The Centre Democrat.

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Thursday Morning, January 2, 1879.

INTRODUCTORY.

When a new journal appears before the public, custom seems to require a few introductory words of greeting to its readers, as well as some in explanation of its hopes and purposes. At this dawn of a new year and a new enterprise we can give the first with hearty feelings of good will and good cheer to every one. Of the second, it may be a question whether the old custom might not at this day be "more honored in its breach than in its observance?" Whether, in short, it would not be better by a new departure, so to say, to permit the coming candidate for popular favor to speak for itself in its work, rather than attempt through flowing sentences to excite extravagant expectations of its merits which may never be realized? But without departing entirely from long established precedent, we shall not be prodigal of promises of what our journal is to be in the future. A few plain, frank words upon our present motives and intentions are all that we intend to utter.

We enter upon our duties, we trust, with a full sense of the grave responsibilities which journalism, considered in its higher and better attributes, imposes upon every one engaged in its useful and far-reaching vocation, and hope by the exercise of ever watchful care, prudence and self respect not to fall short of its weighty requirements.

In politics THE CENTRE DEMOCRAT will give an earnest and consistent support to the Democratic party. It will be no man's special organ, neither shall it be the organ of any clique or faction within the party. While it will discuss all measures of public policy with a free mind, it will look to the authorized representatives of the party for wholesome and statesmanlike enunciations of principle and worthy and capable selections of men to fill public offices. For the success of both it will battle honestly and untiringly in a sincere and deeply founded belief that present methods of administration in State and National affairs are not only unsuited to the present wants and condition of our people, but are demoralizing and vicious in example, and in every way detrimental to the peace and prosperity of the country. The public acts of public men the DEMOCRAT will regard as public property and frankly praise or censure, as occasion may demand. It will, however, indulge in no mere wanton defamatory assaults upon private character and personal integrity.

In local contests for nominations the DEMOCRAT will take no part either for or against any candidate. It will be ready at all times to give to each a respectful hearing and a fair presentation of his claims; but after nominations are honestly made by the duly chosen delegates of the people, acting through their primary elections, it shall insist that the fortunate nominee of the convention receive the united and zealous support of the party.

always be found a full resume of the passing events of the times; while to the important Educational, Agricultural, Manufacturing and General Business interests of Centre county we shall always try to give that attention which their value and magnitude demand at the hands of a local jour-

We shall desire pleasant and friendly intercourse with our neighbors and Democracy were never in such despecontemporaries of the press, and to that end expect to treat all with respect and courtesy, trusting that personal controversy and acrimonious discussion may thus be always avoided. We shall studiously endeavor to keep our columns pure in thought and expression, and as we go forth on our weekly round, freighted with current healthy, but we may still hope the news, instruction and entertainment, we shall hope to come as an expected and welcome visitor to the homes and firesides of our patrons. With these words we start forward on the mission we have marked out for ourselves and our venture.

RESUMPTION practically begins today. The Treasury department states it has coin amounting to \$226,000,000 available for the purpose.

WILL RESUMPTION BRING PROS-

Yesterday was the day appointed by law for the government of the United States to commence, after an interruption of seventeen years, to pay its obligations in coin. As yesterday was a holiday throughout the United States, and banks and most other business places closed, resumption will, in fact, be inaugurated to-day. Will this event bring the long hoped for prosperity to our suffering country? From the many articles and souibs contained in the newspapers which advocated an increase of paper money, and opposed a resumption of specie payment, we infer that their authors understand the advocates of specie resumption to claim, that this of itself, will bring prosperity again to our land. It may be true that some of the friends of the policy of resumption have thoughtlessly said it would bring back prosperity. No intelligent, thinking man, ever did contend or believe, that a return to specie payment, of itself, would restore prosperity to our impoverished country. While no lasting or substantial prosperity could ever have been achieved without resumption first taking place, yet this alone will not remove poverty or restore lost wealth. Wherefore then its utility or necessity? Simply that we may have a fixed and substantial standard of values. When what was called a dollar, was worth one day forty cents, the next sixty cents, and the third day fifty cents, as was the condition of our paper money in 1864, how could any one buy or sell with any certainty of profit, or even with any security against loss?

