SUNDAY CAR QUESTION.

(Continued from Page 333.)

The Injunction granted on Both Bills. The result of all this is that the complainants, Sparha wk and others, have, in my opinion, a clear right to my interposition to protect them in that enjoyment of their dwelling-houses and their pews, to which I have shown they are entitled by law. It may be that there is a tormal error in the joinder of plaintiffs having distinct interests. If there is, it is remediable by amendment. And the very eminent counsel of the defendants, who have argued these cases with signal ability, as well as with fairness, have properly declined to avail themselves of the error, seeking only a decision upon the merits of the controversy. In the case of Sparhawk against the Union Passenger Railway Company, I shall thereupon grant the injunction for which I am moved. The result of all this is that the complainants,

I am moved. I am moved.

The case of Kenton against the same Company and others is, if possible, still more clear. He is a stockholder, and, as such, he has a right the is a stockholder, and, as such, ne has a right to insist that the Company shall do nothing ultra vires, or contrary to law. Such conduct imperils his interests. He may have purchased his stock with a full knowledge that the Company was acting illegally, but his right is nevertheless to demand that there shall be no contract. theless to demand that there shall be no continuance in illegality. There is no analogy between the position of this complainant and between the position of this complainant and that of Scott vs. The Atlantic and Great Western Railroad Company, to which my attention has been called. Scott was seeking to destroy the Company of which he claimed to be a shareholder. This plaintiff seeks only to company his trusteer to show the law and set with pel his trustees to obey the law, and act within the compact of their powers. He has a clear interest to be protected. The control of a corporation by courts of equity at the instance of a stockholder is a well recognized branch of

equity jurisdiction.

That the acts of which this plaintiff complains are unauthorized and unlawful is not to be disputed. I have already shown that running cars on Sunday is contrary to law. It exposes the defendants at least, to the imposition of a penalty. It would be a scandal were I to weigh their possible profit, gained by defiance of taw. against the penalties to which they are subjecting themselves. It is also plain that they have ing themselves. It is also plain that they have no legal authority to carry the mails or to enter into a contract with the United States Government to carry them. If anything is settled it is this, that a corporation has no power beyond what is given by its charter. What is not clearly given is denied. These defendants were incorporated as a Passanger Bailway Comment. incorporated as a Passenger Railway Company, to transport passengers, and nothing else. By the law that gave them being they were posi-tively prohibited from permitting freight of any kind to pass over their railway. And in addi-tion to this they were expressly subjected to the city ordinances, one of which interdicts the transportation over passenger railways of any other thing than passengers. It was therefore beyond their power to contract with the Federal Government to collect and carry the mails, and every step taken in pursuance of such an attempted contract is without right. As well might they have contracted to transport all the cannon and military stores which the Federal Government may have to pass through the city. It appears probable that the defendants sought this contract as a means to enable them to over-ride the State law, but instead of relieving them from the obligation to cease from their ordinary worldly employment on the Lord's day, it makes their conduct a double violation of law. In this case, therefore, as well as in the other, an injunction will be awarded.

Sparhawk et al. vs. The Union Passenger Railway Company of Philadelphia.

Let an injunction issue, to continue until final hearing, restraining the defendants, their officers and servants, from running or permitting to run, any car over any of the streets of the city of Philadelphia, on the railway of the defendants, or otherwise, on the first day of the week, commonly called Sunday, on the complainants, giving bond in the sum of \$500 with two sureties to be approved by me, conditioned to indemnify the defendants for all damages they may sustain by reason of this injunction.

Kenton vs. The same and others. Let a similar injunction issue, and also an injunction to restrain the defendants, their offi-cers, conductors and agents from doing any act whatsoever under or by reason of any contract, or alleged contract, entered into by them or any of them for the carrying of the mails, on the complainants giving bond with two sureties in the sum of \$500, conditioned to indemnify the defendants for all damages they may sustain by reason of this injunction.

Aems of the Week.

THE EXECUTIVE.

Freedmen's Bureau. —General Howard amination. has ordered the restoration of the property of Joseph E. Davis, brother of Jefferson Davis, he having been pardoned some time since. This includes \$20,000 of rent, accumulated since the pardon.

J. W. Addison, sentenced to ten years' impreionment for mail robbery in Boston, has been pardoned by the President.

THE OCTOBER ELECTIONS.

