

# The Columbian.

VOL 43.

BLOOMSBURG, PA., THURSDAY MARCH 18, 1909.

NO 11.

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## PETITIONERS MUST PAY COSTS.

Judge Evans Quashes the Appeal from County Auditors Report of 1905.

An opinion was filed on Monday by Judge Evans, in which he dismissed the exceptions to the county auditors report of 1905, and put the costs on the petitioners.

The exceptions were filed for the purpose of suscharging county commissioners G. W. Sterner, W. S. Fisher, and William Bogart with a large amount of money alleged to have been paid out by them erroneously on the Mifflinville bridge.

In July, 1906, a petition was filed asking for a hearing on exceptions to the report of the County Auditors for the year previous. It was claimed that it was wrong to allow credit for \$56,000 paid on account of the Mifflinville bridge contract, and for a railing on the East Bloomsburg bridge. It was alleged that these amounts ought to have been surcharged.

The matter was continued from time to time, and the court finally required that a bond be given which was done. As there was no apparent attempt to argue the case, the court in response to a petition quashed the proceedings putting the costs on the original petitioners.

They are as follows: William F. Bodine, A. L. Folk, Joseph Cole, Geo. Breisch, J. C. Shuman, O. B. Mellick, J. S. Welliver, A. H. Neyhart, W. B. Hess, William Beaver and W. H. Leiby.

The opinion of the court follows: Section one of the Act of June 12, 1878, (P. L. 208) provides that "and ten or more taxpayers of any county of this commonwealth may in behalf of such county, appeal from the report of its county auditors to the court of Common Pleas \* \* \* provided, that if no appeal be entered by county officials, that the appeal by such taxpayers shall be entered within ninety days after the filing of such report in the court of Common Pleas; and the appellants shall enter into recognizance with two sufficient sureties that appellants shall prosecute said appeal with effect, and pay all costs that may accrue thereon, in case they fail to obtain a final decision more favorable to the county than that from which such appeal is taken."

"On May 4th, 1907, we approved a recognizance signed by nine of the eleven taxpayers and citizens who had appealed from the report of the county auditors. Were we in error in so doing? The recognizance appears to have been filed in the Prothonotary's office, May 18, 1907. The portion of the act above quoted provides that ten or more taxpayers may on behalf of the county appeal, and that the appellants shall enter into recognizance with sureties conditioned that they will prosecute this appeal with effect.

Not less than ten taxpayers and citizens can appeal on behalf of the county, and the act further requires that they, the appellants, shall enter into recognizance. This is mandatory. The recognizance of nine of the eleven taxpayers and citizens who originally desired to appeal is scarcely a compliance with the statute so as to make the appeal effective. At least ten of the appellants should have entered into the recognizance. We were therefore in error when we approved the bond or recognizance signed by nine of the appellant taxpayers.

The act of June 17, 1905, (P. L. 192) enacted for the purpose of having bridges rebuilt by the commonwealth that were destroyed by floods during the process of construction provides "That there shall

## JUDGES' SALARIES.

A proposition to increase the salaries of all judges in Pennsylvania from the Supreme court down to the county courts, was submitted to the Senate in a bill offered by Senator Clarence Wolf, of Philadelphia. The salary of the chief justice of the supreme court is made \$15,000 instead of \$10,500, while the salaries of associate justices are increased from \$10,000 to \$14,000. Judges of the superior court now receive \$9,000 and it is proposed to make the salary of the president judge \$13,500, and of the associate judges, \$13,000. The salary of judges in Philadelphia and Allegheny county, is now \$8,500, and an increase to \$12,500 is proposed. Other increases are provided as follows: in counties of 90,000 and not over 500,000 population the salary shall be \$8,500 instead of \$6,000. In all other counties the salary shall be \$7,500 with \$1,500 extra for the judges of the Dauphin county court.

## GIGER WAIVED HEARING.

Edward Giger waived a hearing before Justice Weiss on Monday morning, and was bound over to May court under \$500 bail. He was arrested Saturday night for being drunk and disorderly. He quarreled with his wife, assaulted John Harmony on Catharine street, and William Bitler, and caused Mrs. Jacob Johnson, who lives on one side of the Harmony house, to faint from fright on hearing the racket next door. Giger had gone to the Harmony house to hunt for his wife. Mr. Bitler who was struck by Giger was at the Harmony house. He is 85 years of age.

It is to be hoped that this time Giger will be prosecuted to the full extent of the law, as he has previously figured in several affairs that show him to be a dangerous man when drunk.

be filed with said petition an agreement between the county and contractors that each of said parties are agreed that said contract shall cease and determine as to any liability, by reason of the further construction of said bridge by the state, and that the commonwealth in rebuilding such bridge shall have the right to use any and all material already paid for by the county, without any liability for its value. It appears that there was attached to the petition presented by the county commissioners to the Dauphin county court for the rebuilding of the bridge by the commonwealth an agreement between the county and the contractors agreeing that the contract for the building of the bridge should cease and determine.

Upon the reargument the county solicitor suggested that the county was no longer interested in these proceedings and very frankly in his brief said that so far as the county is concerned the appeal may be dismissed.