If a grain merchant should buy and sell wheat measured in an elastic bushel measure, which sometimes would hold fifty, and at other times seventy pounds, it would be an accident if his business was not ultimately ruinous. It would certainly be good advice to that man, to throw away his elastic measure, and take a fixed and certain one. But who would say that by simply doing this, he would necessarily prosper in his business? Having a permanent and unvarying standard by which to measure the quantity of grain he bought and sold would be indispensable to success, but still his success would depend upon the labor, care, judgment, skill and economy with which he managed his business and if he failed to bring these elements of success to bear, his business would end in bankruptcy, notwithstanding he used a substantial and unvarying bushel measure.

So with the standard of value. A fixed and determinate standard, not depending upon the varying credit of any individual, corporation or government, by which the value of all property real or personal, and all debts, public and private, is to be measured, is indispensable to the prosperty of any people; but this alone, will not supply the place of industry, prudence and economy.

The present hard times and depressed condition of all kinds of business are the result of the poverty of our people; this poverty was produced by the waste and destruction of wealth which took place during the war. Nothing but industry, frugality and econ-In our local and news columns will omy can restore this wasted wealth. No act of Congress, no fiat of the government, no demagogue's panacea, can change poverty into wealth or business depression into prosperity. If we of this generation want to enjoy wealth, we must obtain it as our fathers did. by persevering industry and rigid economy. We may hereafter elaborate this subject further.

> THE Chicago Times says: "The rate straits as at present." Just so. But they may survive it. With a clear majority in the popular branch of the present and next Congress, a prospective majority in the other branch after the 4th of March, and twenty-three democratic Governors in the thirty-eight States, it looks uncountry is safe.

> GOV. HARTRANFT is an applicant for the Berlin Mission, made vacant by the death of minister Bayard Taylor. It is believed that his chances of success are not brilliant, and perhaps were not promoted by the early indecent haste of sending a committee to Washington to urge his appointment the next day after the announcement of the death of Mr. Taylor.

JAMES G. BLAINE.

No man in the country to-day fills a more unenviable space in the public eve, than he whose name heads this article. For years an acknowledged leader in the Republican party, and with abilities of the highest type, he has miserably failed in reaching the hearts of the great body of his coantrymen. That he is eminently popular with a class no one will deny; but it is with a class whose fealty reflects but little honor. No man living has had greater opportunities for inscribing his name among those the people love, and of whom history makes honorable mention, and none have made more fiascos. The Senatorship was conferred upon him by an idolatrous constituency, as a cooling lotion for the hideous wounds he received in the house of his friends at Cincinnati. Transferred from the scene of his turbulent triumphs in the House, to the evere dignity and austere decorum of the Senate, he took with him all the paraphanalia of that sensational art with which he had been wont to bedeck himself while playing low comedy in the lower branch of Congress. To this man there came no thought of added responsibility or inspiration of enlightened statesmanship. His-mind, cramped within the narrow limits of malevolent partizanship, could not expand enough to take in the whole ountry as he arose, ostensibly, in the interests of free elections and unfettered citizenship, and addressed his fellow Senators a short time since. He had no timely words of caution and admonition to murmur in the listening ears of Senator Cameron, as his finely wrought periods rung out in denunciation of debauchery at elections. His eyes did not rest for a moment, upon the one time golden locks of the lordly Conkling, as he anathematized the intimidation of honest voters at the polls. No, the Maine statesman was only reaching South of that invisible line from whence come democratic majorities. It was only against that people whom Mr. Blaine hates for their political convictions, that the thunderbolts of his wrath were directed. For weeks it was given out that upon the assembling of Congress the Maine Senator would take upon himself the task of looking into the elections in the states of the South, For weeks, the subservient press of Mr. Blaine's party rolled the announcement as a sweet morsel under their tongues. An event so well advertised could not fail to draw. Mr. Mulligan's man understands nothing if he does not know how to secure an audience. He has rare gifts in that line that would make his fortune as a theatrical manager. Well, the thing is over and the country breathes again. Mr. Blaine has frothed and beat the air and no one is hurt. The great speech so confidently promised has been spoken and is already forgotten. It was simply an old skeleton appropriately costumed for the occasion and its unsightliness decently concealed. By courtesy'it is called Mr. Blaine's great speech, but it was really a funeral dirge in blankest verse, chanted by the Senmen in the Republican party foretold years ago has come to pass. The colored people of the South, finding all their interests identical with those of them politically and hence the howl. The newly made citizens are far from finds difficulty filling. Applicants for they have arrived at a sufficient stage party they want to let alone. They rises up to confuse them. Again, they remember with something akin to regret the alluring promises of forty acres of land and a mule. These things, combined with a perfectly proper love for the people among whom they were born and with whom they must live, make the negro voter of the South a Democrat. Now what the Berlin mission." Why does not is Mr. Blaine going to do about it? Mr. Grow at the same time announce After much travail a committee has that he is not a candidate for election Senator Thurman's improvement and we are to expect some kind of a report. If there has been anything done either North or South, to abridge the freedom of the ballot let the wrong doers be punished, but let this

