

Lancaster Intelligencer.

FRIDAY EVENING, DEC. 7, 1890.

The Law of Negligence.

The decision of Judge Livingston in ordering a non suit in the case of Schum's heirs against the Pennsylvania railway, will very effectually protect all the railroad companies from the recovery of damages for death or injury encountered in crossing their tracks, if it should be held to be the law by the supreme court on appeal. It is not one whit too much to say that it leaves sufferers by collisions absolutely without remedy. It is, therefore, justifiable to pronounce it an absurd decision. Certainly the law does not give damages for loss of life or limb in collisions with railroad trains at railroad crossings, and then make it impossible to collect them. The Legislature a few years ago limited the amount of damages recoverable for death as the result of railroad negligence, which limitation the constitution has since done away with. Judge Livingston would now have us believe that both constitution makers and law makers were playing a game of thimble rig, or now you see it, and now you don't, with the people, aided by the supreme court, and were giving them damages with one hand while slipping them away with the other. Maybe it is not Judge Livingston or the lawmakers, but the supreme court only that is responsible for this game of gammon. Judge Livingston bases his decision on what he understands to be the supreme court rulings. Certainly if he construes the supreme court's judgment aright, there is good reason for the retirement of its members into a Janicium asylum.

Mr. and Mrs. Schum, driving along a country road leading from the Lancaster and Middletown turnpike, near Salunga, came very shortly to a crossing of the Pennsylvania railroad, where they met a train and were both killed. It was proved by the plain tiffs that the whistle was not sounded nor the bell rung at this crossing nor at the crossings in Salunga, a third of a mile away. It was further shown that where the accident occurred there was a curve in the railroad, and that the obstruction to the view of the railroad from the road was such that the train could not be seen fifty yards from the crossing until at a point on the road ten yards from it. It was proved that the train was running at forty miles an hour; Mr. Schum is supposed to have been driving at about forty miles an hour.

It is obvious then that while the train ran fifty yards Mr. Schum could have gone but about five yards; and as he was killed on the track it would seem to have been proved that he must have been within five yards of it when the train was fifty yards away. The probability is that his horse was on the track when the train was this distance off, as it would take less than three seconds for a train to run fifty yards at forty miles an hour.

Under this state of the proof, the negligence of the engineer in not sounding his whistle being conceded, the court held that Mr. Schum was also negligent in not seeing the train nor stopping to listen for it; and that therefore he could not recover, and the suit was dismissed.

It will be easily seen that if this is the law, railroads are safe from the recovery of such damages; for it will be conceded that no man is going on a track when he sees a railroad train bearing down on him at forty miles an hour. If there were three seconds in which it was possible for him to see it, this decision says that it was ample time for him to get or keep out of the way, and the court can refuse to let a jury have a chance to say otherwise.

The supreme court has pronounced the doctrine that a person driving along the road is bound to look out for the locomotive; and if he does not avoid it when he may, with reasonable care, that he cannot recover damages. The present decision of the "reductio ad absurdum" of this doctrine.

In anticipation of their next presidential convention, the Republican politicians are getting ready for a contention at the meeting of the national committee in Washington next Wednesday over the time and place of its assemblage and over changes in the rules governing representation. The main struggle for the place of the convention will be between the east and the west—Chicago, Cincinnati or St. Louis on one hand, New York, Saratoga or Philadelphia on the other. It may safely be assumed that the Blaine managers will espouse the selection of some western city and those who favor Arthur will support an eastern place. In this aspect of the contest it may narrow down to Philadelphia and Chicago.

Senator Fry will propose a new plan of representation intended to give the Republican states a larger influence and to reduce that of the Southern states in the national conventions. Under his plan each state shall be entitled to four delegates, as now; each district to one instead of two, as now; to one additional delegate for each ten thousand votes cast within its limits in 1890 for the Republican candidates for presidential electors, and to one additional delegate for a majority fraction of ten thousand votes. The net result of this would be to give Illinois, Indiana, New York, Ohio and Pennsylvania a large increase of members at the expense of Texas, Georgia, Mississippi and other Southern states. Mr. Blaine and his friends have always suffered from the easy manipulation of the minority states by the federal administration; the Stalwarts have profited from it. The issue which is to be presented to the committee meeting is very clear, and the vote upon it will be the first move in the impending and irrepressible conflict among the Republican aspirants for presidential nomination.

