motorman Everett, who had displayed considerable bravery in remaining at his post, and who noting the young lady's imminent danger leaped from the car, grabbed her by the arm and pulled her to a place of safety.

Some idea of the force with which the trolley struck the train is shown by the fact that the railroad car was knocked completely over. The front end of the trolley car was particularly demolished, and it too was derailed. The passengers were conveyed from the scene of the accident to Catawissa in a hack, and another car was immediately pressed into service.

The disabled trolley car was No. 7, and was in charge of conductor Zahner.

Since writing the above we learned that Miss Lucy Baldy, another passenger, leaped from the rear end of the car and sustained a sprained ankle as the result of which she is unable to resume her studies at the Normal.

Death of Mrs. W. B. Milnes.

Lamentable to all those who shared her acquaintance and friendship is the death of Mrs. Lena, wife of W. B. Milnes, of Espy, which occurred at the Gynecaeon Hospital, Philadelphia, Thursday morning. On the preceding Friday she had undergone an operation for a tumor. Her husband and daughter had accompanied her to the institution and remained there until the operation had been performed. Thinking that all was well and that it would be only a little while until she would be with them again in the family circle, they returned home. But, alas, notwithstanding that skilled medical practitioners exerted themselves in her behalf, her condition took a turn for the worse and on Thursday they received the sad news of her death.

In the death of Mrs. Milnes there has been ended an exemplary christian life. She was beloved alike by neighbors and friends and her memory will be held dear to those who knew her.

Deceased was a daughter of Mr. and Mrs. Daniel Snyder, of Scott township, both of whom together with her husband, four children and one brother Clinton, of Buffalo, survive. The funeral occurred Sunday afternoon and was largely attended. Interment at Almedia.

Will Convene at Williamsport.

The members of the Episcopal Church club, of the Diocese of Central Pennsylvania, have received notices that the semi-annual meeting of the club will convene in Williamsport on November 10. About two hundred delegates are expected. All the towns of Central Pennsylvania will send delegations of representative men. The meetings of the club will be held at Christ Church. During the day the business of the organization will be transacted, and in the evening a banquet will be held. Bloomsburg has five members, namely, Samuel Wigfall, A. Z. Schoch, Paul E. Wirt, Col. Jno. G. Freeze and Geo. E. Elwell.

J. K. Miller last week sold his property on West Main street to C. M. Terwilliger.

CROSSING AT GRADE.

Judge Little, on Monday Files His Opinion in Mifflinville Bridge Matter

Must File Exceptions In 10 Days

Judge Little, on Monday filed his opinion in the Mifflinville bridge matter. The opinion dissolves the preliminary injunctions against the completion of the bridge and dismisses the bill, granting a crossing over the Pennsylvania Railroad Company's tracks at grade. The Railroad Company has ten days in which to file exceptions, at the expiration of which time if no exceptions are made the opinion will be entered as the final order of the Court in the matter.

In the opinion, Judge Little first states the facts in the case, gives the law on such actions and continues as follows:

"The argument has been urged that the plaintiff as a private suitor has no standing here, in as much as the purpose of the bill was to prevent the construction of a grade crossing prohibited by the act of 1901. That this matter was for the public to redress, and not for an individual; and the case of the Cumberland Valley Railroad's appeal, 62 P. S. R. 218 is an authority referred to, in support of the contention. The statement of the rule therein given is itself an answer. It is there stated: The rule is well settled, that where the injury is no greater to a plaintiff than to the inhabitants at large, the remedy to redress the subject of complaint is with the public." The plaintiff here was remanded to the remedy of a bill and injunction. This is conclusive.

As to the conduct of the plaintiff throughout the course of the bridge proceedings and since; knowing of the large sum of money being expended for the building of a public improvement; their evident knowledge of the material facts, which were matters of public notoriety; and the significance of these facts, if any, in relation to the plaintiff's right to invoke equity process to stop the further prosecution of the work upon the bridge, are not required to be considered. It is enough, that the Act of 1901, abolishing grade crossings, was being violated in the construction of the bridge.

But should the injunction be further continued?

The Court of Common Pleas, upon a petition presented to it by the supervisors of Mifflin township, invoking the fourth section of the Act of 1901, has provided a highway, authorized by law, from First street in the village of Mifflinville to the bridge. The purpose of the bill, while not as fully as might be desired by the parties, has been served by the greatest practicable degree. There would seem then, to be no further necessity for the restraining order therefor granted to be longer continued.

We are of opinion that the facts justify this conclusion. That the injunction therefor granted should now be dissolved; and that the bill be dismissed.

Now October 26, 1903, this cause came on to be heard at this term, and was argued by counsel, and upon consideration thereof it is ordered, adjudged and decreed as follows, viz:

That the injunction, therefor granted, be dissolved; and that the bill be dismissed.