with the facts as they find them without reference to Mr. Blaine's heated imagination.

WHEN Congress re-assembles next week it is probable that Secretary Sherman will be called before an investigating committee to enlighten the country upon the financial relations of the treasury department with the First National Bank of New York. At the end of the month of September last, this pet bank had forty-five millions of dollars belonging to the government in its possession, and that it derived large profits from the possession of this enormous sum of money is a moral certainty. The bank has made handsome speculation at the expense of the government, and why it should have been permitted to do so is one of the matters which Mr. Sherman will be expected to explain. His attempted explanations thus far have been mainly evasions of the issue raised against him, and have signally failed to convince any one that he has not been guilty of a great stretch of authority in his dealings with the bank. At all events, the bank has had a good thing of it.

LOOKING forward to the meeting of the State Legislature next week, the Times makes an earnest appeal to the business men of Philadelphia to demand the repeal of the act creating a building commission for that city, believing that the work of completing the public buildings now under way can be more expeditiously and eco nomically done by the proper city authorities. The proposition of the Times may be all right, but we fear it greatly miscalculates the power of the influences through which it hopes to bring it about. It should know from past experience that Philadelphia busness men have no rights that the average Philadelphia legislator feels him-self in any way bound to respect.

SECRETARY EVARTS is said to be very successful in his imitations of the majestic airs and lordly attitudes of Roscoe Conkling. It is even reported that on a recent occasion he set his brother cabinet ministers and Mr. Hayes into a roar by one of these inimitable exhibitions. But exactly how lank, long, angular and ungainly Mr. Evarts can so completely transform baself vy to suggest the slight-est resemblance to Conkling, who has a full, rotund physique and an elegant, graceful bearing, is what puzzles most people who have heard of this rful feat of imitation. Evarts must have supernatural powers.

REPULICAN newspapers have disovered that the democratic State canvassers in Florida were obliged to throw out the votes of two counties, in order to give Hull, democrat, a majority of thirteen over Bisbee, republican, for Congress. Let us consider. We have a faint recollection that about two years ago the republican State canvassers of Florida were obliged to throw out several districts, change the figures in several others, and also count several fraudulent returns, in order to give Hayes, republican, the electoral votes of that State over Tilator over the loss of the colored vote den, democrat, for President of the in the South. Exactly what leading United States, after the people had give them to the latter.

THE recent death of Bayard Taylor has created a vacancy in the representhe white people, naturally act with tation of the United States at the Court of Berlin which the administration being what we would have them, but the vacant place are numerous, and no doubt persistent in pressing themselves of intellectual development to see that upon the attention of the appointing the Republican party is precisely the power, but no one whose name has yet appeared in connection with the aphave good memories, and the painful pointment can be said to possess, in recollection of a Freedmen's Bank any degree, the peculiar qualities of fitness and adaptability necessary to make him a creditable e successor the dead poet and scholar.

It is announced in the editorial columns of the Philadelphia Press, apparently by authority, that "Hon-Galusha A. Grow desires it to be understood that he is not a candidate for been appointed after his model with to the U. S. Senate? His chances for reaching the one place are just about as good as for capturing the other.