For partisan political effect the story is telegraphed over the country that "a prominent Texan will soon begin suit in the United States court of claims to recover from the Federal government the value of slaves emancipated during the late war." This idea is one of the points

in the next presidential campaign. It may as well have its extinguisher at the start by the station of the constitutional provision on the subject. Article XIV, section 4, says: "But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave." Who sets up a claim contravening this gnaws a file of course.

DURING the time that the trade dollar discussion was prevailing the INTELLIGENCER steadily advocated the policy of the government exchanging this coin of its own device and manufacture, dollar for dollar, for the Bland dollar which millions upon millions are stored in the treasury vaults. The forcible argument in favor of the proposition was that as the government would get 420 grains of silver for 42¢ it would be the gainer, while, as the public would get a coin worth 100 cents in ordinary barter for one worth only about 87, those having trade dollars on hand would be glad of the chance to turn them in. Now the secretary of the treasury, himself, comes along, with the same proposition and gives it official endorsement in his report. He says:

Let authority be given by Congress to the treasury department to barter for trade dollars, at their nominal value, standard dollars at their nominal value, and nothing the trade dollars to receive them into standard silver dollars, counting the trade dollars got in this way as a part of the silver bullion which the act of 1878 empowers and directs to be bought and coined monthly. Should the trade dollars have been so abraded in use as to have lost a considerable part of their original weight, which is not much to be apprehended a deduction might be made from the price, and fractional payments made in subsidiary and minor silver coin.

This is so obviously the simple and reasonable solution of this question that Congress should not delay adopting it, and will not, probably, except for the consideration that the coin is largely in the hands of speculators and not of the people generally.

It is very easy to believe that if the Honorable William Eaton has been asked to take a place on the House committee of foreign affairs with the honorable Perry Belmont as its chairman that he indignantly resented the idea of such a distribution of honors.

It is not easy to believe that Speaker Carlisle contemplates such an inversion of the proprieties.

Mr. Eaton is an ex member of the United States Senate and in that body served as chairman of the committee on foreign relations.

Mr. Belmont is a young man of good parts and has done some good public service; but he no doubt would be glad to serve next below Mr. Eaton on any committee, adorned with Mr. Eaton at the head of it.

NEWSPAPER notoriety is slowly but surely squeezing the political life out of James G. Blaine.

Mr. Wm. R. Morrison's friends are already bemoaning his for presidency. It is very early in a mild winter to buckle on the skates.

In the general dearth of news that follows political contests, the sea serpent stories that are now coming in will meet with grateful acceptance.

SOME of the members of the ex Legislature sang the long metre doxology before they left Harrisburg yesterday. They will hear the echo from their constituents when they get home.

Not the least surprising thing about it is the alacrity with which some of the members of the legislature who opposed the appropriation bill availed themselves of the chance to take nearly everything that it gave them.

A GREAT loss will be taken off the public mind by the announcement that the war wagon placeman, Edward McPherson, is still willing and anxious to be a martyr in the public cause by the acceptance of official position in Washington.

A NEW YORK justice announces as the result of a long magisterial experience that in more than one thousand cases of abandonment, the mother-in-law caused all the trouble. It is not thought, however, that this announcement will cause much of a panic in the matrimonial stock market.

FEATURES OF THE STATE PRESS.

The Lancaster Examiner wants more discussion of the American bug. The Press was war on the swiftness of the streets of Philadelphia. The Reading Herald wants an improved American detective system.

"No free trade for Pennsylvania," shrieks the afflicted West Chester Republican.

W. M. Dorris's Liberator Independent keeps up its war on the alleged mismanagement of county affairs in that badwick. Forney's Progress thinks Blaine's surplus distribution letter the ablest political document of the times.

The Pittsburgh Times is confident that with his \$10 a day the average legislator draws a free pass to oblivion.

