THE LANCASTER DAILY INTELLIGENCER.



AILY INTELLIGENCER.

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The Lancaster Intelligencer.

LANCASTER, JUNE 17, 1885.

The South Penn's Plight.

Bagaley's suit against the South Penn sylvania railroad parties has uncovered the fact that this enterprise is burthened with a mortgage debt of \$20,000,000 and a capital stock of \$20,000,000, while the estimated cost of construction is but \$15,000,000. The method of getting this amount of water into the concern, notwithstanding the requirements of the Pennsylvania laws forbid stock or bonds to be issued except for money paid or labor done or materials furnished, was the usual one of interpolating a construction company. One was chartered under the New Jersey laws with a capital of \$100,000 ; of which \$2,000 was paid in by three employes of Mr. Vanderbilt, who thereby became the American construction company. This company then agreed with the South Pennsylvania railroad company to build its road for the amount of its stock and bonds -\$40,000,000. It next agreed with Vanderbilt, Bagaley and the other promoters of the South Pennsylvania railroad, to sell them these \$40,000,000 of bonds and stocks for \$15,000,000; and the job was thought to be neatly done of getting \$40,000,000 of capital upon a railroad that would cost less than \$15,000,000, the laws to the contrary notwithstanding. Manifestly, however, this method of whipping the devil around the stump will not do, when it is exposed provided the attorney general of Pennsylvania is disposed to do his duty. Mr. Bagaley does not seer to have any right to complication of whether did along with his absociates. The is appended arguity acting in the Pennsylvania railroad arguity acting in the interest to worry his colleagues. Why the of stopping the inegal work of capitalizing the South Permisylvania beyond its cost re easy, direct and effectual means was offered by calling upon the atorney'general of the state to act, we do not understand.

Everyone in Pennsylvania is friendly to the South Pennsylvania railroad and to every other new railroad enterprise, but no Pennsylvania will think it right

plan there would be " saved to the volum of the Conestoga a half dozen of good springs, one of which is the famous Rocky, and another large one which enters the Conestoga just above the big railroad bridge."

Another plan, proposed by Superintendent Halbach, we understand, contemplates laying a pipe of large capacity from a point above where the drainage enters Ranck's dam and carrying the uncontaminated water by this feeder to the city mill, to be pumped thence to the basins. While such a main would probably cost as much as an intercepting sewer of proper capacity, it would not only deprive the city of the water from the fresh spring streams mentioned above, but to take from three to five million gallons daily out of the creek above Ranck's water power would likely impair it to such an extent as to involve the city in heavy damages. Moreover, by continuing to take our water from the lowest point possible on the stream, we get further away from Binkley's bridge paper

mill refuse, which is worth considering. The whole subject is well worthy of attention, and if councils propose to give it due consideration a competent engineer and experts might be put upon the ground to give the public some idea of the relative

merits and cost of the different plans proposed.

Common Sense in Oleomargarine. From the very outset of the discussion

the INTELLIGENCER has opposed the recently enacted anti-oleomargarine law as a bit of unjust, unconstitutional and absurd legislation; and we have predicted that any intelligent and just court called upon to review it would condemn it.

The court of appeals of New York has justified these expectations : and it has declared unconstitutional the New York law upon which the Pennsylvania statute was modeled. There is a like fate, no doubt, in store for the creature of our legislature. It is refreshing to see this wholesome check by the judiciary upon offensive legislation. It is also refreshing to see the Philadelphia Times, which so heartily approved the law a month ago, now so emphatically condemn it, and give such excellent reasons why it should not have been passed, and why, having been passed, it should be nullified by the courts.

THE Pittsburg iron manufacturers have substantially yielded to the demands of their workmen and the strike there is over. These manufacturers display a facility in yielding that is only chialed by their facility in declaring that they never will. It would seem that manufacturing of iron is profitable in that locality, from the yearning the owners exhibit to run their mills It is reported that the manufactwiers outside of Pittsburg will refuse to start their mill, which would indicate that they do not find business profitable. It is a notable fact in the Pittsburg situ-

ation that the financially distressed concerns were the most eager to run. Oliver Brothers & Phillips need to make a great deal of money to meet the terms of the extension given them by their creditors, and they were first to yield and get to work. Its looks as though they thought it was a case of do or die.

