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LANCASTER, PA., FRIDAY, OCTOBER 11, 1889.

A LIBRARY.

HISTORICAL STATISTICAL AND SPECULATIVE REVIEW OF THE QUESTION.

ellum Athenseum Libraries-What We Have and What We Went.

Lancaster has twice enjoyed the advan-ages of a public library and there are races of a third effort to found an instituof the kind. The first was in 1759, "The Juliana Library," the second and least known was the Lancaster Library company, for which an association was formed in 1796, but which does not appear to have flourished. The third, and the last tnown to living residents, was the Athenseum, organized in 1858 and expiring in 1878. By a vote of city councils the rooms in the third story of the City hall were given to the Athenseum library free of rest. Hon. E. C. Reigart gave twenty-five hundred dollars, and five hundred dollars annually for three years. The Historical, Agricultural and Mechanics societies united with the Athenseum association and removed their books and museums to its rooms. Hon. J. J. Libhart presented his natural history collection; and with many donations, and a large membership at one dollar a year, the institution started with flying colors.

dollar a year, the institution started with flying colors.

But the gathering clouds of the civil war soon overshalowed this home of peaceful study. People could talk of nothing but the political crisis, and with the outbreak of the war the decline of the library began Having no strong support after the return of peace the directors finally, in 1878, transferred the books and property to the custody of the Young Men's Christian association, providing in their articles of transfer that the library association is not thereby extinguished, but is merely suspended. Its future disposition is subject to the call of the directors, the main object being to approximate the aim of the founders, and also the act of Congress, in making it the depositary of the public documents for this congressional district. There are about six thousand volumes in the Atheneum library.

documents for this congressional district. There are about six thousand volumes in the Athenæum library.

The last board of directors, elected January, 1870, were Hon, A. L. Hayes, president; Hon. George Sanderson, vice president; James Black, treasurer; Prof. John B. Kevinski, secretary; Hon. A. E. Roberts, Geo. M. Steinman, Daniel G. Baker, Alexander Harris, Prof. S. S. Rathvon, H. Baumgardner, Geo. K. Reed. In 1759, the Lancaster Library company was organized with a membership of fifty-four, and in 1763 it was chartered as the Juliana library with a membership of seventy-seven. The annual dues were seven shillings sixpence. Lancaster then had about two thousand inhabitants and less than five hundred houses. As Mr. F. R. Diffenderffer remarks in the ske ch from which these facts are drawn, it does credit to the inhabitants of the old borough that fifty-four names could then be found whose owners were ready to contribute for the founding of the third subscription library in the United States. Franklin, who founded the first, writes that in Philadelphia he "was not able with great industry to find more than fifty persons, mostly young tradesmen, willing to pay down for this purpose, forty shillings each and ten shillings per annum. This library was in existence for eighty-four years, and though it is not likely that it ever numbered more than a thousand volumes, that would have been a fine collection for those days, when the famous Philadelphia library only boassed of five thous ind books.

Mr. William Heitshu has a Bible that was

bought by his father at the sale of the lib-rary in 1843. It is a beautiful edition of the scriptures in three folio volumes, with extended commentaries. On the cover of the first volume is this inscription: "The onble Lady Juliana to the Juliana Library of Lancaster." The volumes measure eleven inches by seven-teen and a half, and the full Russian leather binding is very handsome. The location of the library was changed several times. A room was rented from Benjamin Price, on North Queen street, in 1761. In 1766 the library was moved to the house of Judge William Henry, No. 8 East King street, he charging six pounds a year rent, and the same sum for his services as librarian. It again shifted to No. 1 East King street, and then to No. 21, North Queen street, where it remained in charge of George Weitzel, and then his son, until it was sold for rent in 1843.

Following is a list of the incorporators of this library: Thomas Barton, Samuel Bande, Isaae Sanders, William Hay, Sebastian Graffe, Adam Simon Kuhu, Robert Thompson, John Hopson, James Ewing, Thomas Minshall, William Henry, Frederick Stone Honry, William Staigel, Joseph erick Stone, Henry William Steigel, Joseph Rose, William Atlee, Mathias Slough, Robert Fulton, William Smith, George laugh, James Sterett, Benjamin Price, ohn Postlethwaite, Thomas Davis, Joseph imon, Philip Linbeer, Abraham Dehuff, Adam Kuhn, ir., James Anderson, Calvin Adam Kuhn, Jr., James Anderson, Calvin Cooper, Stewart Rowan, Edward Shippen, Josiah Scott, James Bickham, Joseph Boude, Isaac Whitelock, B. Hubley, Michael Gross, Samuel Magaw, George Ross, John Edwards, William Bausm n, Ross, John Edwards, William Bausmin, Joseph Pergh, Stephen Atkinson, Joshu Evans, James Gibbons, Paul Weitzell, Emanuel Carpenter, Samuel Bethel, Isaac Myers, James Webb, Jr., Francis Sanderson, John Abraham Gibbons, James Webb. The circulating library of the Misses Jordan was opened in July, 1821, in a private residence on East King street. As the ladies lived in the building, the library was accessible from eight o'clock a.m. to was accessible from eight o'clock a.m. to eight o'clock p.m. The charge was three dollars a year, or a dollar a quarter. The Misses Jordan had inherited most of the books and when they died the collection

was cold.
The libraries now available to the realing public are the Mechanic's library on the library of the Young Men's Christian association. The Mechanic's society, or ganized in 1829, went to sleep in 1845, and was reawakened[and named the Mechanic's Library association in 1855. This library is open every Thursday evening for the loan and exchange of books, and it is no longer confined to mechanics. There are many old books in this collection, some having been bought at the sale of the old colonial Juliana library. The manage-ment of this institution has been conservative and cautious, the officers preferring not to imperil their invested funds in any

enterprise.

