

# DANVILLE INTELLIGENCER.

VOL. LXXVII.

"PLEDGED BUT TO TRUTH, TO LIBERTY AND LAW—NO FAVOR SWAYS US AND NO FEAR SHALL AWE"

DANVILLE, MONTOUR COUNTY, PA., FRIDAY, APRIL 27, 1906.

NO 22

## MUST OBSERVE NEW SPEED LAW

Henceforth the automobilists will have to strictly observe the speed limit laid down by the new law in passing through our borough or they will expose themselves to the danger of arrest.

A communication was received from Borough Solicitor E. S. Gearhart calling attention to the important law passed at the last legislature, but which did not go into effect until the beginning of this year. He particularly emphasized the portions regulating the speed and signals of automobiles in passing through boroughs and defining the duties of policemen in arresting persons for violating the provisions.

The excessive and dangerous rate of speed at which many strangers have been passing through this town on automobiles, the solicitor said, is a matter of public condemnation. The two principal danger points emphasized are the turn from Bloom street into Mill street and at the northern entrance to the river bridge.

The secretary read the most important provisions of the act, which limits the speed of automobiles in passing through boroughs and cities to a mile in six minutes. Outside of the corporate limits of any city or borough the lawful rate of speed is limited to one mile in three minutes. It was shown that a policeman or constable may arrest upon view without warrant any person or persons violating any provision of this act.

On motion of Mr. Vastine it was ordered that the new law be strictly enforced by our chief-of-police. In order that arrests for fast running may be legally made it was ordered that two stop watches—one for each policeman—be procured by the borough.

**DEFECTIVE BRICK.**  
On motion of Mr. Dietz, seconded by Mr. Eisenhart, it was ordered that the committee on streets and bridges, accompanied by D. J. Rogers, the contractor, inspect Mill street and make an estimate of the number of defective brick in the pavement.

**MILL STREET CULVERT.**  
On motion of Mr. Boyer, seconded by Mr. Jacobs, it was ordered that the pavement on the Mill street culvert, June 1st, be taken up by D. J. Rogers and relaid permanently at the proper grade.

On motion of Mr. Jacobs, it was ordered that the Danville and Bloomsburg trolley company be notified to be on hand when the work begins and to raise the track as required to conform with the grade.

**NEW HELMETS.**  
On motion of Mr. Jacobs it was ordered that new helmets, suitable for summer, be procured for our two policemen.

**FIRE APPROPRIATIONS.**  
On motion of Dr. Sweisfort it was ordered that the quarterly appropriation due the fire department be paid, and that the secretary draw orders in favor of the different fire companies for their respective amounts.

**ABOUT AN ARMORY.**  
Captain J. Beaver Gearhart appeared before council in the interest of a site for an armory. He asked that a movement be set on foot looking to the securing of a site, which should be donated by the town. The State is erecting twenty-thousand-dollar armories in towns the size of Danville, and he feels sure that the place will be the first favored which shows enough interest in the matter to provide a site.

On motion of Mr. Jacobs it was ordered that the committee on public improvements co-operate with Captain Gearhart in an effort to procure a site for an armory.

**WILL SELL HAND ENGINE.**  
On motion of Mr. Jacobs, seconded by Mr. Russell, it was ordered that the old disused hand engine, in charge of the Friendship fire company, be offered for sale by the borough.

**FOUR MORE ARCS.**  
On motion of Dr. Sweisfort it was ordered that four additional arc lights be installed—one on West Mahoning street, one on Walnut street, one on Railroad street and at Cedar and Front streets. Incandescent lights were ordered placed on Mowry street and on Clinton street.

The following members were present: Gibson, Vastine, Sweisfort, Boyer, Angle, Russell, Dietz, Bedea, Finigan, Jacobs, Eisenhart.

**Death of Mrs. Sarah Hoffman.**  
Mrs. Sarah E. Hoffman departed this life shortly after 11 o'clock Tuesday night at her home No. 121 West Market street. She had been in feeble health since last fall, when she was seized with an attack of grip. It was only during a few days past that her condition was critical and death came as quite a shock.