The New Era and Examiner announce Henry W. Blia as the United States senator from New Hampshire. Who's Blia? ----

A GREAT deal of capital has been made by Republican organs out of what is alleged to be an animosity shown by Secretary Whitney against John Roach in the matter of the dispatch boat, the Dolphin. It was claimed that his vessel was not given a fair chance, because of Mr. Roach's known Republican proclivities. Yet as the New York Sun shows up the Dolphin, one cannot but feel that Secretary Whitney's course in the tests has been eminently sagacious. It illustrates its point by the statement that the Stiletto, built by Herreshoff, a blind Providence boat builder, and intended for speed in smooth water, made in its trial trip on the Hudson an average speed of 18.8 knots an hour. The new Cunarder, the Etruria, maintained an average speed from York to Queenstown on its best day's run of 19,11 knots an hour. Compare this with the Dolphin's record : After two complete failures, the third effort resulted in the speed of a little over 15 knots an hour in the tranquil waters of Long Island sound. When it went out to sea, the charts indicated a rate of 13.9 knots per hour. Thus it is seen that in still water the Dolphin was surpassed by the unpretentious Stiletto by more than three knots per hour : and in rough water the Etruria surpassed the Dolphin by more than five knots. And this Dolphin i presumably a *dispatch* boat. Is it any wonder that Secretary Whitney demands the full penalty of the bond? He could not conscientiously do less.

CRACKERS AND CHEESE NOT A WHOLESOME AND REASONABLE

JUDICIAL DIET. Judge Patterson Files an Opinion Which is

Intended to Warn Country Landlords of Their Shortcomings-Crackers and Cheese for Judge and Barrister.

Following is Judge Patterson's opinion written out in full, in the celebrated case of the Oak Hill tavern, Little Britain township ; in which it will be remembered that the remonstrants against the license based their case largely on the fact that Hickman had once refused to give Judge Patterson, himself, and W. A. Wilson, esq., their supper when they came to his hotel, "after the women had gone to bed." It is only fair to the judge to say that Hickman did not know who he was, and after he found out, he was quite willing to let him sleep to a late hour and give him a good breakfast next morning. The opinion is published in full, even at this late day, as it is full of warning for

licensed tavern-keepers who may be called upon to entertain belated judges unawares The Obligations of Landlords. in quarter sessions of Lancaster county, Janu ary sessions, 1855. In the matter of the appli-cation of F. W. Hickman, for tavern license.

cation of F. W. Hickman, for tavern license. This application was presented and argued before the court on March 20th, 1885, when it appeared that F. W. Hickman, a proprietor of a hotel in Little Britain township, seld county, had filed his petition for license in the prescribed form accompanied by the usual certificate and bond. Remonstrances were filed by citizens in the vicinity, who are opposed to the granting of

Remonstrances were filed by citizens in the vicinity, who are opposed to the granting of licenses, and depositions under the rule of coart were taken by the respective parties— by the petitioners and the remonstrants. At the argument before the court, objec-tions were made to the reading and conside-rations of both additional petitions on behalf of the applicant and also to the hearing of ad-ditional remonstrants, on account of them not having been filed in time as required by the rules of court ; such additional petitions and remonstrances had therefore to be re-jected.

That omission or over-sight was a misfor-tune to both parties, and is regretted by the court.

court. The remonstranse filed to the granting of this license, sets forth that the applicant "has been in the habit of turning away stran-"gers who applied for entertainment, and "refusing to furnish both meals and lodging. "His louse, therefore, has been and is kept, "not so much as a place for the sale of "intoxicating liquors. Instead, of the sale of "being an attachment to the favern, the tav-"ern is, to all prients and purposes, simply "ern is, to all thients and purposes, simply "an attainment to the bar." "The end for which such licenses are is-

sued, has therefore, in this case been de feated." "The remonstrants further state, that the