The library of the Young Men's Christian association, composed in part of the old Athenœum library, contains about eight thousand volumes readily accessible at all

times.
Although managed as well as their means will allow these libraries in no way satisf the wants of a growing and intelligent com munity demanding the latest and best pub-lications in history, fiction, art and science. Lancaster has long needed a well appointed public library liberally endowed, centrally located, wisely managed. Such an insti-tution would give new force and influence to the intellectual life that has here devel-oped in spite of discouraging conditions. Our college would profit by it; the Clio-sophic, Linnaun and other societies would constant presence of a ready mine of good literature and sound learning. How to bring about the establishment of such a

library is the open question.

It has often been suggested that some citizen or former resident of Lancaster might make arrangements to establish a library by bequest, but as time goes on it is also evident that "he mightn't." If any is also evident that "he mightn't." If any worthy gentleman really contemplates something of the kind he is respectfully invited to consider the propriety of doing it in his lifetime, in order that he may see it well done and also that we may have a chance to thank him. It would be pleasant to do this at any rate, and if the benevolently disposed party can't spare the funds until he is dead let him say so frankly, and receive sincere and enthusiastic wishes for receive sincere and enthusiastic wish a long and happy life from a grateful and patient community. There is a movement in Harrisburg for

the establishment of a public library and Mr. James McCormick lately gave the matter a momentary boom by contribuing a thousand dollars. The project, however, does not seem to strike the fancy of

other moneyed citizens and the local papers are already suggesting an appeal to the city councils for aid. In 1857 the Legistature passed a law permitting cities to appropriate money for the maintenance of libraries privately established. In some other states free libraries may be established by taxation, but the most healthy and progressive institutions appear to be those established by private benevolence on a liberal scale. The following list is from the replies to inquiries made by the Harrisburg agitators:

Mauch Chunk, Pa., (Dimmock Memorial Library)—Building in course of erection.

Wilkesbarre, Pa., (Asterbout free library)—Opened in year 1889; number of volumes, 10,462; number of persons using the library during the first month, 782.

Reading, Pa., (Reading library)—Number of books, 6,600; number of subscribers, 94; number of volumes circulating monthly, 240; salary of librarian, \$150; expenses, not including books and salary of librarian, \$250. [A stock company. One of the oldest libraries in the state, but its partial failure due to purchase of building with a debt and the want of a reading room. Only those who hold a share of stock on which the annual contributions is paid, are entitled to take out books].

Danville, Pa., (Thomas Beaver free library.)—Endowment of \$50,000; free to all residents of Danville; monthly circulation, 2,500; salaries, \$1,200.

Pittsburg, Pa., (Pittsburg Library association)—No. of books, 21,000; No. of additions yearly, 2,000; expenses of library, not including books, newspapers, &c., \$2,800; No. of subscriptions (annual), 900; No. of persons taking out books during year 1880, 1,500; No. of persons using reading room daily, 150; annual subscription, \$5.

Burlington, New Jersey. (Burlington library, established in 1758.)—Own a hand-library, established in 1758.)—Own a hand-

ing room daily, 150; annual subscription, \$5.

Burlington, New Jersey. (Burlington library, established in 1758.)—Own a handsome and substantial library; No. of volumes, 11,000; No. of books added annually, 200; share of stock, \$10, subject to annual payment of \$2; 30 others entitled readerships, annual dues, \$3. There is no reading room an 1 periodical literature is not taken. Running expenses \$200, the library being open two afternoons and one evening in the week. Owing to want of reading rooms the use of the library has declined.

Akron, Ohio, (Akron public library.)—No. of books, \$000; yearly expense, not including books, &c., \$1,500; No. of persons using library during the month, 2,000; No. of persons using library during the month, \$00; yearly membership, \$3; life membership, \$50. Own their building and have reading room well supplied with magazines and newspapers.

Chillicothe, Ohio—Established by the board of education; expenses of library, not including books, \$1,000; salary of librarian, \$45 per month; annual subscription, \$2.

Auburn, New York (Seymour library)—Building erected by Horstio Seymour:

librarian, \$45 per month; annual subscription, \$2.

Auburn, New York (Seymour library)—
Building-erected by Horatio Seymour; number of books, 10,400; number of books added yearly, 450; expenses of library, exclusive of purchase of books, etc., \$1,800; number of persons using library per month, 840; annual subscription, \$1.50; quarterly subscription, 50 cents.

Newburgh, New York (Newburgh free library)—Number of books, 16,000; number of books added yearly, 400; expense of library not including books and newspapers, \$3,000; circulation per month from 2,000 to 5,000, more in the winter months; number of persons using reading room daily, 50; supported by the board of education of the city of Newburgh and annual subscriptions.

subscriptions.

Paterson, New Jersey (free public library)—Number of books, 11,300; number of books added annually, 1,700; number of persons using reading room daily, 200 to 300.

LAST EVENING'S COMEDY.

Burton Stanley's Company Plays "Mrs. Last evening the comedy of "Mrs. Partington was given in Fulton opera house by the Burton Stanley company, which opened their traveling season here. The audience was by no means large and the performance was only fair. The piece is weak and lacks snap, although several good people in the company work hard to make it go. The audience became very tired during the first two acts, and it was little wonder.

Mr. Stanley, who heads the company, is a very clever comedian, and he makes lots of fun as Mrs. Partington, the dashing and talkative widow. Gus Heckler, jr., who is a mere boy, plays the part of Ike, a boy of Peck's kind, and does it well. Miss May Douglas, once a Lancaster favorite in cheap opera companies, makes a pretty Clara Hastings, and sings and acts well. Annie Leaf is sprightly as Narah. The best part of the entertainment by far is the third act, when a burlesque of "The Mascotfe" is given, and there is some good singing. The act closed with a very pretty march by twelve ladies and gentlemen in elegant costume. There are other nen in elegant costume catures that are poor,

ST. JOHN'S CONGREGATION. They Will Worship at St. John's Ger-

man Reformed Church.