THE address of Mr. Gephart, the retiring Chairman of the Democratic County Committee, will appear in our issue of next week. It has been unacommittee look things squarely in the roidably crowded out this week by a face and make a report in accordance

The Clinton County Election Contest.

OPINION OF JUDGE MAYER.

In the matter of the petition of A. J Quigley to contest the election of George J. Eldred to the House of Representatives of Penna: On the 3d day of December, 1878, A. J. Quigley presented his petition to the Court, complaining of the undue election and false return of George J. Eldred as a member of the House of Reprerentatives, of Penn., at the general election held on the 5th day of November last. The petition is as follows:

"The petition of the undersigned citizens "The petition of the undersigned citizens of said county of Clinton respectfully represent that they believe there was faise return of the election for the member of the House of Representatives in said county, the cause of complaint being as follows, to wit: A large number, to wit, forty or more of the votes polled in the Borough of Renovo in said county for A. J. Quigley, were counted by the officers composing the Election Board of said borough for Geo. J. Eldred: also illegal and fraudulent

Election Board of said borough for Geo.

J. Eldred; also illegal and fraudulent
votes, and that said count of tickets and
illegal votes were returned in favor of said
Eldred, thereby causing it to appear and
to be declared that the said Eldred was
elected, when in reality the said A. J.
Quigley was elected. Your petitioners
therefore pray your Hons. to compel the
attendance of the said election officers, and
such other represents are cavable of tertifisuch other persons as are capable of testify-ing concerning the same, and also to com-pel the production of all books, papers, tally lists, tickets, ballot boxes and all other documents which may be required at such hearing, and to make such other order as may be necessary to the hearing and determination of said case, as provided by law, and they will, &c."

To this petition is appended the affidavit of five of the petitioners in the statutory

rm.

The petition was ordered to be filed,

The petition was ordered to be fired, Dec. 23, 1878, was fixed for a hearing, and due notice of the petition and time of hearing directed to be given to Eldred.

On the day appointed for the hearing Eldred moved the Court to quash the petition, filing, inter alia, the following extension the section. ception thereto

ception thereto:

"That it does not appear that the petitioners have any right to petition this Court contesting the election of a Member of the House of Representatives of the General Assembly of Pennsylvania, or any other officer, because the petition does not aver that the petitioners or any of them are qualified electors of the county of Clinton, who voted at the general election

held on the little day of received.

1878, or at any other election."

On the argument of the motion to quash, it was conceded by the counsel for the petitioners that tile petition was defective, in that it omitted to state that the twenty is the country of the that it omitted to state that the twenty citizens who signed said petition were qualified electors. To supply this defect, the contestant presented his petition, alleging that all the signers to his former petition are qualified electors of said county, who voted at the general election held on the 5th day of November, A. D. 1878.

The jurisdiction of the Court in election cases is statutory, and a compliance with the provisions of the statute must appear upon the face of the proceedings, in order

on the face of the proceedings, in c give the Court jurisdiction. The May 19, 1874, under which these ceedings were commenced, provides that a petition such as this, must be signed by at least twenty qualified electors, accompate by an affidavit of at least five of the ptioners, and must be presented within the days of the election complained of. petition is therefore insufficient which doe not set forth these prerequisites to jurisdic-tion, and being plain and positive require-ments of the Act of Assembly, we have no

ments of the Act of Assembly, we have no right to disregard them. Our jurisdiction depends upon a strict compliance with them. The counsel for petitioners concede all this, and in order to have their petition conform to the requirements of the law, presented their petition for amendment.

It must be observed that every provision for contesting elections is directed by statute. None of the proceedings are in the course of the common law, and are all ordered by acts of assembly. They provide for the filing of the petition, prescribe the time within which it must be filed, by how many qualified electors to be signed, how many qualified electors to be signed, how to be sworn to, and that the Court shall fix a time for the hearing. These are statutory provisions, and that the proceed-ings must follow them, is a well settled rule of construction, and is so provided by

The act of assembly of March, 21st, 1806, rovides that in all cases where a remedy is provided, or duty enjoined, or anything directed to be done, by an act or acts of assembly of this Commonwealth, the direc-tions of the said acts shall be strictly pur-sued, and no penalty shall be inflicted, or anothing done agreeably to the provisions of the common law in such cases, further than shall be necessary for carrying such

acts into effect.