"necessity for this tavern, moreover, is "scarcely apparent, and that neither do the "great majority of the clizens of the town-"ship desire that this house shall continue to receive a license." The aforesaid contain the whole charge

on file against the applicant, and if fully made out and persisted in, by this applicant or other public housekeepers, when in-formed of their duty, would afford ample cause to revoke their licenses. In this case depositions, were taken by both sides, and read to the court, but it did

both sides, and read to the court, but it did not appear in any of the testimony that the applicant had ever sold liquor on Sunday or to minors, or to persons intoxicated, or had violated the law in any of those particulars, and that fact should go far to condone some who or offeness ensuing the law minor offences against the law.

The proofs appearing in the depositions read did show that this applicant had de-nied to persons on at least two different occasions, no more, meals and entertainment when asked for by travelers, and when wanted, too, at not unreasonable hours. One of these occasions, at least, was a fla-

grant disregard of the duties imposed on pub-lic housekeepers, under the license granted by the court.

The applicants for entertainment in this instance had traveled twenty-five miles in a private conveyance, without anything to eat since early dinner, and arrived at this hotel at just thirty minute, and arrived at this hotel at just thirty minutes past eight o'clock in the evening. Not an unreasonable hour, we think, and stopping before the door inquired of the landlord if they could be accommo-

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EXCURSIONS.

A LARGE DANCING PAVILLION, LARGE DINING HALL, KITCHEN, DINING ROOM, and TABLES, BENCHES and RUSTIC SEATS, scattered through the grove for the free use of excursionists.

LAWN TENNIS, CROQUET, BALL GROUNDS,

BOWLING ALLEY, SHOOTING GAL LERY, QUOITS AND FOOT BALL

re among the amusements offered. No Intoxicating Drinks Allowed on

the Premises. **42**-Parties desiring ft.can procure meals at the PARK RESTAURANT, which will be under the charge of MR. E. M. BULTZ, the noted caterer of the

LEBANON VALLEY HOUSE,

LEBANON VALLEY HOUSE, who will be on the grounds throughout the sea-son, giving it his personal supervision. The Excursions from all points on Pennsylva-nia R. R. will be carried direct to the Park with-ont change of cars. The Excursion rates and full information can be obtained and engagements effected with partles from all points on the Pennsylvania R. R. upon application to GEO. W. BOYD, As-sistant General Passenger Agent, P. R. K., No. 2B South Fourth street, Philadelphia, or to

WALL PAPER.

J. C. JENNINGS.

that the wholesome law shall be violated which seeks to limit the bonds and stock of a railroad to its real cost. When it is plainly disclosed that this railroad is doing this, it is needful that it should be halted It must reduce its bonds and stock to \$15,000,000 before it can be permitted to operate its road. It is well that it should understand this before it has put its securities on the market. If they are an illegal issue, as they would seem to be to the extent of over sixty per cent., the company would run great risk in marketing them. It does not help it to know that every new railroad company nowadays does the same thing. Pennsylvania railroads can no longer do it. Its laws forbid it.

An Important Sewerage Problem. In his recent annual message to councils Mayor Rosenmiller reverted to the subject of draining the northeastern section of the city, which is one that has steadily come to claim more and more the attention of property owners of that quarter, and of thought ful citizens everywhere. The facts are, as he states them, that " this section of the city has grown wonderfully within the past ten years and by reason of lying so low is cut off from all connection with any of the city sewers"; the surface drainage thence finds it way, at considerable distance to be sure but eventually, into the Conestoga ; and, with an increasing population, the dangers to the purity of our water supply must be largely increased.

The mayor urges upon councils that this question receive serious consideration, as being paramount to almost any measure which they will be called upon to consider. But as yet it has not had such consideration, and it is doubtful if the public mind has seriously grappled with the important considerations involved in the proposed improvement. For it is common to assume that the construction of sewers leading to the water levels above Ranck's mill, involves the removal of the city water works to a point above that at which the sewerage would empty into the Conestega. We may well pause at the enormous expense of buy ing land for a new site, erecting new engine, boiler, engineer's and firemen's houses, laying miles of 24 or 30-inch mains, rebuilding the pumps, erecting temporary works during the transfer, buying water rights and other expenses necessarily to be incurred in a removal of the water works to a point further up the stream. In the present condition of the city debt, such a change would be impracticable and impossible. If the drainage of the northeast quarter is dependent upon the removal of the water works, it is a hopeless case for a long time to come.