The deceased was seventy years old. She was the widow of Edward Goben Hoffman, who died eight years ago. She was a widely known and highly esteemed woman, who will be very greatly missed. She is survived by one daughter, Mrs. William Gray Williams. Before marriage she deceased was Miss Sarah E. Mettler. She was born in Rush township, Northumberland county, but lived in Danville during all her married life.

## INJURED IN A RUNAWAY

North Mill street near the steam grist mill Sunday afternoon was the scene of two serious driving accidents, which occurred less than one-fourth of an hour apart. As the result of the first, Hon. James Foster and wife were very painfully, if not seriously, injured.

As a result of the second, Robert Williams sustained a broken rib. Mr. and Mrs. Foster took a drive into the country Sunday afternoon and the accident occurred about half past four o'clock just as they were driving in North Mill street on their return home. They had scarcely crossed the P. & R. track when the horse—a large spirited grey—began to prance and plunge, although Mr. Foster seemed able to control him. As they approached the grist mill, however, the horse swerved over toward the mill and came within an ace of dashing the buggy against two large telegraph poles. The next moment the horse was beyond the driver's control and, arriving at the mill, he swung around the corner into Chambers street. As he turned the buggy upset and Mr. and Mrs. Foster were thrown out alongside Hartline's blacksmith shop. Struck by their injuries and the force of the fall they lay by the road side while the horse, dragging the buggy after him, dashed up Chambers street.

There were a few eye witnesses of the affair, who immediately rushed to the spot and assisted Mr. and Mrs. Foster to arise. Both were bleeding profusely from wounds about the head and seemed to be pretty badly injured. Mr. Foster was immediately driven home in a buggy, while Mrs. Foster was taken into the residence of Matthew Ryan, where her injuries were temporarily dressed and she was kindly taken care of until a carriage arrived and she was conveyed to her home. Meanwhile the runaway horse was caught on Welsh hill by William Shutt and returned to his stable. Oddly enough, the buggy, which soon righted itself after the upset, was not broken to any extent.

Mr. and Mrs. Foster were treated by Dr. Ogelsby, Dr. Curry and Dr. Patton. The extent of their injuries were soon determined. Mr. Foster sustained a cut on the left side of his head, which necessitated three stitches; he also sustained a bruise over his left eye, as well as a bruise on his shoulder and on the elbow. There were also several bad abrasions about his body, while he complained of pains in his back. Mrs. Foster's worst injuries consisted of a scalp wound on the back of her head and a painful bruise over her left eye. There were the remains of an old gutter where the buggy was overturned and Mr. and Mrs. Foster struck the cobble stones, which accounts for the manner in which they were cut and bruised.

Before the excitement subsided the second accident occurred. Robert Williams and John Patton were driving down from the crossing and when at very nearly the same spot the horse—a small animal—trod upon a round stone, which caused him to fall. He was trotting along at a brisk pace and as he stumbled the momentum caused him to turn a complete somersault. As he reformed this remarkable stunt Mr. Williams, who was driving, went over the dash board head first and struck the cross piece of the shafts, after which he fell to the ground and lay with the struggling horse. Mr. Patton, as quickly as he could got out of the carriage sprang to the horse's head and held him down until help arrived, after which he was unhitched. The shafts of the buggy were broken. Mr. Williams was taken to the home of his parents on Spruce street when it was discovered that one of his ribs was broken.

**MAY USE SOFT COAL.**  
There is a bare two-months' supply of coal on hand at the water works, which means that in case of a miners' strike of any duration the borough may be driven to the extremity of using bituminous coal. Washery coal, even if that article can be procured, as shown by past experiments, is a poor make shift and proves costly in the end. River coal was relied upon during the previous miners' strike, but conditions as relate to this product have changed very much since then. Whatever river coal exists still lies in the bottom of the stream and there is no certainty either as to the quantity available or the success that may attend an attempt to extract it.

