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THE PROGRESSIVE SHOE STORE

CHAS. M. EVANS.

THE COLUMBIAN.

BLOOMSBURG, PA.

THURSDAY, MAY 28, 1908

Entered at the Post Office, Bloomsburg, Pa., as second class matter, March 1, 1888.

What Can a Young Man Do?

Hon. Frank West Rollins, the originator of the old Home Week idea, gives a good common-sense talk about the young man and the farm in the *Farm and Fireside*. He says:

"While farming does not promise the largest rewards in the way of wealth or fame, it offers compensations that may be as attractive and satisfying. A competent farmer with a good farm is assured of a comfortable living, and can win a moderate fortune. He has the privilege of constant association with his family. He enjoys the greatest degree of personal and business independence. His products are articles of universal use. If one market will not take them, another will. He has no occasion to fawn upon clients or cringe to magnates. Commercial panics rarely affect him. His goods are still necessary; and while their value may be less, the cost of production is often much more than enough lower at such times to make up the difference. In fact, his margin of profit is often greatest in years of depression. While farm life is laborious, there is often variety about it that contrasts pleasantly with the monotony of a life spent at a bench or the desk. To the lover of home, farm life is delightful, in that it is a constant process of home development. Each tree and vine acquires a personal value to him far greater than its worth in money. All the domestic animals are his pets and friends. A well-kept farm is a bit of landscape gardening that helps to make home beautiful, and is a tribute to the character of its owner."

Every Woman Will Be Interested.

If you have pains in the back, Urinary, or Bladder, Kidney trouble, and want a certain, pleasant herb cure for woman's ills, try Mother Gray's *Australian-Leaf*. It is a safe and never failing regulator. At Druggists or by mail 50 cents. Sample package FREE. Address, The Mother Gray Co., LeRoy, N. Y. 5-14-07.

Woman's Home Companion for June.

Five hundred photographs of President Roosevelt, all assembled in one big double-page picture, 13 by 12 1/2 inches in size, is an extraordinary feature of the June *Woman's Home Companion*. The five hundred photographs were taken in almost every state in the Union, at all periods of Roosevelt's public career, and show his wonderful versatility and energy.

In the June *Companion* appear the first chapters of Harvey J. O'Higgins' great story, "A Grand Army Man," based on Belasco's famous play of the same name, in which David Warfield starred all last winter. Other fiction in this delightful summer magazine is by Elizabeth Stuart Phelps, Zona Gale, Charlotte Perkins Gilman, Temple Bailey and Clinton Dangerfield.

Kellogg Durland, who of late has spent much time in Russia, tells the dramatic and thrilling story of one of the bravest girls of the Russian Revolution. Margaret E. Sangster writes on the American woman as a social engineer. Dr. Edward Everett Hale devotes his monthly page to some working rules of life. Grace Margaret Gould, the fashion expert, gives many practical suggestions for summer dressing. Sam Loyd's Own Puzzle Page is a mine of interest for the puzzle lover.

Albra W. Baker, M. D.,

HOMEOPATHIC PHYSICIAN AND SURGEON

DISEASES OF CHILDREN A SPECIALTY

Corner of Third and West Streets, BLOOMSBURG, PA.

Hours:—Until 10 a. m. 1 to 3 and 6 to 8 p. m. Both Telephones.

The College of the Future.

The college chapel was thronged with admiring parents and friends who had come to witness the commencement exercises. Amid an expectant hush the venerable president arose and summoned the graduates to receive their hard-earned diplomas.

The sturdy football team were awarded the coveted sheepskins, while the wall echoed with the applause and cheers. The lithe track athletes in running attire received their well-merited degrees, and the Varsity crew, oars in hand, gracefully accepted their honors.

As the exercises were concluding and the orchestra about to play, a member of the faculty stepped reluctantly forward and touched the president's arm, whispering in his ear at the same time. In apparent annoyance the dignitary turned to the audience:

"Pardon me, ladies and gentlemen, but I have made a slight omission. I understand that one student should receive the degree of bachelor of arts. Will he kindly step forward as quickly as possible?"