At a meeting of the council of St. John's Lutheran church on West Orange street, held last evening, it was agreed to secure St. John's German Reformed church at Mulberry and Orange streets, which can be had, for the purpose of holding services, until a new church shall be erected. It is likely that farewell services will be held in the old church on Sunday, October 20th, although that is not certain as yet.

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The old church will not be toru down this fall but early in the spring. There are over 300,000 brick and plenty of material in the old building, and if it was torn down now no place could be secured to protect the material from the weather during the winter. The cause of the weakness of the church building was the roof, which spread, but it has now been properly secured with heavy trusses and iron rods, which run across, so that there is not a particle of

danger in occupying it now.

Where the new church building will be erected it is impossible to tell at present.

A new postoffice has been established in the village of Fairfield, Drumore township, which will be known as Furness, called end. The present postoffice in the place is Green. Fairfield is one of those very long villages of the county and whenever a change is made in the postoffice there is a growl. Under the Democratic administration the office was in the northern part of the village towards Chestnut Level and people of the other end were dissatisfied. When the Republican came in he took it to the extreme southern end. To remedy this it was thought best to establish a new postoffice entirely, and it is in the northern part of the village. The postmaster is Ellwood Stubbs.

Lancaster's Crematory Lost a Customer.

There is the following clause in the will of Andrew J. Geiger, the wealthy and eccentric Philadelphia lumber merchant who was found dead in his office on the 4th instant: "It is my will and desire that my body be cremated in the crematory at Norristown, and my ashes placed in an urn and niche in quality which my estate will warrant, in the mausoleum of the crematory company at Norristown. If that company is not in existence then cremate me at Lancaster and follow the same directions as above with the purchase of a lot in Laurel Hill cemetery." Mr. Geiger, however, had told his nephew that he might be cremated in Philadelphia if it could be done. The incineration took place at the Philadelphia crematory.

John Mowery, who resides in Manheim township, has been charged before Alderman Pinkerton with the larceny of a lot of corn fodder, by Mrs. Sarah B. Landis. The accused was the farmer, on the shares, of Mrs. Landis' property. He was entitled to half of the corn fodder, but Mrs. Landis alleges that he took it all. He gave ball

shot a Little Girl in His Garden A young girl named Lizzie Williams, daughter of a farmer living near South Omaha, was fatally shot Wednesday night by Samuel Peterson, a neighbor. Peterson says the girl was stealing cabbages.

THE SUPREME COURTS DECISION IN THE BIRD-IN HAND TURNPIKE CASE.

Road Cannot Be Appropriated By a Corporation For a Toll Road.

Some few of the many turnpikes which gridiron Lancaster county have been built on routes laid out for these roads especially and upon rights of way purchased and paid for by the corporations occupying them. But the greater number of them have occupied for their roads the line of the old township roads, with or without any authority to do so. Aforetime, when legislative charters of whatever kind were so easily procured, it was the wont of those seeking to build turnpikes to get chartered authority to construct macadamized roads on certain established highways and to appropriate the old line to these new usea. But since the new constitution and the laws regulating the grants of charters have imposed this duty and vested this authority in the executive the case stands differently.

In 1881, when Hoyt was governor, advertisement was made that an application would be presented to him for the grant of a charter to lay a turnpike on the bed of the well known "old road" between the eastern terminus of the Horseshoe turnpike and Bird-in-Hand. The INTELLIGENCER, noticing the advertisement and detecting the snake in it, printed a vigorous protest against the project and denied the right of the state authorities to issue such a charter. One of its editors filed a protest with Gov. Hoyt against the granting of the charter and the scheme was temporarily abandoned.

It was, however, renewed in 1885, when Col. L. L. Bush and a number of capitalists, land owners, business men of Lancaster and others in interest organized and sought a charter for a turnpike to occupy the same portion of the old road. Differences between those who had formulated the scheme led to early opposition against it even by some of those who had formulated the scheme led to early opposition against it even by some of those who had formulated the scheme

a charter for a turnpike to occupy the same portion of the old road. Differences between those who had formulated the scheme led to early opposition against it even by some of those who at first had embraced the project favorably; and when the application for the charter came on to be heard before Secretary of State Stenger the remonstrants, represented by Messra. Brown, Hensel, B. F. Davis and H. M. Houser, succeeded in having him strike from the certificate of the charter—granted diherwise as applied for—all that portion of it which proposed to give the turnpike company the right to occupy for its purposes the "King's highway" or the "old road" leading from this city toward Intercourse. Although thus ema sculated, the charter was held by the turnpike company to be sufficient warrant for taking the highway, and secordingly it was seized upon and the turnpike built on its bed. The court had it inspected and Judge Patterson would have permitted toligates to be erected, Judge Livingston, however, always holding that the company had exceeded its powers. The persons who were fighting the company then applied for an injunction to restrain it from eresting toligates on the road, "the said road being a public highway, laid out by operation of law, used as such for many years and under the control and direction of the supervisors of the respective townships through which it runs, and maintained and kept in order and repair by the said townships."

The company answered that it was a turnpike lawfully constructed, with the right to take tolls.

The company answered that it was a turnpike lawfully constructed, with the right to take the road and to set up its gates. Judge Patterson affirmed his report and the decree was ordered: an appeal was taken to the supreme court, the erection of the toligates being meantime suspended.

taken to the supreme court, the erection of the tollgates being meantime suspended. The case was elaborately argued at a special sitting of the court by H. M. North, S. H. Reynolds and D. McMullen for the company, and by Brown & Hensel, B. F. Davis and H. M. Houser for the citizens. Following is the text of the supreme court's opinion delivered by Justice Mitchell.

THE OPINION.

Groff et. al., vs. Bird-in-Hand Turnpike company, July, 1889, No. 92, appeal from common pleas, Lancaster.

The question presented in this case, whether a turnpike company by virtue of a charter under the general corporation act of 1874, specifying the termini of its road, can appropriate an existing highway is one of very considerable importance.