It may be relied upon, however, that the water works will be kept in operation and that the borough will have light. When it is explained however, that one car load of coal hardly suffices to keep the water works running a week some idea may be formed of the problem relating to fuel that our water commissioners may have to face before the summer is over.

**Death of Joseph Weniger.**  
Word was received in this city last evening of the death, at Philadelphia yesterday, of Joseph Weniger, son of Mr. and Mrs. Andrew Weniger, who reside at Spring and A streets, this city.

Joseph was a young man born and raised in Danville, who went to Philadelphia to reside several years ago. His parents left Danville only yesterday morning for a trip to Germany. The sad news of their son's death stopped their journey. They will return to Danville today on the 4 o'clock Reading train, bringing with them the remains of their son.

## SCHOOL BOARD IN SESSION

At a meeting of the school board Monday it was decided to extend an invitation to Hon. Fred Ikeler, of Bloomsburg, to deliver an address at the high school commencement to be held in the court house on the night of the 25th of May.

Borough Superintendent Gordy explained that an innovation had been planned for the coming commencement relieving the evening exercises of some of the essays and class addresses, which will be included in the class day program, rendered during the afternoon.

The plan met with the board's approval and it was decided to cast about for a speaker of reputation, whose address would be suitable to the occasion and prove an inspiration to the graduates. Hon. Fred Ikeler was immediately suggested as a speaker who is rapidly rising into prominence. On motion of Mr. Fischer the borough superintendent was instructed to correspond with Mr. Ikeler to see whether he could be secured for the occasion.

On motion of Mr. Pursel it was ordered that the teachers of the borough schools be allowed to take up a collection among the pupils for the benefit of the San Francisco sufferers. The action was taken in response to a request from the teachers that such a collection be permitted.

Mr. Trumbower reported that he had purchased 50 feet of hose for the first and second ward buildings each, at 11 cents per foot, to be used in case of fire and other emergencies.

The printing committee was authorized to have 2500 promotion cards printed.

Rev. L. D. Ulrich has accepted the invitation to preach the baccalaureate sermon to the high school graduates.

Mr. Fischer called attention to the great number of window panes broken in the first ward building. The building and repair committee was instructed to replace the glass and collect the cost from persons breaking them, when known.

The following members were present: Adams, Orth, Pursel, Burns, Harling, Heise, Fischer, Trumbower, Werkheiser.

The following bills were ordered paid:  
Teachers and janitors, \$1780.00  
W. H. Orth, 50.00  
Adams Express Co., 2.05  
American Book Co., 7.13  
G. G. Groff, 3.90  
William Miller, 2.00  
Miles Welch, .75

## An Appreciation of Cap't Johnson

Editor of Intelligencer:—Will you please allow me, a member of Captain Joseph H. Johnson's company, space to pay a small tribute to his worth as a man, comrade and friend.

He was undemonstrative, yet he was faithful in the performance of every duty which devolved upon him. In his business relations he was integrity itself.

He was an ardent member of the Lutheran church, and by his consistent life, bore testimony to the faith that was in him.

He was a true friend, as we, who knew him best, most affectionately bear witness, while his benefactions can never be known. He never let these out to the world, but his hand was always out to those who were in need. In the society of his fellow men he was at all times a most welcome companion.

His service in the army, from '61 to '65, endeared him to every member of Company H, 93rd Pa. Vols. Always mindful of the men under him and always doing everything possible, in his power, for their comfort. While strict in discipline, yet kind and affectionate.

He was a valued member of the community in which he lived. Every one thought well of him. His door was always open and no one was turned empty handed away.

Yes, Joseph H. Johnson was preeminently a private citizen. Privacy was not only the habit of his outward conduct, but he carried the noblest quality of manhood into every walk of life. His home was an ideal one. There happiness and love reigned supreme.

Joe, we will miss you. Miss you at our annual reunions, we will miss your cheery correspondence. But we have the satisfaction of knowing that you was a life that it was well that it had been.

