



ITEMS CONDENSED.

CURIOSITY NEARLY KILLS—Curiosity nearly cost the life of 2-year old Calvin Wilkinson...

LEISURELY DEER—S. M. Heisey, of Lock Haven, had an odd experience recently while in the orchard of his brother at Haneyville...

NARROW ESCAPE—Peter Biting, of Newport, had a remarkable escape from serious injury a few days ago...

TOUCHED MULE'S TENDER SPOT—Luther Bowser, son of Andrew Bowser, of Henderson township...

SOME COMMOTION.—Some commotion was caused in the home of Street Commissioner John C. Reed...

CHEAPEST PAYS BEST.—At the meeting of the executive committee of the Allentown fair...

OLD FREIGHTER DEAD—George Geigley, the oldest inhabitant of Birdsboro, is dead of gangrene...

NEED THE BRUSHES.—Examination made by the Reading Dental society, has disclosed that only 4,849 Reading school children use tooth brushes...

DARED TO DEATH—Several boys whose homes are in Columbia were daring each other to touch a broken electric light wire...

NEVER HAVE MOVED.—Mr. and Mrs. Jacob L. Bower, of Birdsboro, celebrated their golden wedding anniversary in the Bower homestead...

"YOU BET"—The Pottstown High School Literary society debated the question "Resolved That corporal punishment should be abolished..."

GROWING BIG ONES.—John Conrad of Pottstown is exhibiting three pumpkins, weighing 157, 103 and 76 pounds respectively...

SECOND CROP POTATOES.—M. A. Wentzel of Shamrock, has raised a second crop of Early Rose potatoes...

Miss Jennie Kelso of this city was removed to the Joseph Ratti Hospital, at Bloomsburg, yesterday...

IMPROVEMENT OF FRONT STREET

Property owners on East Front street presented a petition to the borough council Friday night asking that five squares be paved with vitrified brick...

A petition was received from a majority of property owners on Front street between the western building line of Ferry street and the eastern building line of Railroad street...

The petition was signed by the following: Joseph Heim, H. R. Edmondson, John Hixson, Hunter estate, Danville Structural Tubing Co., T. W. Bedea, E. A. Adams, George E. Orndorf, W. E. Davis, Wesley Hollibaugh, Mrs. W. L. Clark, T. W. Bartholomew, E. Corman, Mrs. Martha Y. Gearhart, Mrs. Joseph L. Frame, T. J. Price, Trustee, Danville Foundry and Machine Co., Wallace A. Hoover, Julius Heim, D. B. Fetterman, D. B. Heddens, W. L. Gouger, Mrs. Harriet I. Myerly, Lillie M. Purpur, R. L. Marks, Harry Ellenbogen, Joseph Heim, trustees of B'nai Zion congregation, E. Herbert Myerly, Edward F. Bell, T. J. Jones, George A. Meyers, J. V. Gillaspay, A. D. Myerly and George L. Rowe.

On motion of Mr. Heim it was ordered that the above petition be accepted and filed of record for further action of council.

On motion of Mr. Heim a resolution was passed providing that a twelve days' public notice by hand bills posted on line of proposed improvement be given that the town council will meet on Friday, November 18, 1910, at 8 o'clock, p. m., for the purpose of hearing objections to the proposition to pave and curb said part of East Front street and also then and there to consider the propriety of the enactment of the necessary ordinance.

On motion of Mr. Heim it was ordered that as soon as the chief burgess approves the foregoing resolution the secretary be directed to sign, attach the borough seal and to post along the line of the proposed improvement the notices provided for in said resolution.

The following communication was received from Charles P. Gearhart, district attorney of Montour county:

"At October sessions, 1910, of the court of Montour county, the constable of the second ward of the borough of Danville returned as follows, to wit: 'Street in bad condition from Front to Grand. From corner of Honey-moon to Cooper and to Mowrey; stone and garbage in same.'

"I beg to advise you that unless the defects so reported be promptly repaired it shall be my duty to apply the law for your neglect in this behalf."

Street Commissioner Keefer reported that the street reported to court had been fixed up as far as possible under existing circumstances. The sidewalks, he said, are in such a bad condition as to make proper repairs impracticable at present.

On motion the secretary was instructed to order four extra car loads of coal each week in order that a sufficiently large supply may be gotten on hand for winter use.

On motion of Mr. Jones Borough Electrician Smith was authorized to purchase a dozen electric light poles; also 150 pounds of magnet wire.

On motion of Mr. Curry it was ordered that the third quarterly appropriation due the fire department be paid.

On motion of Mr. Marshall it was ordered that the benches be removed from Memorial park and stored away in the basement of city hall.