Eminent domain is defined to be the sovereign power invested in the state to sovereign power invested in the state to take private property for the public use. The contention of the appellee is that under the law of Pennsylvania any five under the law of Pennsylvania any five persons, only three of whom need be citizens, may constitute themselves a corporation, take possession of any public highway of the commonwealth, change it to a turnpike road, and thereafter charge tolls for their private property.

A claim which thus in effect completely reverses the definition of the power under which it is sought to be authorized may well challenge eareful scrutiny into the

which it is sought to be authorized may well challenge careful scrutiny into the cases on which it rests.

It has been settled since the cases of Kensington plan, 2, Rawle 445, and Philadelphia & Trenton Raitroad company, 6, Horton 25, that property devoted to public uses, including franchise, is subject to eminent domain, and may be taken for other public uses; but it is clearly settled, that it cannot be so taken without legislative authority, expressed in clear terms, or by necessary implication.

Whether this rule has been correctly applied to the facts in all cases is a question

Whether this rule has been correctly applied to the facts in all cases is a question on which judgments may differ, and have differed sometimes in this court, but in the long line of decisions from Stormfeltz vs. Manor Turnpike company, 13 Pennsylvania, 555, down to Pittsburg Junction railroad's appeal, 122 Pennsylvania, 511, the rule itself has never been questioned.

The appelled derives rower from a charter

The appellee derives power from a charter inder the general corporation act of 1874. It is not claimed that its charter gives it any express authority to take the public road in question. Whether that act would authorize the issuing of any charter granting an express power to take public preperty or franchise except conditionally and to such extent only as would not destroy or substantially impair the existing public use is at least extremely doubtful. The weight of judicial decision seems to be argainst such sufferity.

to be against such authority. Barber vs. Andover, 8 N. H., 398; Spring-field vs. Connecticut R. R. Co., 4 Cush., 71; near vs. Connecticut R. R. Co., 4 Cass., 71; commonweath vs. R. R. Co., 14 Grav, 93; Housatonic R. R. vs. L. & H. R. R. Co.; 118 Massachusetts, 91; B. & M. R. R. Co.; vs. L. R. R. Co., 124 Massachusetts, 35; re-petition of B. & A. R. R. Co., 53 N. Y., 574; re-application of city of Buffalo, 68 N. Y., 167.

Y., 167.

It is not necessary, however, to determine this point, as the present charter does not assume to grant such authority. It gives the termini only, and makes no mention of the intermediate route. "It does not," says the learned master, "grant the right has compared to the right has been approximately and the says the learned master, "grant the right has compared to the right has been approximately and the right has been approximately a says the learned master, "grant the right has been approximately a says the learned master," the right by express words to take and oc-cupy the old road for the purpose of con-structing the new one, neither does it ex-clude or prohibit this defendant company from so doing." But this argument over-looks the settled rule that a failure to grant looks the settled rule that a failure to grant is itself an exclusion. Omission is prohibition. Although in this particular case further confirmation is unnecessary, the general rule is further comfirmed by the fact that the omission was intentional, it appearing that the executive refused to grant a charter with such express power. We are left therefore to the consideration of the only other ground on which the We are left therefore to the consideration of the only other ground on which the claim can rest, that of necessary implication. The imperative and inevitable nature of the implication requisite has been aid down in all our cases, and nowhere more strongly than in some of the most recent and carefully considered.

See Pittsburg Junction R. R. appeal 122 P. A. 511; P. R. R. Company's appeal 43 P. A. 100; P. R. R. Co's appeal 115, P. A. 547. Stormfeltz vs. Manor Turnpiko Co., 13 P. A. 555; Cake vs. P. & E. R. R. Co., 87 P. A. 307; Tyrone school district's appeal 32, W. N. 513.

The appellee's charter gives only the

The appellee's charter gives only the termini of the proposed road, and is silent as to the intermediate route.

The charter does not indicate the position of the termini to the old road, nor is

the master's report explicit as to this point, but it appears in the evidence that the starting place is on that old road "at the terminus of the Bridgeport and Horse Shoe turnpike in East Lampeter township and the ending point is also on or near it "and ended at the township line between East Lampeter and Lescock township, near the village of Bird-in-Hand." Assuming even that both termini are on the old road, the right to follow the course of that road between the two would not be necessarily implied.

As already stated the right of the new corporation to acquire an express authority under the act of 1874 is doubtful and the right to create a necessity by its own act in fitting its termini is equally so. But passing that, as the case does not appeal for its decision, it is entirely clear that the course of the old road is not the only and not even the most direct route between the given points.

The master reports only that the line adopted for the pike, which is the bed of the old Philadelphia road, "is very searly direct between the termini would not have occupied the old highway, yet it would not have deviated far from it at any point.

The intervening country offers no physical impossibilities to a new route, either perfectly straight or deflected to either side, for it was the fertile plain of the Lancaster valley. Notwithstanding the findings of the master therefore that "draft No. 2 and the evidence showed it to be the only feasible, reasonable and practicable route between the termini," it is entirely clear from the evidence showed it to be the only feasible, reasonable and practicable route between the termini, "it is entirely clear from the evidence that this conclusion does not rest on any physical difficulties in the way of another route, but on what is the perfectly manifest animus of the appellee's whole case, the saving of the expense of putting a route through private property. This indeed is not denied.

There is scarcely a suggestion of any other ground on which the right claimed.

private property. This indeed is not denied.

There is scarcely a suggestion of any other ground on which the right claimed can be supported. How entirely insufficient this ground is, has been declared in the Pittsburg Junction railroad company's appeal 122, P. A. 531, in terms so forcible and so pertinent in the present case that I could not hope to improve upon them "The claim of defendant," says the present chief justice, "is a matter of economy not of necessity. It can construct its road and reach it terminus by another route; it is true it would be more expensive, but it is a mere question of money, and engineering skill. It is not entitled to run through plaintiff's yard, and greatly impair his facilities for handling his business merely to save money. Upon this point the language of our brother Gordon in P. R. R. Co.'s appeal is so clear and forcible that I may well repeat it here:

"It is true that a franchise is property and as such may be taken by a corporation having the right of eminent domain, but in favor of such right there can be no implication unless it arises from a necessity so absolute that without it the grant itself would be defeated.