The taxpayers and citizens originally desiring to appeal from the report of the county auditors have become indifferent with respect thereto. Their zeal has abated. Perhaps the purpose in instituting the proceeding has been accomplished. If the purpose was an ulterior one it cannot be approved.

The appeal not having been perfected as required by the statute it follows that it should be quashed.

And now, March 15, 1909, the appeal is quashed in accordance with the order of May 6, 1907 at the costs of the original petitioners

By the Court,  
C. C. EVANS, P. J.  
No. 179, September Term, 1906.

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## O'REILLY'S LICENSE.

Granted by Associate Judges, the President Judge Dissenting.

At Monday's session of Court a license was granted to Patrick O'Reilly to keep a hotel at Centralia. This action was taken by Associate Judges Krickbaum and Yeager, Judge Evans refusing to concur in the granting of the license.

In his refusal to join, Judge Evans filed the following paper: "And now March 15th, 1909, I refuse to concur in the granting of the license for the reason that the applicant, Patrick O'Reilly, was convicted at the February sessions of this court for a violation of the liquor laws, and was sentenced to pay the costs of prosecution, a fine of \$50 and undergo imprisonment in the county jail, and is therefore not a fit person to be entrusted with a liquor license."

C. C. Evans P. J. O'Reilly has been licensed before, and at February sessions he was indicted for selling liquor to persons of known intemperate habits, was convicted, and sentenced as stated by Judge Evans, the imprisonment being for 20 days. We are informed that the evidence showed that he sold and gave liquor to one Martin Welsh, a man who had been declared an habitual drunkard by the court, and that he had continued to do it after notice from Welsh's sons not to sell to their father.

One of the most important considerations in the granting of liquor licenses is the fitness of the applicant, and a man who persistently and knowingly violates the law by selling or furnishing liquor to an habitual drunkard is certainly not a fit person to be entrusted with a license.

The action of the associate judges in this case looks very much like an abuse of judicial discretion, and there is talk in some quarters of appealing the case to the Superior Court.

## THE HARTMAN OPENING.

The new Hartman store opened auspiciously on Monday. The room has been beautified, and the counters and shelves are filled with a fine stock of entirely new goods.

Mr. Hartman's long mercantile experience has enabled him to cater to the wants of this community, and so he has gathered together an assortment of very desirable goods. Judging from the throngs that have crowded the store thus far, his popularity has not abated in the least, and the new Hartman store is destined to enjoy the same liberal patronage that for over half a century was accorded to the old Hartman store.

## GYMNASIUM EXHIBITION.

The fifteenth annual exhibition of the Physical Department of the Normal School, will be held in the Gymnasium on Friday evening, under the direction of Prof. B. F. Bryant and his assistants.

These exhibitions are always of a high order. Each class strives to surpass the others in their costumes, their drills, and their yells, and the entire performance is very enjoyable to the large audience that is always present. This year the exhibition will be fully up to the high standard of the past.

## HEMLOCK TOWNSHIP WINS.

The final debate in the inter-township High School contest was held in the Bloomsburg High School last Saturday evening. Prof. Sterner presided, and the contest was between Misses Ruth Pealer, Sadie Wenner, and Helen Van Liew of the Fishingcreek High School, and Miss Ida McCarty and Messrs. Morris Girton and Chauncey Munz, of the Hemlock township High School.

The question debated was, "Resolved, that the right to vote should be limited to those who are able to pass the same examination required by foreigners seeking naturalization." The Fishingcreek team supported the affirmative and the team from Hemlock township the negative. The debaters handled their respective sides in a most creditable manner, speaking clearly, logically, and with but little reference to notes. The large audience was highly entertained, and all the speakers were accorded liberal applause.

The judges were Geo. E. Elwell Esq., H. A. McKillip Esq., and W. H. Brooke, and at the conclusion of the debate their decision was unanimously in favor of the negative.

W. L. Eyerly on behalf of the *Morning Press*, presented the winners with beautiful gold badges.

This was the final debate in the series of inter-township High School debates, 51 in number, which have been held during the present school year between the debating clubs of the High Schools of the different townships of the county, of which there were 13. The contest had narrowed down to the Fishing Creek Township High School and the Hemlock Township High School and the winners are now the champions of the county.

The scheme was planned and conducted by Superintendent Evans, to whom much credit is due, and great interest has been shown in the debates throughout the county.

## IMPROVEMENTS AT REBER'S.

W. McK. Reber's hardware store has been undergoing many changes in the interior. It has been repapered and painted, new electric light appliances have been put in which make it truly a daylight store. Shelving has been changed, and the goods so arranged as to display them to the best advantage. It is now right up to date, and in all its arrangements, and the immense stock of goods carried, it compares very favorably with city stores.

## CALLIES AT BENTON.

The Calliean Literary Society of the Normal School will present the drama "Higbee of Harvard," which was given in the Normal Auditorium with great success a short time ago, at Benton under the auspices of the M. E. church of that place next Saturday night.

Harry R. Stees Esq., has been appointed by the Court as auditor of the accounts of the county offices, to fill the vacancy caused by the death of Captain J. B. Robinson, who had been appointed to that position.

County Commissioner Pohe was fifty years old yesterday. He doesn't look it.



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