That this statute is applicable to election contests is settled in Commonwealth vs. Garagues, 4 Casey, page 9: "When a statute describes a mode of inquiring into and determining the regularity and legality of a municipal election, the remedy pro-vided by the statute must be followed, to the exclusion of the common law mode of

vided by the statute must be followed, to the exclusion of the common law mode of redress."

In Monongahela Navagation Company vs. Blair, 8 Harris, 71, Black, C. J., delivering the opinion of the Court, said: "When a new and extraordinary remedy, out of the course of the common law, is given by statute, the party, if he adopt it at all, must pursue it to the letter." (See 7 W., 517; 6 Casey, 417, &c).

These authorities are sufficient to show that the essential prerequisites of the act of assembly must be followed in order that the Court may acquire jurisdiction, and that they cannot be overlooked without disregarding the mandate of the act of 1806.

It thus appearing that it is essential to the initiation of this proceeding on the part of the petitioner, that he should have complied "strictly" and "to the letter," with the requirements of the act of May 19th, 1874, has the Court the right and the power to allow him to supply any of these statutory prerequisites, after the expiration of thirty days? The right to amend in a contested election case, has been a question involved in some doubt. That it has been allowed in certain cases, we may concede; but that it is a legal right to which a contestant is entitled, will not be contended. That the right to amend exists and has been allowed in cases where the jurisdiction of the Court had been acquired under the original petition, is settled in the contested election of 1800, 15 P. F. S., 20, and and also in the consested election of A. B. Barber, I. W. N. C., 307. In the former case Chief Justice Agnew says:

"The grounds of allowance are not in the record, and cannot be reviewed by us. The amendment was not of an omitted prerequisite necessary to confer Jurisdiction, nor of a mutter excential to the frame of the petition, for was a more specification of a fact interior, but was a more specification of a fact

comprehended within the general terms of the complaint and belonging only to the

the complaint and belonging only to the proof." (Page 20.)
This case was decided by a bare majority of the Court, the other Judges assenting.
In Barber's appeal, the Court say: "There is one question in this record which properly may be noticed, to wit, the allegation that the petition was not signed by thirty qualified electors. If this clearly appears in the record, it is a fatal defect, for without thirty signatures, the Court acquired no jurisdiction. That Court cannot supply its own jurisdiction, but have

defect, for without thirty signatures, the Court acquired no jurisdiction. That Court cannot supply its own jurisdiction, but having acquired it in a regular manner, it may allow such amendments as will facilitate the hearing of the case on its merits."

These cases decide that the Court has the power to permit amendments in cases of this character, but they also establish the principle, that this power should not be exercised where the amendments asked for are "of an omitted prerequisite necessary to confer jurisdiction, or of a matter essential to the frame of the petition."

The amendment offered in this case is of this character; It proposes to supply what

The amendment offered in this case of this character: It proposes to supply what the statute requires, as necessary to give the Court jurisdiction, to wit, that the petition shall be signed by twenty qualified distance. In our opinion this cannot be electors. In our opinion this cannot be done. As was said by Mitchell, Justice, in contested election case of Francis Barnes in the city of Philadelphia, 32 Legal Intelligencer, 125: No precedent has been found for the allowance of an amendment in a vital point necessary to bring the pe-tition within the jurisdiction of the Court, after the allotted time for filling a petition has passed, and this Court could not make one without departing from settled princi-ples." The motion for leave to amend in this case was refused, and the petition dis-missed because the affidavit was not in the