"It must also be a necessity that arises from the very nature of things, over which the corporation has no control; it must not be a necessity created by the company itself for its own convenience or for the sake of economy."

This is decisive of the present case. There

of economy."

This is decisive of the present case. There is no real ground set out except of economy the master indeed finds that the old road is during part of the year in bad condition to travel, that the turnpike is really a con-tinuation of the same use in a better form, and that the change will not work an irre-parable injury which should be enjoined, but these conditions are merely make-weights and of no validity. If the road is in bad repair there is an adequate remedy to compel its repair, but as it has been in use for a century and a half there is a strong presumption that it has met the public requirements.

requirements.

But however bad it might be, its condition would be no justification for taking it away from its owners; and the possibility to substitute a better article at a mod-erate price would not help the right claimed. It is the necessity for the new use, not the inadequacy of the old, that is the basis for such a change. The rule as to only enjoining irreparable injuries has no application to acts, especially corporate acts, entirely without authority, for which there is no adequate measure of damages

Such acts equity always enjoins. On the whole case it is entirely clear that the appellee's claim rests upon no real necessity, but only upon a convenience of its own making, and which has regard only to ex-

pense.
The right therefore arises neither fron condition granted nor from any necessary implication from the charter privileges, and hence does not exist at all. The injunction prayed for in the appeal should be granted and made perpetual.

The decree reversed and record remitted for decree in accordance with this opinion.

EFFECT OF THE DECISION. This ruling of the court destroys the theory of the case advanced by the parties who tried to get the injunction against the maintenance and erection of tollgates, and

maintenance and erection of toligates, and it forever prevents the turnpike company from exercising any rights upon the road, which it appropriated and piked, and leaves it as the company found it, a free public highway, a township road, under the control of the supervisors of the respective townships through which it passes. It will, too, effectually prevent any further appropriation by turnpike corporations of public roads, if it does not dismantle some that have already usurped and exercised this power. this power. THE STOCKHOLDERS WHO LOSE.

In the certificate of incorporation the names and residences of the subscribers, and the number of shares subscribed by

George Boshong, Philadelphia
Jacob Bachman, Strasburg
F. H. Breneman, Lancaster
Jacob Bausman, Lancaster
Henry Baumgardner, Lancaster
Peter Buffenmoyer, Quarryville
Wm. H. Brosius, Liberty Square
George L. Buckwalter, Greenland
A. C. Baldwin, Cains
Issae Cooper, Philadelphia
Calvin Cooper, Bird-in-Hand
S. B. Diller, Lancaster
Peter Eby, Bird-in-Hand
Jason K. Eby, Intercourse
Jacob Esberishade, Biokiey's Bridge
L. L. Fetler, Lancaster
Amos W. Froelick, Bird-in-Hand
Benj, B. Groff, Bird-in-Hand
Samuel Hartman, Greenland
John I. Hartman, Greenland
John I. Hartman, Lancaster
A. K. Howry, Lancaster
A. K. Howry, Lancaster
J. Kacy, Bird-in-Hand
David N. Landis, Jr., Bird-in-Hand
Inavid N. Landis, Jr., Bird-in-Hand
Issae Leaman, Wilmer
Mosey Landis, Wilmer
Adam Landis, Wilmer
David Esfever, Wilmer
Christian R. Londis, Lancasek Adam Landis, Witmer
David Lefever, Witmer
Christian R. Landis, Leacock
Martin G. Landis, Lancaster,
Robert S. Locher, Lancaster,
John N. Landis, Lancaster,
William Murr, Bird-in-Hand
A. L. Miller, Witmer
Lori Miller, Witmer
Christian Mussieman, Witmer
Dr. A. M. Miller, Bird-in-Hand
S. S. Martin, Lancaster,
L. R. Rhoads, Bird-in-Hand
J. W. Rhoads, Bird-in-Hand
Ger, W. Reeser, Bird-in-Hand
Ger, W. Reeser, Bird-in-Hand
Ger, W. Reeser, Bird-in-Hand J. W. Rhoads, Bird-in-Hand, Ger, W. Reeser, Bird-in-Hand, John Sigle, Bird-in-Hand, J. S. Shirk, Bird-in-Hand, Jacob H. Rohrer, Lancaster, Geo. K. Reed, Lancaster, John D. Skilles, Lancaster, John P. Sehner, Lancaster, C. F. Roland, New Holland, J. K. Umble, Binkley's Bridge, W. D. Weaver, Lancaster, Joseph F. Witmer, Paradise, B. R. Witmer, Witmer, June N. Woods, Leannan Place, Dr. I. E. Winters, Churchtown, Heary Worst, Salisbury, J. K. Zook, Binkley's Bridge

Result of Base Ball Games. The games of base ball yesterday were: Columbus 5, Athletic 9; Brooklyn 7, Baltimore 2; St. Louis 9, Louisville 1; Cincinati 8, Kansas City 2. Only two hits were made off Baldwin, of Columbus, yesterday.

To-morrow the school teachers of Phila delphia will hold a pienie at Mt. Gretna The special train with them on board will pass through this city at 10 o'clock, and quite a number of Lancaster people will go

HARRY W. BRUBAKER SENTENCED UPON THREE CHARGES TO WHICH HE PLEADED.

Judge Patterson Sends Him to Jail Fo Twenty-Two Months and Directs to Pay Fines Amounting to \$650.