The following bills were approved for payment:

Table with 2 columns: Item and Amount. Includes entries for Water Dept, Borough Dept, and various utility bills.

VOTE IN MONTOUR COUNTY

Table showing election results for Governor, Lieutenant Governor, Secretary of Internal Affairs, Congress, Senator in Gen'l Assembly, and Representative across various wards.

TENER'S VOTE SINKS TO 20 THOUSAND

PHILADELPHIA, Nov. 9.—John K. Tener's plurality for governor of Pennsylvania may be as low as 20,000, or even much less when complete figures from all of the sixty-seven counties in the State are in.

Estimates from sixty-three of the counties give the Republican candidate a lead of about 25,000 and the missing counties—Elk, Northampton, Pike and Snyder—are expected to show pluralities for William H. Berry, the Keystone party candidate for Governor.

Philadelphia gave Tener a greatly reduced plurality, he carrying the city by 45,354 votes over Berry. Philadelphia's vote was needed by Tener to win as the estimates show that Berry, polled sufficient independent votes to carry the State outside of the Philadelphia stronghold of Republicanism.

Congressman John M. Reynolds, Republican, for lieutenant governor, and Henry Honck, Republican, for secretary of internal affairs, were elected by pluralities approximately the same as Tener's.

NEWBAKER MAKES PHENOMENAL RUN

Dr. P. C. Newbaker, independent candidate, was elected representative in the general assembly at the election held Tuesday, receiving 1154 votes as against R. Scott Ammerman's 880.

For senator in general assembly Charles W. Sones, Democrat, wins out, in Montour county his plurality being 282.

John G. McHenry, who was a candidate on both the Democratic and Republican tickets, was re-elected representative in congress, the combined vote being 1144, as against Dr. Hartner's 648.

For governor, in Montour county William H. Berry, Keystone candidate, received 1018 votes as against 429 for John K. Tener, Republican, and 499 for Webster Grim, Democrat.

When Mr. Berry ran for State treasurer in 1905 Montour county gave him 1451 votes as against 568 for J. Lee Plummer.

For lieutenant governor Thomas H. Greevy, Democrat, leads with 673 votes. D. Clarence Gibbons, Keystone candidate, received 581 votes and John M. Reynolds, the Republican candidate, 455.

For secretary of internal affairs James I. Blakeslee, Democrat, leads with 658 votes. John J. Casey, the Keystone candidate, received 607 votes and Henry Honck, Republican, 447 votes.

The weather while not of the ideal sort was not sufficiently unpleasant to keep anyone away from the polls. The ground was covered with snow in the morning. During the early part of the day this melted, leaving the streets and the country roads wet and muddy.

The weather at times was threatening, but no rain or snow fell during the day, although the air was raw. The sidewalks dried off during the afternoon and in town, at least, no discomfort attended being out of doors.

The results indicate that something less than a full vote was polled in any of the districts, which is not unusual, although judging from the interest shown in the general issue, during the campaign, one would have thought that practically every person entitled to a vote would have found some way of getting to the polls.

Voting was slow during the early part of the day. Up to 4 o'clock in the afternoon at the voting places in town less than half the full vote was polled. The rush that occurred between that hour and closing time swelled the vote.

Although it would be difficult to recall a campaign in which so much interest was manifested in the general result as during the one just passed yet it is remarkable that there was no real contest in the general acceptance of that term except for one office, that for representative in the general assembly. Opposed to R. Scott Ammerman, who was on the Democratic, the Prohibition and Keystone tickets, was Dr. P. C. Newbaker, who was not on the ticket at all, but who was voted for by "stickers."

The contest was generally regarded as an unusual one. A great deal of hard work was done by each of the two candidates. Probably every voter in the county was seen or was communicated with through the mail.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

NEWBAKER MAKES PHENOMENAL RUN

Dr. P. C. Newbaker, independent candidate, was elected representative in the general assembly at the election held Tuesday, receiving 1154 votes as against R. Scott Ammerman's 880.

For senator in general assembly Charles W. Sones, Democrat, wins out, in Montour county his plurality being 282.

John G. McHenry, who was a candidate on both the Democratic and Republican tickets, was re-elected representative in congress, the combined vote being 1144, as against Dr. Hartner's 648.

For governor, in Montour county William H. Berry, Keystone candidate, received 1018 votes as against 429 for John K. Tener, Republican, and 499 for Webster Grim, Democrat.

When Mr. Berry ran for State treasurer in 1905 Montour county gave him 1451 votes as against 568 for J. Lee Plummer.

For lieutenant governor Thomas H. Greevy, Democrat, leads with 673 votes. D. Clarence Gibbons, Keystone candidate, received 581 votes and John M. Reynolds, the Republican candidate, 455.