The popular will has been expressed most emphatically and conclusively in support of Congress, through the elections held last week in the great States of Pennsylvania, Ohio, Indiana and Iowa. The present policy of the President has been repudiated as de-

of patronage and the cry of "negro equality," yet all the Republican Congressmen were reelected, four out of five; and we hold very much the same position in municipal and State affairs as before. A State Senator, was gained by the Democrats, McCandless, in place of Nicolls, in the southern part of the city (First District). The names of the successful candidates in the city, with their efficial majorities are as follows: Greave successful candidates in the city, with their official majorities, are as follows: Geary, Gov., 5385; Congressmen, Randall, Dem., 4464; O'Neill, Rep., 3137; Myers, R., 1004; Kelley, R., 2425; Taylor, R., including Bucks Co., 548; State Senator, McCandless, D., 1547; President Judge, Allison, R., 6071; Associates, Wm. S. Peirce, R., 5614; Brewster, R., 5526; Clerk Quarter Sessions, Butler, R., 4399; Prothonotary, McManes, R., 5783; Recorder of Deeds, Gen. Owen, R., 1401; Receiver of Taxes, Peltz, R., 5167; City Commissioner, Conner, R. 3916; Coroner, Daniels, R., 4031. The Republicans have carried 13 or 14 Assembly-Republicans have carried 13 or 14 Assemblymen out of 18, Select Council 18 out of 27 Common Councils, 36 out of 49.

The vote of the State gives Geary 17,416

majority. But more important than all, we have kept every Congressman, even Koontz, who only secured his seat in the 39th Congress by contesting it with his opponent, and have gained two members—Cake, in Schuylkill county, and Covode, in Indiana, Fayette and Westmoreland; making the Delegation stand 18 to 6, instead of 16 to 8, as before.

Ohio gives a popular majority of about 45,000. Here all our Congressmen are elected save one—Columbus Delano, in the Thirteenth District; Gen. Morgan's election is claimed by 250 majority.

Indiana gives a popular majority of about 13,000 and sends 8 out of 11 Congressmen, which leaves matters exactly where they

Iowa gives her usual majority of 20,000 to

majority of 1162 and a gain of 3 Republicans in the Common Council. For the first time in ten years every department of the city overnment is under Republican control. Baltimore.—On Wednesday the 10th, a

the election of Mayor and Councils the Radi-cals carried the whole city government, electing the Mayor and every Councilman. Gen. Butler has been nominated for Congress by the Republicans of the Sixth Massa-

chussets District. Among the results which were expected o flow from the election, was the acceptance by the South of the very lenient terms pro-posed by Congress. The *Charleston News* of Oct. 21, comes out in an editorial in favor of the Constitutional amendment of Congress. It says that no other alternative seems to remain for the South but to accede to the amendment, and also to set about the election of such Senators and Representatives in Congress from the South as can take the test

SCANDALOUS IMPOSITION.

On Thursday, October 11, the Philadelphia Ledger, regarded as a careful reporter of news, but whose special Washington telegrams carry with them an invariable and pernicious taint of "My policy," and are be-lieved to be derived from the White House and the Departments themselves, published a despatch which has created more excitement and alarm than anything since the bogus proclamation calling for a day of humiliation and for four hundred thousand nen, in the summer of 1864.

The despatch declared that the President had propounded the following startling inquiries to his Attorney General, to be answered in writing:-

First. Is the present Congress, composed of members from the Northern States alone, such a Congress as the Constitution requires, or is it an illegal and unconstitutional assemblage?
Second. Would existing circumstances jus-

tify the President in sending his next annual message to an illegal and unconstitutional assemblage, pretending to be the Congress of the United States?

Third. Does that clause in section fifth of the first article of the Constitution, which makes each House the judge of the elections, returns and qualifications of its own members, give to the present Congress the right to exclude the members from ten States, or to impose dishonorable and unconstitutional terms upon their admission?

Fourth. Does the President's oath of office require him to enforce those provisions of the Constitution which give to each State an equal right of representation in Congress Article 1st, section 2d; section 3d, Article

oth, last clause. Fifth. What steps does the Constitution and his oath of office require the President to take in order to secure the assemblage of a

Constitutional Congress?

The despatch added that the President evidently had made up his mind that the 39th Congress was not a legal body, and intimated pretty certainly that this would prove to be the Attorney General's opinion also.

Great was the excitement caused by this telegram, which the Ledger had telegraphed to the New York papers in time for the same day's issue. It sounds so much like the man, it came through such trustworthy channels and from sources regarded as so well informed, that it secured general credence. Gold rose to 153 more rapidly than at any time since the battle of Gettysburg,

of others, whose names he declined to give.

THE CITY. Four Hundred and Seventy-one Deaths, including one hundred and twenty-seven by cholera, are reported in this city for last week

Financial.—The receipts of the Govern ment for the last fiscal year, ending June 30 1866, were \$556,039,195 06, and the expendicidedly as his former policy was endorsed in tures \$518,347,337 70, showing an excess of the elections of 1864. This statement the elections of 1864.

In the city of Philadelphia, though the majorities have been reduced by the power but the payment of interest on the public payment of payment of interest on the public payment of payment debt of \$133,074,737 27 is included in the expenditures. At the beginning of the fiscal year, July 1, 1865, there were \$658,309 15 in the Treasury, and at the close of the year, June 30, 1866, \$130,669,815 19. The gain during the year was therefore \$129,811,-

MISCELLANEOUS.