Thursday Afternoon.—Upon the reassembling of court at 230 o'clock, Christian H. Showalter was put on trial for outraging Susanna Walton, of No. 452 Fremont street. According to the commonwealth's witnesses, Showalter called upon Susanna on the night of January 10th, and accompanied her to a neighbor's house. She was not then 16 years old. He returned bome with her about half past nine o'clock and chatted with the girl and her mother until 10 o'clock, when the mother went to bed, leaving the girl and Showalter in the parlor. After the mother retired, Showalter by force and violence committed the crime charged, and that such an offense was committed was proven by Dr. Kinard, who was called in to see the girl shortly after the occurrence. Showalter remained at the house for some time, and it was late that night when he left her.

The defendant, who was a salesman at Hirsh & Bro.'s at the time of the occurrence, admitted that he was in company with the prosecutrix on the evening in question. After his return to the house with her he remained but a short time and left, arriving at his lodging house at a quarter of eleven o'clock. The time of his arrival home he proved by his room mate. Showalter denied having committed the offense charged. The defense further was that the girl was 17 years old instead of under 16 years of age; that it was a scheme of the girl's parents to entrap Showalter into a marriage; that the girl's moral character was not good; that Showalter's reputation for chastity from his boyhood to the present time was good; and that the prosecutrix swore to a different story at the hearing from that told in court on the trial of the case. On trial.

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Henry W. Brubaker, against whom there were charges of keeping a bawdy house, selling liquor without license and on Sunday, saved the county the expense of a trial by pleading guilty. His counsel made a plea for elemency on the ground that it was his first appearance in court, that he pleaded guilty, that he had a family dependent upon his support, that he had been in jail six weeks, and that he would remove from the county never to return at the expiration of his term of sentence.

In passing sentence Judge Patterson referred to the charge of keeping a bawdy house as being a very serious one, and that the evil wrought by keepers of these places upon young people who may be entrapped into them. For keeping a bawdy house, the court sentenced Brubaker to pay a fine of \$100, costs of prosecution and undergo an imprisonment of one year and four months in the county prison.

For selling liquor on Sunday, a fine of \$50, costs of prosecution, and an imprisonment 90 days to begin at the expiration of the former term. For selling liquor without license, a fine of \$500, costs of prosecution, and an imprisonment of three months to date from the termination of the former sentences. The aggregate of the above is an imprisonment of one year and ten months.

Brubaker did not expect so severe a sentence and his look when he walked to the prisoner's dock was that of a man completely broken up.

Thursday Evening.—Court re-assembled at 7:30 o'clock and the trial of Christian H. Showalter was resumed. All of the evening session was taken up in the hearing of witnesses for the defense and for the commonwealth in rebuttal (who showed by Jefferson Aument that Showaiter's reputation for chastity was not good) and the argument of counsel.

Friday Morning—All of this morning's session of court was taken up in the hearing of witnesses for the defense and for the common of court was taken up in the hearing of witnesses for the defense and for the HENRY W. BRUBAKER SENTENCED.

Friday Morning—All of this morning's session of court was taken up in the argu-ment by counsel of the Showalter case and

EAST PENNSYLVANIA CONFERENCE The United Brethren In Christ Meet At

Annyille Wednesday and Thursday.

The nincticth session of the Fast
Pennsylvania annual conference met in session at Annville on Wednesday, October 9, at 2 p. m. Bishop J. Weaver, D. D., presided. The bishop read the 12th chapter of Romans, after which he led an earnest prayer. The roll was called and fifty ministers and twenty-five laymen answered to their names. Rev. M. J. Mumma, of Grantville, was elected recording secretary, and Rev. L. A. Weidler, of Philadelphia, was elected statistical secretary. Rev. I. Baltzell, of Lancaster, was elected chairman protein. The characters of the "local" preachers were examined and passed. ession at Annville on Wednesday,

elected chairman prostem. The characters of the "local" preachers were examined and passed.

Rev. S. D. Faust, of the Pennsylvania, and Rev. J. A. Clemm, of the Allegheny conference, were admitted to the conference by transfer. Harry M. Miller, of Paradise station, and J. M. Shelly, of Intercourse station, and Elmer E. Hoffman, of Port Providence, applied for conference license to preach. They were referred to a proper committee for examination.

Rev. L. Peters led the devotions on Thursday morning. A number of ministers of other conferences were admitted to advisory seats. Reporters to the various newspapers were elected.

Rev. H. B. Dohner, presiding elder of the Harrisburg district, and Rev. I. Baltzell, presiding elder of the Lancaster district, read their reports and their characters passed. These reports show an advancement unusual. The characters of the ministers were then passed after their reports were presented and accepted.

At the afternoon session Rev. J. Hill led the devotions. The reports of the ministers were heard and their characters passed. By the advise of a committee Rev. M. P. Doyle was premitted to withdraw from the conference and church after surrendering his credentials. Rev. G. A. Doyle was granted an honorable dismissal from the church.

Rev. H. C. Phillips, of Mt. Joy, com-

from the church.

Rev. H. C. Phillips, of Mt. Joy, committee on publishing interests, made his report, which called forth remarks from Rev. E. L. Shuey, of Dayton, Ohio, and Rev. J. W. Etter, D. D.

The committee on amplicants for licenses The committee on applicants for license to preach reported favorably the names of Harry M. Miller and J. M. Shelly. E. E.

loffman was referred back to his quarterly conference." Gave Ball For a Hearing.

Isaiah Smith went to Alderman A. F. Donnelly's office a few evenings ago and behaved in a very disorderly manner. He was prosecuted for the offense at the time. but kept out of the constable's road until this morning, when he was arrested by Constable Merringer. He gave bail for a

Constable Merringer. He gave ball for a hearing.

Barbara Albright has been prosecuted before Alderman A. F. Donnelly by Martha Kennen. The complainant worked for the defendant and was paid two dollars for her services. A day or two afterwards Mrs. Albright, it is alleged, went to where the girl was then working, and by threats compelled her to give back the \$2 she had received. Bail was entered for a hearing. received. Bail was entered for a hearing

The property of Joseph Houser, No. 230 West James street, offered at public sale by Auctioneer Haines on Thursday evening, was withdrawn for want of a bid.