The Pittsburgh Post thinks the state Senate has been false to the constitution, to its oaths and to vital interests.

The Indiana Democrat is not willing to believe that Carlisle's election will send the county to the bow wows.

The Lebanon Daily Times states as an actual fact that wintery blazes bring colds, coughs, consumption, bronchitis, rheumatism and neuralgia.

The Philadelphia Evening Telegraph declares that Blaine cannot win on the platform of free homes supported by taxed whisky.

The New Era with charming satirical graphic frankness declares that the editor is one of the most noble of creatures to be found anywhere, full of the milk of human kindness.

The Hazleton Times speaks of the governor for using his influence to hold the Legislature in session but it does not acquit the gallop grabbers.

To Dr. Gibbon's (Friends) Journal the Sudan slaughter illustrates the foolishness, not to say wickedness, of European intervention in the affairs of remote and savage people.

PERSONAL.

OSCAR WILDE is about to be married. TENNENT'S income is about \$20,000 a year. MISS LOUISE DE LA RAYE (widow), writes a letter denying that she has been a Roman Catholic since the death of her husband.

MARY ANDERSON likes England, its ways and people and delights in the atmospheric effect of London fogs.

JAMES RUSSELL LOWELL reminds a crushing London interviewer of an American Indian senator, he smokes cigarettes and then spouts.

SENATOR CLERMONT and Librarian Delaney will do no work during recess, because their pay and allowances have been cut off.

TRADE NOTES.

Manufacturers, Commerce and Agriculture.

The Davenport silk company of Paterson, New Jersey, is reported to have suspended with liabilities amounting to \$100,000 and assets amounting to \$70,000.

The Bessemer coke works at Mount Pleasant, Pa., were sold at auction yesterday for \$1,750,000.

The Board of arbitration of the last and shoe trade of Cincinnati yesterday closed a session which had lasted nearly two weeks.

The National Bank, cheese and egg association closed its session in Cincinnati last night. A report was read showing that the total value of butter, cheese and eggs marketed in the United States in 1889, amounted to more than \$600,000,000.

Richard Wiley, an legislator, well known in Kensington, committed suicide in Fairmount park by cutting his throat. He was about 65 years of age.

An alarm of fire in the opera house at Bethlehem, during the play, caused a panic which was subdued without serious consequences and the fire was extinguished.

A band of Apaches attacked and badly wounded B. C. Scott and T. Bennett, near Proterus, Sonora, but were finally driven off by the two men.

There was a dynamite scare in Toronto, Ontario, when some mischief doers or later made way for the great and natural leader of that side of the House, Mr. Randall.

Mr. Carlisle's moderate views. It is sheer nonsense to talk of Mr. Carlisle as a freetrader. It is as silly and about as honest as to present him as a Republican.

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NEWS IN BRIEF.

Declaration by Storm and Famine. A Wednesday night storm finally flooded the city, causing damage estimated at \$5,000.

There were severe shocks of earthquake at Wendon Springs, Arkansas, on Wednesday. The shocks were accompanied by a loud noise, broke crockery and glassware and loosened large rocks in a railroad cut.

Three more of the missing fishing vessels at Gloucester, Mass., have been given up as lost.

The trial of Election Supervisor Horsey, in the U. S. court at Columbia, South Carolina, resulted yesterday in Judge Bond directing a verdict of not guilty.

In Boston yesterday, Billings, Clapp & Co., wholesale druggists, were convicted of selling tincture of opium containing a large quantity of morphine than that prescribed by the pharmacopoeia. They were fined a certain sum, and will appeal to the supreme court.

A libel has been filed in the U. S. district court at Baltimore, by the owners of the steamers River Queen and Martha's Vineyard and other parties against the National Yacht Club for damage in getting the steamer Albatross after having grounded off Nantuxet on the 7th of May last. The Cydonia is valued at \$100,000 and the libellants ask the court to allow them "a proper amount of salvage."

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48TH CONGRESS.

WHO WILL BE THE LEADER?

A Question the Democrats in the House are discussing—What Governor elect will be the leader of the party?