A shrinking young man stepped forward apologetically, a diploma was thrust in his hand, and he was haughtily waved aside, while the orchestra struck up a two-step.

—June Lippincott's.

For headache Dr. Miles' Anti-Pain Pills.

"The Old World and Its Ways."

By William Jennings Bryan.

This remarkable book of 575 pages, voluminously illustrated and elegantly bound, has been issued by "The Thompson Publishing Company" of St. Louis, Mo., and is sold by subscription.

We would advise our young friends who are out of employment to seek the agency and canvass for this book. It is certainly one of the most readable, entertaining and edifying volumes we have read in a long time. It was almost like retracing our first trip around the world, with less than one-thousandth of the money and one-hundredth of the time required for our "first trip."

The great problems of civilization, religion, philosophy and government in Japan, China, the Philippines, India, as well as Europe, are presented in a clear light by a great brain.

Mr. Bryan was accompanied on this trip by his wife and two younger children, William J., Jr., and Grace, aged 16 and 14, respectively. They started September 21, 1905, and reached home September 5, 1906, sixteen days less than one year. While most of this trip was in the North Temperate Zone, they were below the equator a few days in Java, and for a while above the arctic circle in Norway.

This book ought to be in every home where there are boys and girls with brains and promise.

Dr. Miles' Anti-Pain Pills relieve pain.

Envelopes

75,000 Envelopes carried in stock at the COLUMBIAN Office. The line includes drug envelopes, pay, coin, baronial, commercial sizes, number 6, 6 1/2, 6 3/4, 9, 10 and 11, catalog, &c. Prices range from \$1.50 per 1000 printed, up to \$5.00. Largest stock in the county to select from.

ADMINISTRATRIX NOTICE.

Estate of Baltus A. White, Deceased. Letters of administration c. t. a. on the estate of Baltus A. White, late of the Township of Scott, Columbia County, Pennsylvania, deceased, have been granted to Luanna H. Terwilliger residing in the Town of Bloomsburg, Pa., to whom all persons indebted to the said estate are requested to make payment, and those having claims or demands, will make known the same without delay.

LUANNA H. TERWILLIGER, Administratrix C. T. A. Wm. C. Johnston, Attorney. 5-21-07

H. W. Sloan's residence has been newly painted, and has undergone general repairs. It is very much improved in appearance.

CASORIA.

The Kind You Have Always Bought. Bears the Signature of *Chas. H. Fletcher*

DECISION IN KRICKBAUM CASE

Full Text of Supreme Court Decision in the Much Discussed Case.

THE LAW FULLY OUTLINED

The opinion of the Supreme Court in the Krickbaum case in which Judge Evans was reversed and Krickbaum declared the duly elected Associate Judge has been received from the Supreme Court. It is in full as follows:

"In the opinion of this court, in independence Party Nomination, 208 Pa. 108, Chief Justice Mitchell points out that proceedings by certiorari on a summary petition occupy a middle ground between those in common law actions and equity suits. And that the appellate court, in the exercise of the supervisory powers in such cases will not stop with a mere inspection of the formal proceedings, but will examine the opinion of the court below so far as may be necessary to ascertain the basis of its action. This statement of the principles and practice by which this court is governed in such cases was again cited and approved in Chester County Republican Nominations, 213 Pa. 64, and it was further pointed out that "where the facts appear upon the record this Court will examine whether the judgment is correct upon such facts and may for that purpose consider the opinion of the Court as part of the record." See also Mulholland's case, 218 Pa. 631. The opinion of this Court in Von Moss's Election, 219 Pa. 454 is also consistent with this rule, and in that case we took in to consideration the facts presented, as found in the opinion of the court below. In the present case the facts are not disputed; they are found and presented by the trial judge as the basis of his action, and it becomes our duty to examine the judgment to see if it is correct upon facts, and for that purpose, we take them as set forth in the opinion of the trial judge as follows: "The petition of George M. Hughes was filed in this case on the 4th day of December, 1907, to contest the election of William Krickbaum to the office of Associate Judge in the County of Columbia. At the general election held on the 5th day of November, 1907, in said county, an Associate Judge was to be elected. On the canvass of the returns by the judges, it appears that William Krickbaum received three thousand forty-three votes and that Geo. M. Hughes received three thousand twelve votes. The petition alleges that one hundred and seven votes were cast for William Krickbaum, and that thirty-nine votes were cast for George M. Hughes in Mifflin township at said election, and that all votes cast at said election in Mifflin township were illegal and void and should not be counted for either Krickbaum or Hughes in computing the election returns of Columbia County. That if the votes cast at said election in Mifflin township were not counted George M. Hughes would have received twenty-nine hundred and seventy-three votes and that William Krickbaum would have received twenty-nine hundred and thirty-six votes. That George M. Hughes received a majority of the legal votes cast for Associate Judge in Columbia at the election held November 5, 1907. The objection to the vote counted for Mifflin township is, that the legally elected judge of election was not permitted to take part in the holding of the election and that a usurper acted as judge in holding said election." The court below proceeds to find specifically, "1. That at the February election, 1907, in said district of Mifflin township, A. E. Johnson was duly elected as judge of election to serve for the ensuing year. 2. That at the next following election in said district, to wit, the June primary election, the said A. E. Johnson did not attend and that thereupon one of the inspectors appointed Whitney Hess as the judge of election in the place of Johnson, and who, after being sworn, acted as judge during the said June primary election. 3. That on the morning of the general election held in said township, on the 5th day of November, 1907, before the polls were opened the said A. E. Johnson appeared at the regularly appointed place for holding the election in said township and demanded to be sworn in as the regularly elected judge of the election in the said district. 5. That the said A. E. Johnson persisted in demanding his right as one of the said election board, but notwithstanding his demand, Whitney Hess was sworn in as judge of election by the minority inspector, and then said

Whitney Hess and other members of the board proceeded to conduct the election without Johnson and received the votes cast at said polling place, counted and made return of the same without the said Johnson participating therein. 6. That Whitney Hess acted as judge of the general election held in Mifflin township, November 5, 1907. That he was not the regularly elected judge of election to hold the November election, 1907, in said Mifflin township. That there was no vacancy in the office of judge of election in Mifflin township on the morning of November 5, 1907. A. E. Johnson, the regularly elected judge of election being present at the time of opening the polls and demanding his right to participate in the receiving, counting, and return of the votes cast at said polling place. 7. That the election returns from Mifflin township for said election show that one hundred and seven votes were cast for William Krickbaum for Associate Judge and that thirty-nine were cast for George M. Hughes for Associate Judge.

"On the part of the respondent it is contended that the vote of Mifflin township cannot be thrown out, (1) Because the action of Whitney Hess as judge was not in fraud of the rights of either candidate; neither was his appointment fraudulently obtained; nor did his action or the action of the board in allowing him to sit, change, alter or even render uncertain a single vote cast at the election. (2) Because Whitney Hess holding and claiming to hold by virtue of a valid appointment at the June primary election was acting under color of title, and was therefore as respects third persons, the de facto judge of election and his acts as such are binding on the contestant and respondent.

"On the part of the contestant it is contended that because the election in Mifflin township was held by a judge of election who was not legally appointed the return of votes cast at the poll is illegal and cannot be counted."