Last evening a surprise party was given for Miss Bertha Kautz at her residence, 423 Lafayette street. An enjoyable time was had by all. There were about 25 couples present. A banquet was spread for the callers.

A Circus Does Well.

Yesterday afternoon and evening the Shallcross & Cathers circus exhibited in New Holland and it was quite as successful as in Ephrata the day before, as they drew very large crowds at both performances. They go next to Coatesville and West Chester and then to winter quarters.

THE WATER COMMITTEE.

They Visit the Banck Property and the New Pumping Station.

The water committee went out in an omnibus yesterday and visited the Ranck omnibus yesterday and visited the Ranck mill property and the new pumping station. They first stopped at Ranck's where Contractor Amos Bowers is engaged at erecting a new penstock. He has been working for several weeks but has not made the progress that he should, as he experienced much difficulty in keeping the water out of the bottom. The committee resolved to procure a larger pump to do the work, and they afterwards got one of B. J. McGrann. Mr. Ranck threatens to sue the city for damages if the work on the penstock is not soon finished, as it is his busy season and he is compelled to do his milling in the old mill across the creek.

The committee next visited the pumping station and found things in good condition. The grounds have been greatly improved by Superintendent Frailey, who is yet engaged in fixing them up.

At the meeting held by the committee it was resolved to put in rings, for the purpose of tying horses, on the east side of the coal house.

On motion of Mr. Erisman it was agreed

On motion of Mr. Erisman it was agreed to tear up the cement pavement in front of the boilers, which is in bad condition, and in its place put down another of bricks, with their ends up, and stone flagging. When the building was received by the committee this part of the work was unsatisfactory and for that reason \$100 was kept off the contract price. For that sum and an additional \$25 the new pavement will be laid. The work will be done by Oster Brothers.

HERSCHEL LODGE OF ODD PELLOW The Newly Installed Officers Entertain

After the regular meeting of Hersche

lodge No. 123 I. O. O. F., last evening, the newly installed officers invited the members present to accompany them to Charley Hoster's Corner hotol. There a supper had been propared at the order of the new officers, who entertained, in a royal manner, their brothers. About fifty gentlemen sat down at 10:30 and they were at the table until after midnight. The supper was served in courses and it included oysters in every style. The affair was highly enjoyable throughout and everybody had a good time. During the evening speeches were made by the retiring Past Grand W. H. Guthrie, the new noble grand, George Forrest, vice grand, W. Stehman Diller, financial secretary, John C. Swope; recording secretary, William H. McComsey; past grands, D. S. Rettew and Joseph A. Wolfersberger and Harry Snyder, John Miller, J. L. Lyte, Charles R. Cline, and C. A. Gast. The Herschel glee club composed of members of the lodge, sang a number of selections and were loudly applauded.

Herschel lodge although young has a very large membership and its condition is very flourishing. newly installed officers invited the mem-

The foot ball match between the team o Bucknell University and Franklitr and Marshall college, which will take place at Marshall college, which will take place at McGrann' park, to-morrow afternoon, promises to be largely attended, as the people are taking an interest in it. The game will be called at 3 o'clock, and Jas. C. Wiley will act as referee.

The college team will be composed of the following gentlemen, whose ages, weights and classes are given:

Busher: Are. Weight. Class.

post graduate, Henry H. Appel... 19 C. N. Gabriel.... 23 Fuil Back. W.M.Irvine(Capt) 23 178

The Lutheran General Connett. PITTSBURO, Oct. 11.—The general council of the Evangelical Lutheran church of North America re-convened at the First church in this city this morning, Rev. Dr. Harkey, of North Lima, Ohio, conducting the devotional exercises. The special order of the morning was the discussion of a report of the committee "on pulpit and followship," The question as to the propriety of a Lutheran minister accepting an invitation to preach in pulpits of other denominations.

The discussion occupied almost the en-tire morning session and the feeling seemed to be that a Lutheran minister could hardly consistently occupy another pulpit when his views differed from those of the inviting pastor.

The afternoon session was devoted prin-cipally to reading of the report of various home missions. Rev. Emanuel Edmarin D. D., was appointed missionary to In-dia. He will leave for the scene of his labors the latter part of this month.

Still Fast In the Mud. NEW YORK, Oct. 11.—The big steamship City of New York, which was aground in the mud of Gedney's channel, on Wednes day night, on her incoming trip from Liv erpool, still lies with her bow over seventy feet in the mud, in the same spot whe the accident occurred. Before noor to-day efforts to draw the vessel out of the mud were abandoned, and the tug boats took off their hawsers and withdrew the scene. Two steam lighters were then sent to the vessel for the purpose of relieving the steamer by the weight of her cargo. The cargo consists of general merchandise, and it will probably require until to-morrow night to complete the

Lynched For Assaulting a Man. CHICAGO, Oct. 11 .- A dispatch from Waycross, Ga., says: William Moore, negro train hard on the Savannah, Florida & Western road, was taken from the train at Jesup by a posse of citizens yesterday and lynched. While passing that place Wednesday Moore had some words with a citizen, and as the train pulled out he threw a stone which struck a by stander. The posse waited for his arrival yesterday and taking him off the train

Knights Visit the President. WASHINGTON, Oct. 11 .- The White House was again thronged with visitors to-day, the majority being Knight Templars and their families. There were about 300 of them in the East room during the forenoon. They expressed a great desire to pay their respects to the president before leaving for their homes, and the president hearing of it came down stairs and shool hands with all of them. Killed by Electric Wires.

NEW YORK, Oct. 11.-A lineman em-ployed by the Western Union Telegraph company met with a horrible death at Centre and Chambers streets this afternoon, from contact with an electric light wire. His dead body fell across a net-work of wires in mid-air and was lowered on ladders by firemen.

Republicans Have a Big Majority. SIOUX FALLS, S. D., Oct. 11 .- According to the returns rcce ved from all legislative districts in the state the Republicans have elected 135 of 109 members. The Demo-crats have 27 and 7 are Independents with Republican proclivities. The Republican majority on joint ballot will be 125.