There are several men ambitious to assume that task. Mr. Hatch, of Missouri, has made some movement in that direction. He is regarded as an able and honest man, but it is believed he has not sufficiently won the confidence of his party for his special fitness for the task.

The leadership of the House on the Democratic side is a matter of some discussion. There are several men ambitious to assume that task.

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"CONFUSION."

A Play With a Proper Title.

The companies which John Stetson puts on the road are generally composed of people of peculiarly over-learned and of more than ordinary ability, though he drills few of them in his Fifth Avenue theatre, in New York, or in his Globe, in Boston.

The attractions which he presents for public patronage are entertainment as such, but emphatically require first class talent to interpret them. To this may be attributed half of the success of the absurd comedy, most appropriately entitled "Confusion," which was given in Fulton opera house last evening.

There was a first piece given, entitled "The Old Master," which was a dense comedy, happily brief.

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REAL ESTATE MARKET.

Sales of Property in the Upper City.

The property of Henry B. Wood, deceased, in Rothville, was sold to H. H. McCullister for \$2,950. Also 4 acres of land to John Mumma for \$1,000.

Benjamin, Eichelberger sold at private sale, a small tract of land with a one story house, in the township, to Geo. B. Eichelberger, for \$200.

J. H. Obetz sold to Thomas Smith, tinner, of Mastersville, his two story store and dwelling on South Charlotte street, Matheson, for \$2,900. Mr. S. will take possession of this property next April.

D. W. Erb sold his two story brick dwelling and lot of ground, corner South Prussian and Ferdinand streets, Manheim, to J. H. Obetz, for \$4,000.

Editor Westfall of the Elizabethtown Chronicle, bought the Rosting property for \$1,000.

Abraham Young sold, at private sale his farm of 34 acres in Mt. Joy township, to his son-in-law, Jacob M. Stauffer.

John Casel sold to Henry Shue a tract of woodland containing four acres, and some perhaps, containing in Rapho township, for \$105 per acre.

The mill of John M. Keener in Elizabethtown township, which was sold a short time ago by the sheriff to J. W. Johnson, has been bought by S. M. Epier, of Elizabethtown.

Anton Disinger sold his property on South Market street, Elizabethtown, to Adam Hamilton, for \$1,150. Mr. H. will erect a new house.

Daniel Schuch sold a lot with a one and a half story dwelling house, in Mount Joy township, to John Enterline for \$1,500. Mr. E. will erect a blacksmith shop and resume his trade.

An interesting lecture by Rev. Mann, of the Duke street M. E. church last evening to hear a lecture on "Shams" by Rev. J. B. Mann, of Harrisburg, was not nearly so large as it should have been, since the lecture was most entertaining and instructive. Those were admirably portrayed in a series of illustrative caricatures, which were remarkably faithful and interesting.

The points of the lecture were embellished by appropriate and interesting anecdotes full of humor as well as instruction. The counterpart of the sham was then spoken of—the true, honest, genuine man, and the lecturer made an eloquent plea for reality and truthfulness in all of life's relations. Regard for the welfare of individuals and society should incite us to cast from us this glaring inconsistency of manner and heart and prompt us to endeavor to be honorable, earnest and truthful. In every relation of life this terrible tendency to shams is too apparent and every true minded man and woman should feel that it is his duty to effectively counteract it.

There must be an honest purpose actuating every one of us, and every essay we make in life must be supported by something substantial and good. We are reminded, said the lecturer, of what a ruinous effect the shams of this world would have if they could not have painted "Vanity Fair" if Eden had not been shining before his inner eye.

HEALTH MATTERS.

No New Cases of Epidemic. The members of the board of health met at Dr. Brown's office at 9 o'clock this morning, but owing to the absence of Rev. Thomas Tompson, of McAllisterville, Janiata county, and as he will probably accept, there is every prospect of having the work well under way by Jan. 1st.

A Pastor Elected. The Presbyterians of the mission chapel, South Cross street, last evening unanimously voted to elect as pastor to Rev. Thomas Tompson, of McAllisterville, Janiata county, and as he will probably accept, there is every prospect of having the work well under way by Jan. 1st.