But, as Mayor MacGonigle pointed out in his message of 1883, in discussing this same question, there is a far cheaper and quite as practicable a way to drain this part of the city, without removal of the water works; it has other advantages, too.

This is "to build an intercepting sewer from near the point at which the sewerage of the northeastern section of the city must enter the Conestoga, run it along the west bank of the stream to some point below the present water works. This is the plan recently adopted by the city of Philadelphia to get rid of all the vitiating matter which enters the Schuylkill river on the east side from Manayunk to below the dam"; and in our own locality by this

THERE will be a different tune on the sub-

ject of oleomargarine in this state ere long.

WEST CHESTER householders have been notified that the sweeping of the streets by them beyond the curb gutter is forbidden, a it entails upon the borough much needless expense annually and besides destroys symmetry of the streets. There are few towns in the United States where the propensity to sweep needs this official restraint.

THREE peddlers unjustly charged with stealing four hams from a Northampton county justice of the peace cost the county \$400 before the proceedings against them finally fell through. The constable and witnesses who milked this cow so profitably should have presented the justice with gold-headed cane as a testimonial of their appreciation.

THE man Cottringer, who has for year been filling his pockets with money derived from the overissue of stock in the Central Transportation company, is represented as saying after his arrest : "I had hoped that Pullman would get control of the company before the exposure came, so that the los would fall on a man who was well able to stand it." This sentiment is at the root of nearly all defalcations of this kind. The thiel, for he is nothing more, takes the money, be lieving that he will not be caught, or if caught not much hardship will result from his wrong-doing. It seems to be forgotten that the commandment, "Thou shalt not steal," makes no exception of those who are able to bear the loss.

A Boy to Boast of.

From the Christian Observer.

A lady who had boasted highly at a dinner party of her little darling addressed him thus: "Charlie, my dear, won't you have some beans?" "No," was the ill-mannered reply of the petulant cherub. "No!" ex-claimed the astonished mother; "no what?" "No beans."

THE LOVER'S SWEETEST MUSIC. Sweet are the carols of feathered thronts When the day has opened its eye :

Sweet, O sweet are the tremulous notes Of the young mother's lullaby,

Sweet to the lover when night comes down, As he stands in the shadows dim, Is the rasting faint of his lady's gown As she comes down the lane to him.

But a sweeter music to him than this-Oh! the sweetesi under the sun, Is the low faint tone of the maiden's "yes" Which tells that her heart is won. —Prem the Boston Courier.

dated for the night; the reply was in the affirmative, and after entering the house, said to the proprietor, that they wished a warm supper. He replied that he could not get up a warm supper at that late hour of the night. The travelers expressed the surprise, and then requested to be accommo-dated with a cold check, and said that would be satisfactory. This request was as promptly refused, and being extremely hungry, they resorted to a store in the village, and there with crackers and cheese and cold water, that were kindly furnished to them, they abated the hunger so far as was at all safe on the diet mentioned. They returned to the hotel and were furnished with good beds and hotel and were furnished with good beds and a promise of breakfast, at a certain hour, which was entirely too early for the conven-ience of his guests, and they accordingly adopted a later hour for rising, supposing that the rules of the house would hardly de-prive them of breakfast, if applied for in the morning at 8 o'clok. In this the guests were fortunately not disappointed for a little after the hour mentioned, they were provided with a most excellent and bountiful break-fast. ast, Had this proprietor regarded his privileges

Had this proprietor regarded his privileges properly, and the evening previous read the court license hanging on the wall, he would have seen that it was expressly there printed, that "a license to keep a hotel, inn "or tavern ought to be granted to him to ac-"commodate the public and entertain "strangers and travelers."