For secretary of internal affairs James I. Blakeslee, Democrat, leads with 658 votes. John J. Casey, the Keystone candidate, received 607 votes and Henry Honck, Republican, 447 votes.

The weather while not of the ideal sort was not sufficiently unpleasant to keep anyone away from the polls. The ground was covered with snow in the morning. During the early part of the day this melted, leaving the streets and the country roads wet and muddy.

The weather at times was threatening, but no rain or snow fell during the day, although the air was raw. The sidewalks dried off during the afternoon and in town, at least, no discomfort attended being out of doors.

The results indicate that something less than a full vote was polled in any of the districts, which is not unusual, although judging from the interest shown in the general issue, during the campaign, one would have thought that practically every person entitled to a vote would have found some way of getting to the polls.

Voting was slow during the early part of the day. Up to 4 o'clock in the afternoon at the voting places in town less than half the full vote was polled. The rush that occurred between that hour and closing time swelled the vote.

Although it would be difficult to recall a campaign in which so much interest was manifested in the general result as during the one just passed yet it is remarkable that there was no real contest in the general acceptance of that term except for one office, that for representative in the general assembly. Opposed to R. Scott Ammerman, who was on the Democratic, the Prohibition and Keystone tickets, was Dr. P. C. Newbaker, who was not on the ticket at all, but who was voted for by "stickers."

The contest was generally regarded as an unusual one. A great deal of hard work was done by each of the two candidates. Probably every voter in the county was seen or was communicated with through the mail.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

Relating to the State ticket in this county it became manifest early in the campaign that party lines would not be closely drawn. There was a "Berry sentiment" that seemed to grow as election approached, the converts apparently coming in equal numbers from both the Republican and the Democratic ranks.

The issues of the campaign were warmly discussed, but no one seemed in any way positive as to the results and as a rule no forecasts were made.

COAL DIRT CASE GIVEN TO JURY

The jury in the case of Sophie G. Eckman vs. the Lehigh & Wilkes-Barre Coal Company retired to its deliberations at 2:30 o'clock Friday afternoon.

The entire forenoon was occupied by the attorney's addresses. Former Judge F. W. Wheaton, chief counsel for the defendant, was taken ill Thursday night and was unable to appear in court Friday.

Daniel W. Kaercher of Pottsville took the case to the jury speaking for nearly two hours. Mr. Kaercher essayed no oratorical flights but speaking deliberately in a conversational tone reviewed the evidence exhaustively.

He claimed that the plaintiff had failed to make out a case; that the evidence failed to show that the land was permanently (which he said meant "entirely") damaged.

He adverted to the testimony to show that in 1904 the ice did not go out of Catawissa creek until after the iceorge in the river broke and held that the plaintiff failed to show that the culm deposited on her land came from the Catawissa creek; also to what extent the land had been damaged by culm alleged to have come down the Catawissa creek from the mines of the defendant.

Mr. Kaercher adverted to the "statements of the plaintiff" offered in evidence, showing that Mrs. Eckman has also brought suit against a number of other coal companies charging them with doing the same thing that she alleges the defendant is responsible for.

He also adverted to the value of the farm as indicated by the assessor's book offered in evidence, namely, \$6,344. Mr. Eckman himself was the assessor and had subscribed to an oath that he would value the property at the full market price.

Mr. Kaercher contended that the plaintiff had failed to prove that her land is unfit for cultivation. Another point, which he claimed "fautes" the case is that she failed to prove that any culm had been put into the Catawissa creek by the defendant company prior to 1904.

The jury, he said, would not be permitted to guess in the matter. It would not be permitted to visit the effects of negligent acts of other collieries upon the defendant. All the collieries contributing culm would have to be taken into account. At the very most the jury could impose only nominal damages.

It was nearly 11 o'clock when Hon. H. M. Hinckley for the plaintiff went to the jury. He spoke until about 12:30. The address was delivered in Mr. Hinckley's characteristic style and was listened to with the deepest interest. He reviewed all the evidence in succession taking up the different points that Mr. Kaercher had urged to show that the plaintiff had failed to make out a case.

Mr. Hinckley disputed that "permanently" injured implies "entirely" injured—by coal dirt.

He admitted that the plaintiff brought "several" suits for the reason that she did not know which company was responsible. She can only recover once—for the full amount of the damage sustained—whether it come from one company or the whole number. The other cases have nothing to do with this one.

The evidence showed, Mr. Hinckley said, that the defendant company was guilty of a negligent act by placing culm on the banks of the stream—so close that the water even in ordinary stages might wash it away.

He laid it down as a principle that the defendant is liable only for the injury it inflicts and can be held only for its proportionate share of the damage. It was for the jury to determine, he said, whether other companies are responsible for the damage the plaintiff has sustained and, if so, what is the proportionate share.