Fearless in the hour of danger, patriotic, and ready at all times, if necessary, to give up life for the preservation of the Union. By your help you helped to perpetuate a government, intended by God as "A Government of the People and for the People."

You have left us only for a little while. "We expect that you are now with those in the other Camping Ground where taps are never sounded, where love dwelleth forever. Good-bye Joe, it will not be long until all the boys will meet you on the other side of the great divide."

## SCALE COMMITTEE IN SESSION

WILKES-BARRE, April 25.—This city today was the center of the interest that are creating national concern in the anthracite coal situation. The scale committee is in session here to arrange an answer to the recent proposition of the operators.

The committee met this morning, and after an hour's debate, referred the arrangement of its answer to the sub scale committee, which is composed of President Mitchell, the district presidents and the district secretaries.

The latter were in session nearly all of this afternoon, and reported back to the scale committee tonight, the conference adjourning at 9 o'clock.

President Mitchell, when questioned as to the nature of the answer that would be made to the operators, stated that absolutely no information would be given out until tomorrow.

The scale committee will meet again at 10 o'clock tomorrow morning.

In the meanwhile Wilkes-Barre is rife with rumors, some of which presage a strike, and others, equally as persistent, predict an amicable settlement and an early return to work.

## William Mortimer Passes Away.

William Mortimer, another old resident of Danville, yesterday passed from earth. He was afflicted with heart trouble and had been in failing health for a year. He was seriously ill, however, only for three or four days. Hope was abandoned during Tuesday night and at 1:30 yesterday afternoon the end came.

William Mortimer was a native of England, but came to this country in 1850. He settled in Danville and remained here until his death. For forty years he followed the occupation of puddling and was employed at the plant now known as the Reading iron works.

For over thirty years he was a member of Trinity M. E. church and was a consistent and zealous Christian. He never chewed nor smoked, nor drank intoxicating liquors. It is said that he did not know the taste of these.

The deceased was a widower, his wife preceding him to the grave twelve years ago. He was aged 83 years and two days and is survived by two sons and one daughter: Samuel Mortimer of Danville; Rev. J. H. Mortimer, pastor of Third street Methodist church, Williamsport, and Julia (Mrs. Joseph) Diehl of this city.

William Mortimer descended from an old English family. His father, John Mortimer, was in the English navy for forty years. He was present at the battle of Trafalgar in 1805 and had the honor of seizing Lord Nelson as he fell mortally wounded. Like his son, who spent his life in Danville he was temperate and abstemious and neither drank, chewed nor smoked. From 1805 to the end of his days he was pensioned by the British government in recognition of the services he rendered the wounded admiral, Lord Nelson.

The funeral will take place Friday at 3 p. m. from the Trinity M. E. church. Interment will be made in the Reformed cemetery.

## The Contract Awarded.

The contract for the new Masonic temple, at Bloomsburg, being built by Caldwell constructors, S. P. R. S., 32nd, Caldes, A. A. S. R., was awarded yesterday afternoon to Ritter & Smith, of Allentown, the contract price being \$48,998. The contract is for the building alone, which will be an exceedingly pretentious structure, representing an investment of \$60,000.

The temple will occupy the site formerly belonging to the Y. M. C. A. is put to great inconvenience at present owing to the fact that the big cesspool in the cellar has become filled up. There seems to be no relief in sight except by connecting with the borough sewer, which at present in the direction of the library extends no further than West Mahoning street.

It is said that at its next meeting council will find itself confronted with a petition for sewer connection at the library, which if granted, will mean the extension of the sewer out East Mahoning street to Ferry street and up Ferry to the library.

When the library was built the cesspool was constructed under the building and it has been in service during the twenty years that have elapsed. Whether the situation is relieved by sewer extension or by some other means, no little work will be involved and it may be quite a while before things are in good working order about the building.

**Inter-Society Contest.**  
The inter-society contest between the pupils of the high school, chosen from the Lincoln and Garfield literary societies will take place this year on the 24th of May.

The contest is always an interesting occasion. There is a good deal of pleasant rivalry between the two societies and the contestants try hard to win.