Now there was certainly no excuse for such dereliction of duty-such apparently wilful indifference to the wants and necessities of those strangers, for whose entertain-ment he had asked for and obtained a spe-cial grant from the court. A refusal to en-tertain travelers under the circumstances mentioned, whether it resulted from ignorance of the laws or otherwise, had it been shown to have been of frequent occurrence the action of the court in this case would be imperative. What is the duty of the court in the

premises' The act of 1875, the last law enacted regu-The act of 1576, the last law enacted regu-lating the granting of licenses, says "the court shall fix by rule or standing order a time at which application for licenses shall be heard, and at which time all persons apply-ing or making objections to license, may be heard by evidence, petition, remonstrance or counsel," and under the proper discretion, it is understood the court may grant the license or refuse the same, whenever in the opinion of the court the same is not neces-sary for the accommodation of the public and sary for the accommodation of the public and entertainment of strangers and travelers; and also upon sufficient cause being shown, the court may revoke any license granted by

Our supreme court have held that it is the Our supreme court have held that it is the duty of the court granting license to hear and determine each case on its evidence and facts to ascertain the fitness of the applicant, the necessity of his house for the accommo-dation as a hotel, or as an eating-house, and to see that the applicant has fully complied with the law before his license can be cranted. granted.

granted. This is a large discretion, and it is to be exercised primarily for the public good and secondarily for the private interest, say the supreme court. It is an error to suppose that the sole duty of the court is confined to the inquiry whether the applicant is a citizen of the United States and is a man of good moral character and temperate habits." This large discretion, however, is no war-rant for the exercise of arbitrary power. The law of the state, says the supreme court,

rant for the exercise of arbitrary power. The law of the state, says the supreme court, has determined that licenses shall exist, and has left it to the courts to ascertain the proper instances in which the license shall be granted, and therefore has given it to the court to decide upon each case as it arises in due course of law. The set of deciding is judicial, and not ar-bitrary, or willful. The discretion vested in the court is therefore a sound judicial discre-tion, and to be a rightful judgment it must be exercised in the particular case and upon the facts and circumstances before the court after they have been heard and duly consid-ered.

ered. Thus it will be seen that the court has a discretion in the adjudication of eases of this kind, and that the law intends, when exer-cised, it must be a sound discretion, and ac-ording to law-not to be exercised arbi-facts, which the politioner, and the remon-strances may present, as well as on evidence berw ise sought for and obtained. There is a sought for a source is a source of F. W. Hick-man, make it appear as we have already stated, that in two instances he refused enter-tainment to strangers, and travelers when ered.

ternal revenue, became suddenly ill in his office in Washington on Tuesday and was removed to his home and placed under the care of a physician. Mr. Miller has been overworked lately and this, together with the excessive heat, prostrated him. He will probably be confined to the house for several days though no serious result is approximated. days, though no serious result is apprehended.

Sullivan's Sensible Swear Off.

"Yes, I have an idea of making a sparring tour through England," said John L., after seeing McCaffrey in Philadelphia recently. "I have met all who are worth meeting in this country. The champion looks well and his friends say that he intends to quit drinking entirely. Of course he may require something occasionally but he will keep clear of barroom poison and use only DUFFY'S PURE MALT WHISKEY. That can be had of any leading druggist or grocer. It is warranted pure, and has no equal for the prevention and cure and pneumonia diphtheria, malaria and all nervous maladies To a man who travels as much as John does and s exposed so much it is very useful ; and, eve a champion needs something to keep his sys tem in tone and vicor."

"Oh! Cast That Shadow From the Brow."

"Oh! Cast That Shadow From the Brow." You can't do it if you have liver complaint or dyspepsia. The darkened countenance tells the story of inward commotion and woe. Clear your stomach, strengthen your digestion, regulate your liver, tone your nerves, and then away goes the shadow from your brow, and you are happy because you are well. Mrs. M. J. Alston, of Littleton, N. C., says, "I recommend Brown's Iron Ritters to the nervous and debilitated. It greatly benefited me."

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