The Loss of the Evening Star, a steamer from New York to New Orleans, October 3d, with over three hundred passengers and crew, is deeply deplored. The passengers, before starting, regarded the boat unseaworthy and overloaded-why, then, trust their

Cholera.—Forty-three cases of cholera and eighteen deaths were reported in Chicago on

FOREIGN.

The Atlantic Cable has nothing for the public ear at least, for days together. steamer from England we learn that in fifty-five days ending September 21, the cable earned £46,048, which would make an average, including Sundays and stoppages of land lines, of £837 a day, and if they exclude the exceptional days when the cable could not work at all, the average would be £960 a day. These figures are very far from con-firming the recent statement in the London Times that the cable was earning at the rate of £900,000 a year.

An English Reform Demonstration.—A Manchester, England, on September 24th, there was an enormous demonstration in favor of Reform, it being estimated that not less than 200,000 people were present at the meeting. Mr. Bright was the principal orator, and in his address stated that "if the people of Old England were drunken, ignorant, demoralized and unfit to be intrusted 25,000, and returns, as before, an entire Republican delegation to Congress.

Newark, N. J., held a charter election on Tuesday, which resulted in a Republican powers of the State for centuries; for the New York. (Clip out and return this notice.)

people of the same stock were moral, educated, happy, and exercising the franchise in New England, under another form of government.

A terrible fire broke out in Quebec on Sunday, Oct. 14, which destroyed 2000 houses and made 18,000 persons homeless, with a loss of \$2,500,000.

Mexico.-Intelligence has been imparted

to the holders of Mexican rentes and bonds

in Paris to the effect that no funds have been received from the Mexican Government for the payment of the interest and coupons falling due on the first of October, and that consequently no payment will be made.vas reported at Vera Cruz that Maximilian had taken a strong stand in relation to retain-ing his empire in Mexico; that French money was on its way to him, and that the French troops will remain to support him. It is also said that Maximilian has gone over to the Church party as a dernier resort. To satisfy the clergy, he had to restore all the Church property, annul some of the offensive laws previously passed, and dismiss two of his ablest ministers. The embarkation of the Eighty-first regiment of French infantry had been stopped, to await information from France, expected by General Castleneau, Na-

Mexico. A European banker had promised to loan Maximilian \$17,000,000. The latest story comes from Vienna, and s to the effect that the Mexican Empress Carlotta, now in Europe, has visited the Austrian Emperor, and that she informed him of Maximilian's probable return, and the resumption by him of his title of Austrian Empreor, and the resumption by him of his title of Austrian Europe.

poleon's special envoy, who was en route to

trian Archduke.

BY THE ATLANTIC CABLE. London, Oct. 15.—U. S. 5-20's, 701. Cotton, 151d.

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MARRIAGES.

. BROOKS-MATHER.—In West Troy, on the 6th of September, by Rev. Dr. Gregory, assisted by Rev. Dr. March, Mr. SAMUEL, H. BROOKS, of Cheshire, Coan., to Miss MARY E. MATHER, daughter of Heman Mather, Esq.

DEATHS.

WHITE.—In this city, on the 7th instant, Mrs. MARGARET WHITE, widow of David White, and mother-in-law of Rev. A. Culver, in the 69th year of her age.

OBITUARY. Died, on the 2d instant, in the 46th year of her age, CLARINDA E., wife of Henry R. Raiguel, and daugh-ter of Thomas M. and Elizabeth M. O'Brien, of Read-

at any time since the battle of Gettysburg, and groups of excited men everywhere distant at any time since the battle of Gettysburg, and groups of excited men everywhere distant ment and groups of excited ment everywhere distant ment and groups of excited ment everywhere distant ment and groups of excited men everywhere distant ment and groups of the fraud the groups of the fraud and the groups of the fraud and groups of the groups of the fraud and groups of

Special Aotices.

#3-The Presbytery of Pittsburgh will meet in the Third Presbyterian Church, Pittsburgh, on the 3d Friday of October, at 2½ o'clock P. M. S. M. SPAKKS, Stated Clerk.

ciety.—Office, 1334 chestnut Street.
Tract Visitors Monshly Meetings will be held at the following places for October:—For the Western District, all west of Broad street, at the Fourth United Presbyterian Church, Lombard street) above Nineteenth, Rev. D. Gojden, pastor, on Friday evening, 19th inst., at 7½ o'clock.
For the Northeastern District, north of Market and east of Broad street, at the Methodist Episcopal Church, Broad and Arch street, Rev Mr. McClellan, pastor, on Wednesday evening, 24th inst., at 7½ o'clock.
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Tract Visitors and all friendly to the cause are invited to attend these meetings.

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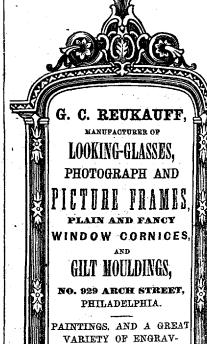
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