## SUBSCRIPTIONS POURING IN

Contributions still continue to come in for the San Francisco relief fund and Burgess Rogers yesterday stated that he would not be surprised if the total amount finally subscribed would approximate one thousand dollars. This will all be turned over to the Pennsylvania branch of the American National Red Cross Society. It is said that the independent committees have met with some delay in getting their work forwarded, while the Red Cross is the efficient channel and is authorized by President Roosevelt. The secretary of war, Hon. William Taft, who is also president of the national Red Cross society, has placed at its disposal all the facilities of all branches of the army and navy, the service of the disbursing offices, commissary and quartermaster departments and these are doing splendid work on the field of destination.

A letter from the Red Cross received at the Danville National Bank yesterday stated: "We are making an appeal also for Santa Rosa and other smaller towns which must not be overlooked. Our work is a matter of life and death for months to come and should disease and pestilence break out in the refugee camps, which seems inevitable, then, indeed, we have a serious task before us. We figure that in the early stages of relief work a dollar may save a life."

We would be grateful if your committee would be disposed to send at least one-half of your funds through the Red Cross, as we are now getting supplies from the centers of the middle west to go on our special Red Cross trains. Our desire is to organize the work so that the best economy may be exercised and instantaneous relief accomplished."

The committee put in all its spare time soliciting yesterday and collected in this way \$67.50, which added to the \$511.11 previously subscribed gives a total of \$578.61 already turned in.

There will be several snug sums to add to the above. Among them is some fifteen dollars subscribed at the hospital for the insane and \$21.75 collected in the 12 inch mill of the Reading iron works yesterday. It is understood that nearly \$250 have been subscribed at the First National bank, concerning which amount more will be said later. A collection was taken up in the schools of the borough yesterday, the result of which has exceeded all expectations. The sum realized was fifty-nine dollars and some cents.

Following are the subscriptions received by the committee yesterday:

P. P. Swentek	5.00
J. H. Cole	5.00
H. B. Foust & Bro	10.00
C. W. Williams	5.00
H. Joseph Jones	1.00
Harriet Alexander	1.00
W. H. Ammerman	2.00
Harry Fields	1.00
Cash	1.00
H. Bernheimer	1.00
J. W. Swartz	1.00
Samuel Werkheiser	2.00
J. D. Gosh	1.00
Elderly lady	5.00
F. G. Blee	2.00
Cash	1.00
S. Lewenstein	2.00
G. S. H	1.00
J. C. Montgomery	1.00
John Krainak	1.00
G. Fred Smith	1.00
John Eisenhart	1.00
Morning News	5.00
Ann. McCoy	1.00
Theodore R. Angis	1.00
Mrs. Mary Shepperson	2.00
James Fenstermacher	2.50
Elderly lady	5.00
A. Latuke	2.00

## Want Sewer Connections.

The Thomas Beaver Free Library building and especially that portion devoted to the Y. M. C. A. is put to great inconvenience at present owing to the fact that the big cesspool in the cellar has become filled up. There seems to be no relief in sight except by connecting with the borough sewer, which at present in the direction of the library extends no further than West Mahoning street.

It is said that at its next meeting council will find itself confronted with a petition for sewer connection at the library, which if granted, will mean the extension of the sewer out East Mahoning street to Ferry street and up Ferry to the library.

When the library was built the cesspool was constructed under the building and it has been in service during the twenty years that have elapsed. Whether the situation is relieved by sewer extension or by some other means, no little work will be involved and it may be quite a while before things are in good working order about the building.

**Young Girl Wants to be Sheriff.**  
Governor Pennypacker will this week appoint a sheriff for Blair county to succeed the late Sheriff Bell, and already a number of applications have been received from politicians who want to serve the State. It is said that among the applicants yet to be sent in will be one from Miss Mary Marks, who is at present filling the position of deputy sheriff, and whose friends will make a strong effort to have her appointed. She is the first woman to aspire to the office in the State.