Polson in Their Bread. BALTIMORE, Oct. 11.—An attempt was made on Monday to poison the family of Mr. William Young, a member of the Harford county bar at Belair. The arsenic was found in the bread and colored cook was suspected. No arrests have been made.

PRICE TWO CENTS THE CZAR IN BERLIN.

RUSSIA'S RULER VISITS THE HEAD OF THE

Artillery Fire a Salute In His Ho Emperor William Accompanies II Guest to the Russian Headquarter

ond son, the Grand Duke George, arrive here to-day. They were received at Lehrter station by Emperor William several of the royal princes, Prince Barack, Count Herbert Bismarck and

number of generals and court officials.

The party then took carriages and drove through the Brandenburg gate across the Koenigsplatz and to the Russian embassy.

As the imperial carriages passed Brandenburg gate a part of the artillery fired a salute of 101 guns.

Emperor William remained a firm instance at the Russian embassy and these

left the party there.

Trains Collide and Three Men Kills PITTABURG, Oct. 11.—A collision occurred on the Cleveland, Wheeling & Lorain rull-road, two miles west of Bridgeport, Ohisat 6:30 o'clock this morning, between the miners' train of two passenger conclusioning about 70 miners, en route to the Wheeling Creek coal works, and a freighten of 21 cars north beauty. train of 21 cars south bound. Both lo motives were demolished, and also t passenger cars and eight freight cars. Fi trainmen and thirteen miners were jured, three of the latter fatally. The co sion was caused by a misunderstanding the part of the freight conductor, names of the injured have not yet i

The freight train had orders to look for the work train and not to pass the Y ing Creek mines until after arrival of work train. This order was disregard and the collision resulted. The engine and firemen and many miners jum and saved their lives. A miner nas Moore has died from his injuries.

Horses lince by Gas Light.

LANCASTER, Ohio, Oct., 11. — Piffests thousand people attended the Pairfield county fair yesterday, which number was augmented to over 20,000 last night to willness the races by natural gas light. Probably no more noble scene was ever below presented on the race course. Twenty foot stand pipes at short intervals encircled the half mile track and dotted the entire grounds, with larger stand pipes within the track. The two largest wells in the ceuntry with capacities of 25 million cubic feet and 15 million cubic feet and 15 million cubic feet respectively were turned on to complete the illumination. In the midst of this display W. J. Morgan's famous trotter Guy without a grantless was attempted. Morgan's famous trotter Guy without or running mate attempted to best his record of 2:104. Millard F. Sanders bate the driver. He could only make 22 however, equivalent to 2:17 on the Cloral and mile track.

The Gueste in Springfield.
SPRINGFIELD, Mass., Oct. 11.—The degates to the International Congress were aloop last night in New Haven, Conn., a alcep last night in New Haven, Con-opened their eyes this morning in it field, Mass., having slipped from so to another without being awars of that the cars had moved during the Before they had esten their bra Alderman Murphy and Captain I who is attached to the Spri who is sitached to the Springs armory, boarded the train and as quainted the excursionists with the parquainted the excursionists with the parquainted the excursionists with the parquainted the excursionist with the parquainted the excursionist with the party was joined by Col. Ruffington, commandant at the areenal, members of the municipal government and a number of prominent citizens of the place. After formal introductions had been made the visitors were placed in carriages and driven to the armory, the Morgan envelope works. to the armory, the Morgan envelope wor where all stamped envelopes used by government are made, the Smith & Wes arms works and other places of interest.

JOHNSTOWN, Oct. 11.—The state forces are preparing to close up their work to morrow and quit for good. Three bottom were found this morning by workman while making an opening to a newer outlet. It seems too hard to stop work at the stage, with the stream full of dead people, but the flat has gone forth and work manned cease.

It is reported that the Cambria for company there will declare an advance i wages within a few days. This, it is use is justified by the advance of the price

Building and losn associations here are in a flourishing condition. Money was sold at a meeting of one of them last night at 28 per cent. premium. Ohlo's Wheat Crop. Columbus, Ohlo, Oct. 11.—The state bo

of agriculture has issued its crop report for October. It is considered the most important report of the year from the fact that the product is estimated on the actual threshing done in the several townships. A few weeks previous to the wheat harv the prospects seemed most discoursging, because of the weak condition of the plant and very dry weather and also to the prevalence of the grain louse. Harvest dispelled these fears and threshing shows the product of about 37,000,000 bushels.

Tobacco Injured By Fronts

FLEMINGSBURG, Ky., Oct. 11.—At least 50,000 pounds of tobacco in the county has been destroyed by frosts of the last three nights. The auditor's report places the average crop of the county at 4,000,000 pounds; this year the crop was a little above that fours. About one half of the above that figure. About one-half of the crop had been housed and cured, but the rest had been cut late and placed in open sheds and frames in fields and was not sufficiently cured to withstand the frosts.

New York, Oct. II.—An evening paper says that Tammany Hall offered to make ex-President Grover Cleveland its candidate for Congress in the Ninth district to succeed the late S. S. Cox, but that Mr. Cleveland declined the honor. The same paper states that Amos J. Cummings is

HELENA, Mont., Oct. 12.-The vote of Jefferson county was canvassed yesterday, the result being that the Democrats lose a state senator. This leaves the upper house of the Legislature a tie, but the Demo crats will have a majority of seven on joint ballot. The canvass of the vote in all counties will not be completed before

Floods in France. PARIS, Oct. II.—Disastrous floods prevail in the department of the Jura. A number of bridges have been carried away by the high water. Lons-Le-Saulnier, the capital of the department, is inundated and a number of villages are surrounded by water. The military are actively engaged in sa ing life and property.

WASHINGTON, D. C., Oct. 11.—Por Eastern Pennsylvania: Fale; warmer; southwesterly winds.