"After conceding that the irregular conduct upon the part of the election officers, is not to be allowed to defeat the expressed will of the voters, unless there is a fraud, or such conduct as will alter or render uncertain the result, the learned judge in the court below announced his conclusion that Whitney Hess was not de facto judge of election, acting under color of title, but that he was a mere usurper, and he therefore rejected all the votes cast in Mifflin township. How he could have reached this conclusion we do not understand. It is directly in the teeth of, and is entirely unwarranted by the findings of fact; for he found expressly that in truth and in fact, Whitney Hess was sworn in as judge of election by one of the inspectors, and that he then proceeded with the other members of the board to conduct the election, and receive the votes, and counted and made return of them. So that beyond question he was actually, in fact and in deed, the judge of election. He performed the duties of the office with apparent right, and under claim and color of an appointment, even though it be granted that he was acting under a mistaken authority. But he was in the exact sense of the term an officer de facto. Now the validity of the acts of officers of election who are such de facto only, so far as they affect third persons, and the public, is nowhere questioned. "The doctrine that whole communities of electors may be disfranchised for the time being, and a minority candidate forced into an office, because one or more of the judges of election have not been duly sworn, or were not duly chosen, or do not possess all the qualifications requisite of the office, finds no support in the decisions of our judicial tribunals: McCrary on Elections (4th ed.) 1897, Sec. 251. To sustain this statement the author cites our own case of Board vs. Bank of Washington 11 S. & R. 411 where Justice Gibson said (p. 414): "The question does not depend on whether the appointment is void or only voidable, or whether it emanated from an authority which had full power to make it; but whether the officer has come in under the color of right, or in open contempt of all right whatever. The King v. Leslie Andr. Rep. 163, S. C. Stra. 190. This distinction runs through all the cases. This principle of colorable elections holds not only in regard to the right of electing but also of being elected. A person undisputedly ineligible may be an officer de facto by color of election: Knight v. The Corporation of Wells, Lutw. 508. So even, where the office was not vacant, but there was an existing officer de jure at the time: 'O'Brien v. Kuyvere, Cro. 652; Harris v. Jays, Cro. Eliz. 699."

"And in Kayser v. McKissan, 3 Rawle 139, the case of a county treasurer appointed by the county commis-

Continued on page 8.

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THE COLUMBIAN, Bloomsburg, Pa.

PENNSYLVANIA RAILROAD

Bulletin.

REDUCED RATES TO WESTERN CITIES.

For the benefit of delegates attending the sessions of the bodies enumerated below and others desiring to visit the cities of the West, the Pennsylvania Railroad Company has arranged to place on sale to all persons excursion tickets to the various meeting places at a considerable reduction from the usual fares:

CHICAGO, ILL. American Medical Association, June 2 to 5. Tickets sold May 28 to 30, good returning until June 12, inclusive.

LOUISVILLE, KY. International Sunday School Association, June 15 to 23. Tickets sold June 13 to 17, good returning, until June 26, inclusive.

CHICAGO, ILL. Republican National Convention, June 17. Tickets sold June 12 to 16, good returning until June 27, inclusive.

DENVER, COL. Democratic National Convention, July 7. Tickets sold July 1 to 4, good to return until July 17, inclusive.

CLEVELAND, OHIO. International Convention, Baptists Young People's Union of America, July 8 to 12. Tickets sold July 6 to 8, good to return until July 15, inclusive.

ST. PAUL, MINN. Imperial Council, Mystic Shrine, July 13 to 18. Tickets sold July 9 to 11, good to return until July 25, inclusive.

COLUMBUS, OHIO. Prohibition National Convention, July 14 to 16. Tickets sold July 10 to 13, good to return until July 24, inclusive.

INDIANAPOLIS, IND. National Convention, A. O. H., July 20 to 25. Tickets sold July 17 to 19, good to return until July 31, inclusive.

TOLEDO, OHIO. National Encampment, G. A. R., August 31 to September 5. Tickets sold August 27 to 30, good to return until September 15, inclusive.

DENVER, COL. Sovereign Grand Lodge, I. O. O. F., September 19 to 26. Tickets sold September 15 to 17, good to return until September 30, inclusive.

The Pennsylvania Railroad maintains a comprehensive schedule of fast express trains to Chicago, St. Louis, Indianapolis, Louisville, Columbus, Cleveland, and Toledo from the principal cities of the East.

Full details of the reduced fare arrangements for these conventions and the through western train service may be obtained of any Pennsylvania Railroad Ticket Agent.