The Belgian training ship Count de Smet de Naeyer foundered in the Bay of Biscay Monday, with a loss of thirty-five lives. Warships appear to be a dangerous place in time of peace as well as in time of war, judging by the many disasters recorded.

## BUCHANAN & CO SECURE CONTRACT

The contract for the heat, light and power plant at the hospital for the insane yesterday was awarded to Buchanan & Company of Philadelphia, the contract price being \$78,702.

The proposals, over a dozen in number, have been under consideration for a couple of weeks. At a meeting of the building committee of the board held in Philadelphia last Friday all preliminary matters were arranged and yesterday nothing remained to do but to formally award the contract. Only six members of the board were present: H. M. Schoch, of this city; Dr. B. H. Detweiler, of Williamsport; Dr. F. Shay, of Watonsburg; Howard Lyon, of Hughesville; Dr. Shoemaker, of Wilkes-Barre, and Dr. Connell, of Scranton.

The contract awarded to Buchanan & Company relates exclusively to the equipment of the plant—boilers, engines, dynamo, electrical motors, wiring, steam fitting and everything that goes to make a first-class plant with the exception of the building to accommodate the system, which, it is stated, will be awarded in the very near future. The building will be 106x50 feet, one story, or twenty feet in height. The building will be of brick, the walls to be 13 inches thick. It is stated that our local contractors will be represented among the bidders for the construction of the building.

Buchanan & Company have contracted to have the work completed in 120 days from the time that the contract is signed. The trustees will see to it that the building is ready to receive the machinery, etc., in due time.

The firm to which the contract was awarded is well known and stands high as contractors. It did all the work at the Bellevue-Stratford in Philadelphia. It built the court house at Camden, N. J., and is now engaged on the power house at John Wana-maker's and at the Curtis Publishing Company's buildings in Philadelphia. The work at each of the latter places embraces an underground conduit of masterly construction.

## Letter From Jos. A. Steinmetz.

A couple of letters have been received at the Danville National bank from the Pennsylvania branch of the American Red Cross, one of which, addressed to M. G. Youngman, cashier, urges that a local Red Cross society be organized in Danville to assist in the present work of raising money for San Francisco and to assist in keeping a large fund in the national treasury ready for future emergencies of the same kind. The letter reads:

It is true that the newspapers, and independent sources, have done wonderful work, and that the United States has responded beyond anything that the world has ever witnessed. At the same time, the catastrophe is the greatest that has ever come to the civilized world, and the long tedious months of life and death work, are still before us, and it is the Red Cross to whom this work will naturally fall.

Our corps of doctors and nurses are already in the field, and we have the co-operation of all branches of the army, giving us the services of the disbursing officers, quartermasters, commissary department of both army and navy. The sick must be nursed, the babies nurtured, and homes built for the orphans and widows. It is a work that will take us at least a year, so if you will speak to your citizens, and get the co-operation of your local newspaper, we are sure that the Red Cross will have a response from you.

We wish you would ask the good people of Danville, to organize a local Red Cross society, to which any one may belong upon the payment of \$1.00. Half of this amount is retained by your local treasurer, for current expenses, and the other half, goes to the national treasury, through the Pennsylvania headquarters to Washington.

We are hoping to develop the Red Cross to more than a million members (the Japanese have one million two hundred and fifty thousand), and this number, at a half dollar each, sent forward to the national treasurer, will give the President of the United States and the advisors and the officers of the American national Red Cross, a sum of \$500,000.00 to be expended at the first call of disaster, rather than wait weeks and months, and perhaps indefinitely, for active congress, etc.

Please, therefore, take it in hand to organize a Red Cross which can be done if ten members meet, and we shall be glad to assist you in any way in our power.

Yours very truly,

JOSEPH A. STEINMETZ,  
Secretary Penna. Branch.

## Funeral of Dr. H. W. McReynolds

The funeral of Dr. H. W. McReynolds was held yesterday afternoon at Bloomsburg, Rev. G. H. Hemingway, pastor of the First Presbyterian church officiating.