missed because the affidavit was not in the form required by the act of Assembly. "To give the Court jurisdiction in cases of contested electione, under the act of May 18, 1874, the statutory requisites must be strictly complied with. Clearly jurisdiction cannot be conferred after the expiration of the time fixed by law for the contest." (In recontested election of C. B. Welti, 3 W. P. C., 165.) It was urged on the argument by petitioner's counsel, that the argument by petitioner's counsel, that fraud is charged in the petition, and that it is the duty of the Court to give a liberal construction to its powers, in order that, if fraud exists, it may be shown, that the Iraud exists, it may be shown, that the purity of popular elections and the sanctity of the ballot box may be upheld and maintained. This would be clearly our duty, and we would not hesitate to exercise it, had the Court acquired the jurisdiction of the proceeding. But a Court should never assume jurisdiction. It would be an arbitrary and unwarranted exercise of power, which could not be justified. Our duty is "jus discore non just dare"—to declare the "jus discere non jus dare"—to declare the law, not to make it. A true exposition of the law, and one to be adhered to, is found in the opinion of the late Judge Thompson in Mann vs. Cassidy, 1 Brewster, 26. As remarked by him, "The rule must not be held so strictly as to afford protection to fraud by which the will of the people is set at nought, nor so loosely as to permit the acts of sworn officers, chosen by the people, to be inquired into without adequate and well defined cause." The motion for leave to amend is refused, and the petition quashed and dismissed for want of jurisquashed and dismission.

diction. By the Court:

C. A. Mayer, P. J.

TRIBUTE OF RESPECT.—At a meeting of the Centennial Temperance Club, held at their Hall in this place, the following pre-amble and resolutions were unanimously adopted:

WHEREAS, It has pleased God to remove from our numbers our late member and co-worker, Edward Brown, of Beaver

Resolved, That in his death the family bave lost a kind husband and father, and the Temperance cause, for which he labored so earnestly, one of its best advocates; Resolved, That we deeply sympathize with the family of our deceased brother, and tender to them our sincere condolence in their great bereavement ;

in their great bereavement;

Resolved, That a copy of these resolutions be sent to the family of the deceased, and that they be published in the Centre Democrat, Watchman and Republican.

A. Morrison, R. J. Doak,
W. T. Fleming.

THERE never was such a really good, substantial, satisfactory, and rapid-selling first-class Lock Stitch Sewing Machine offered so low as the "New Family Shutoffered so low as the "New Family one;" reduced to only \$25; more complete with equipments, and lower in price than any other machine. It is elegant in workmanship and finish, surpasses all others in its work and fulfills all the requirements of every family as a helper. Thoroughly its work and fulfills all the requirements of every family as a helper. Thoroughly warranted by written guarantee for five years, and kept in order free of charge. It will do every description of work—fine or coarse—that any machine, at any price, ever did, or can do; equally as rapid, cor-rect, smooth, neat, and strong. Has all the late improvements, is easy to learn and manage, is serviceable, don't wear out, always ready, and recovered. manage, is serviceable, don't wear out, always ready, and never out of order. Sent C. O. D. anywhere with privilege of examination before payment of bill. Agents make money rapidly, supplying the great demand for this the Cheapest Machine in demand for this the Cheapest Machine in the World. Territory free. Address, for descriptive books, &c., "Family" Shuttle Machine Co., 755 Broadway, New York. 30-ly

An Astonishino Fact.—A large proportion of the American people are to-day dying from the effects of Dyspepsia or disordered liver. The results of these diseases upon the masses of intelligent and valuable people is most alarming, making life actually a burden instead of a pleasant existence of enjoyment and usefulness as it ought to be. There is no good reason for this, if you will only throw aside prejudice and skepticism, take the advice of Druggists and your friends, and try one bottle of Green's August Flower. Your speedy relief is certain. Millions of bottles of this medicine have been given away to try its virtues, with satifactory results in every case. You can buy a sample bottle for 10 cents to try. Three doses will relieve the worst case. Sold by F. Potts Green, wholesale and retail.

20-cow-ly

As THIS is the season when colds are most likely to be taken, a word of advice to our readers would be in season? First, then, keep your feet dry; wear flannel next your skin; do not sit or stand in draughts of air, and upon the first symptom of a cold or a cough call at Green's Drug Store, in Bush House Block, and procure a bottle of his "Compound Syrup of Tar, Honey and Bloodroot," which will give you almost instant relief. It is a pleasant and effectual preparation, containing the virtues of Tar, combined with effectual preparation, containing the vir of Tar combined with some of the expectorants and anodynes, allaying those distressing symptoms which if promptly arrested will too frequently sult in that fatal disease, Consumptis Price, 60 cents a bottle, or six for \$2.2