In taking up the analysis of the soil on which counsel for the defendant had dwelt to show that the plaintiff's farm had sustained no permanent damage, Mr. Hinckley stated that the defendant's case was made up of experts but he said that in this matter he would place one experienced farmer against ten experts. The barren field, he declared, lies there as irrefutable testimony that the land has been permanently damaged.

He ridiculed the theory that the coal dirt came from collieries miles up the river as urged by the defendants. It was not necessary to look so far, he said, when the Catawissa creek three miles above the farm is black with coal dirt.

Mr. Hinckley said no attempt would be made to hold the defendant for the whole damage, but only for its proportionate share. The defendant, he said, admitted that "all of them" have been contributing to the pollution. The Lehigh & Wilkes-Barre Coal Company have three operations; therefore of the eight culm banks maintained it

is responsible for three. On this basis Mr. Hinckley said the defendant is responsible for three-eighths of the damage done. The loss sustained by the plaintiff had been variously estimated by the witnesses at all the way from \$500 to \$6000.

The damage therefor, might be fixed at three-eighths of \$5,000 or \$2,250, to which as a compensation for delay might be added another amount not to exceed six per cent, of the sum each year for the time embraced, six years.

Immediately on reconvening after the noon intermission Judge Evans charged the jury. He reviewed all the testimony and applied the points of law, which had been argued and allowed, which had been argued and allowed. The charge was comprehensive and clear.

Coal miners, he said, have a right to deposit culm on their land, protected against all ordinary floods. They have no right, however, to deposit culm in a stream. The burden is on the plaintiff to show that the defendant either placed culm in the creek or so near to it that ordinary floods carried it away. If culm was placed in the creek by other companies the defendant is not responsible for the damage done by it.

If it is found that the damage sustained by the plaintiff was caused by a large number of mines, the colliery of the Lehigh and Wilkes-Barre Coal company being responsible for only an inconsiderable part, then the defendant can be held only for nominal damage, which may be ten cents or one dollar.

The plaintiff claims permanent injury. If she has failed to prove permanent injury there can be no recovery beyond nominal damages.

In all cases the jury was to be governed by the preponderance of testimony. The verdict, the court explained, might be for the defendant; for nominal damages or for compensatory damages, the latter representing the full extent of injury to the farm.

Verdict for the Plaintiff.

The jury in the case of Sophie G. Eckman vs. the Lehigh & Wilkes-Barre Coal Company, the trial of which occupied practically the entire week, rendered a verdict Saturday in favor of the plaintiff for \$147.11. The jury, which retired at 2 o'clock Friday afternoon, reached an agreement at 11 o'clock that night. Following instructions the verdict was sealed and presented to court at 10 o'clock Saturday morning.

The jury found as follows: First. That the total damage sustained by the plaintiff is \$4000.

Second. That the proportion for which the defendant in this suit is liable is \$1142.85

Third. Amount allowed the plaintiff for detention of payment of damages, \$274.26

Fourth. Total amount of verdict of plaintiff in the case against the defendant is \$5417.11.

When the verdict was announced William Kay West of counsel for defendant moved for judgment non obstante verdict upon the whole record, which translated into language that laymen can understand means that the defendant claims that the evidence adduced at the trial was not sufficient to warrant a finding for the plaintiff and that the verdict should have been for the defendant.

Thus was brought to a conclusion one of the most noteworthy civil suits that has been tried in the Montour county court in many years. The jury all told was on duty eighteen days. Six days were occupied in the local court during the progress of the trial. Twelve days were spent in viewing the farm of the plaintiff at Roaring Creek and in making a tour of the coal regions to investigate conditions at the mines with reference to the care of coal dirt. Some six hundred dollars were required to pay off the jurors Saturday.

HOLY NAME SOCIETY

A great demonstration of the Holy Name societies of this section will be held at Shamokin next Sunday afternoon at 2:30. The following towns will participate: Danville, Ashland, Centralia, Mt. Carmel, Locust Gap, Shamokin and Trevorton.

An address will be delivered in St. Edwards' church by the Rev. Father Luke A. Grace of Philadelphia, one of the finest orators in the State. There will be an immense parade for which all the Shamokin bands have been engaged.

These parades are becoming annual occurrences all over the State. Last year's demonstration was prevented by the big snow storm on Thanksgiving Day.

Well Known Milton Resident.

John W. N. Swartz, a well known resident, of Milton, and one of that town's most prominent and successful business men, fell over dead while walking on the street Tuesday evening.

Scarlet Fever in Madison Township.

Scarlet fever has broken out among the pupils of the Vandine school in Madison township, and the school has been closed. There are six cases and the homes have been quarantined.