A delegation of the Columbia county medical association and about fifty members of Washington lodge, F. & A. M., were present. Masonic ceremonies were performed at the grave.

From Danville were present W. L. Sider, Esq., Miss Clara Kease and Miss Penina Bright. From Grovesville Miss Jane Wolverson and Miss Emily McNinch attended the funeral.

## REFUSES TO APPOINT A RECEIVER

A short session of court was held yesterday forenoon with President Judge C. C. Evans and associates, Blee and Wagner, on the bench. The principal business on hand was the handing down of an opinion in re petition of H. F. Danville & Co. et al., for appointment of receiver for the Danville and Sunbury street railway company.

**OPINION OF THE COURT.**  
"The petitioners presented their petition to the court on the 30th day of February, 1906, setting forth inter alia that the Danville and Sunbury street railway company is a corporation created under the Act of Assembly of May 14, 1889, and the amendments thereto; that they are creditors of the Danville and Sunbury street railway company and that said street railway company is insolvent. That the street railway company has confessed judgment to Charles P. Hancock, in trust, for the sum of \$45,847.41 for certain creditors of the street railway company; that execution was issued on said judgment and that all the corporate franchises, rights and personal property belonging to the said corporation were levied upon and advertised to be sold at sheriff's sale, February 23, 1906; that the said street railway company had not made an assignment for the benefit of its creditors and that it was for the best interest of the creditors of the street railway company that a receiver be appointed to take charge of the assets, rights and franchises of said corporation to the end that the same may not be lost through the ordinary course of a sheriff's sale."

"On the same day a rule was granted to show cause why a receiver should not be granted as prayed for."

"Answer has been made under oath by the Danville and Sunbury street railway company admitting that the petitioners are creditors and that the street railway company is insolvent; and denying that it is for the best interest of the creditors that a receiver be appointed and further averring that the judgment confessed to Charles P. Hancock in trust, for the sum of \$45,847.41 and the execution issued thereon is in effect an assignment for the benefit of creditors and that the appointment of a receiver would be detrimental to the creditors of the corporation and to the corporation itself; that there is no property of the street railway to conserve; that there is no purpose for which a receiver could be appointed which will not be accomplished by a sheriff's sale; that the petitioners and all other creditors are protected by the judgment confessed and that it was for their protection and for their payment that the judgment was confessed and the execution issued and that the appointment of a receiver would be inexpedient and harmful."

"The appointment of a receiver is the exercise of a power in aid of a proceeding in equity. The court must be convinced that it is needful and is the appropriate means of securing a proper end. Such an appointment is a strong measure and not to be exercised doubtfully."

The opinion stated that the court found from the evidence that the judgment confessed to Charles P. Hancock, in trust, for \$45,847.41 was confessed for the benefit of all the creditors of the street railway company, including the petitioners; that the street railway company is insolvent and that it would not be for the best interest of the creditors of the Danville & Sunbury street railway company to appoint a receiver at this time.

"We can see no good purpose to be served or accomplished by appointing a receiver." Several authorities were quoted in this connection.

"No harm can come to the petitioners if we permit the sheriff to proceed with the sale, because the amount of the petitioners' claim is confessedly satisfied in the judgment confessed to Charles P. Hancock, in trust. All creditors of the insolvent corporation are entitled to share pro rata in the distribution of the proceeds."

The appointment of a receiver is in the discretion of the court, not to be exercised arbitrarily or doubtfully, but only where it is clear that it is needful and is the appropriate means of securing a proper end.

And now April 25, 1906, rule is discharged.

**CHARLES C. EVANS, P. J.**  
On motion of William Kase West exceptions were noted for the petitioners and the bill was sealed by the court.

Just what the status of affairs relating to the street railway company is at present is not clear. The petitioners can appeal the case in twenty days. Such action would tie up proceedings for nearly a year.

## Not Affected by Great Fire.

Miles and Peifer, local insurance agents, have received advices from the several fire insurance companies which they represent, stating that none are seriously affected by the wholesale destruction by fire wrought in San Francisco