That the costs of this proceeding be paid by the county of Columbia. Unless exceptions be filed to this order within ten days from date, the same shall then be entered as the final order of Court.

BY THE COURT.

In re proceeding to obtain permission to establish a grade crossing over the tracks of the Pennsylvania Railroad Company at Mifflinville.

After stating facts in evidence and quoting questions of law, the opinion reads:

The policy of the law is now, and always has been, in opposition to grade crossings. Both this act of 1901 and the Supreme Court declare what is the legislative will, and both declare that crossing at grade are permissible under certain conditions.

It is a mistaken view of the facts to urge that respondent's railroad is along the base of the River Hill, in

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WM. H. HIDLAY, CASHIER.

the vicinity of Mifflinville. Westwardly, and below the village, the River Hill breaks off, and the railroad does not reach the hill again for three miles or more above the village. The valley is on both sides of the river along this village, and on the south side of the river, at and along this place, the valley extends for a considerable distance southwardly of the village. It is true that First street, opposite the bridge at its highest point, is seventeen or eighteen feet higher than the top of the river bank or the railroad tracks.

No separate construction to provide for an overhead crossing is possible. The respondent's right of way is too near to the southern end of the bridge to permit of any way being made to get down upon the bridge.

The only way to provide for a crossing over the railway is either by granting the application for permission to construct a crossing at grade, or by the alteration of this nearly completed bridge in accordance with the plans proposed by the respondent.

The respondent's offer to show by the witness McNaul and others, that by an alteration of the plans adopted for the construction of the bridge an overhead crossing of the railroad tracks could be made which would be reasonably practicable and safe, and the amount of the increased cost of such construction was evidence, and the same has been considered. The Court would scarcely be justified in granting permission to establish a crossing at grade over the tracks of a railroad company if there are "no difficulties in other methods of construction," and if a crossing other than at grade can be made without great public inconvenience or excessive expense.

Under the facts found we are satisfied that a grade crossing over the tracks of the respondent's railroad, and as asked for by the petitioners, is reasonably required to accommodate the public in view of the comparatively small amount of travel on this highway and bridge, and the difficulties of the only other method of construction, in order to afford an overhead crossing of respondent's right of way, and which involves an alteration and reconstruction of the superstructure of this bridge now nearly completed.

Now, October 26th, 1903, it is ordered that permission be granted to the petitioners to construct a highway from First street, in the village of Mifflinville, to the south end of the approach of the Mifflinville bridge now being constructed, so as to cross the tracks of the respondent's railroad at the same grade thereof, and as prayed for.

Further, that the Pennsylvania Railroad Company maintain a watchman at the crossing of the railroad, who shall be on duty from seven o'clock a. m. until nine o'clock p. m. of each day, and, in any event, fifteen minutes before the time of the arrival of the first passenger train in the morning, and to continue until fifteen minutes after the last passenger train for the day; also two red lights at the crossing as danger signals, during the dark hours of the day, in addition to the signals and safeguards prescribed by statute, and now observed by the respondents.

The costs of this proceeding shall be paid by the parties, one-half thereof by the petitioners and one-half by the respondents.

Unless exceptions be filed to this order within ten days from this date, the same shall then be entered as the final order of Court.

BY THE COURT. The Court further ordered that counsel should be notified of the filing of the above order.

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MILES SMILES.

And Wishes it were True.

Miles W. Betts, the efficient constable of Bloomsburg is sorry that the report of his good luck in mining stock speculation is not true. It was announced a few days ago in the *Morning Press* that he had invested \$25 in a gold mine and that he had received a draft for \$5000 or more as the result of his investment. This is how it happened. The company sold its first product and received therefor a draft of \$5000 in payment. As this was the first receipts from their output they had a fac-simile of the draft made and sent one to each of the stockholders with an explanation attached. Mr. Betts received one of these copies, and after tearing off the explanatory part, as a joke he showed it to some of his friends and gave them the story that it was his dividend. As it was written in Spanish no one could read it, and so took his word for it. Mr. Betts enjoyed the joke until it found its way into the columns of a newspaper, when he had to hide to escape the congratulations that were being showered upon him. He also had a number of propositions from people who were willing to borrow the money from him. The whole thing was merely a bit of pleasantry on the genial constable's part but it received more publicity than he had anticipated.

HALLOWEEN.

Last year proper steps were taken by the town authorities to restrain the abuses that had grown up in the observance of Halloween. The same thing should be done again, so that the wanton destruction of property may be prevented. Throwing of flour on the street or any thing else that is injurious to clothing should be forbidden. Young people can enjoy themselves on that occasion without resorting to acts that amount to malicious mischief. Stealing gates, signs, &c., and tearing down fences and the like should be forbidden and prevented.

Choral Society.

A meeting of the Bloomsburg Choral Society will be held in the Parish House next Tuesday evening at 7:30 for the transaction of important business. A full attendance is desired.

AT A GLANCE



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