

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.

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.

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.

In our local and news columns will 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 journal.

We shall desire pleasant and friendly intercourse with our neighbors and contemporaries 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.

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

WILL RESUMPTION BRING PROSPERITY?

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.

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.

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 prosperity 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.

THE Chicago Times says: "The Democracy were never in such desperate straits as at present." Just so. But they may survive it.

Gov. HARTMAN 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 eye, 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 countrymen.

Transferred from the scene of his turbulent triumphs in the House, to the severe dignity and austere decorum of the Senate, he took with him all the paraphernalia of that sensational art with which he had been wont to bedeck himself while playing low comedy in the lower branch of Congress.

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.

REPUBLICAN newspapers have discovered 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.

THE recent death of Bayard Taylor has created a vacancy in the representation of the United States at the Court of Berlin which the administration finds difficulty filling.

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 the Berlin mission."

THE address of Mr. Gephart, the retiring Chairman of the Democratic County Committee, will appear in our issue of next week.

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.

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.

SECRETARY EVARTS is said to be very successful in his imitations of the majestic airs and lordly attitudes of Roscoe Conkling.

REPUBLICAN newspapers have discovered 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.

THE recent death of Bayard Taylor has created a vacancy in the representation of the United States at the Court of Berlin which the administration finds difficulty filling.

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 the Berlin mission."

THE address of Mr. Gephart, the retiring Chairman of the Democratic County Committee, will appear in our issue of next week.

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 Pennsylvania: 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 Representatives, of Penn., at the general election held on the 5th day of November last.

"The petition of the undersigned citizens of said county of Clinton respectfully represent that they believe there was false 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; and said illegal and fraudulent votes, and said count of tickets and illegal votes were returned in favor of said Eldred, thereby causing it to appear and to be declared that said Eldred was elected, when in reality the said A. J. Quigley was elected.

"To this petition is appended the affidavit of five of the petitioners in the statutory form. The petition was ordered to be filed, 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 objection 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 fifth day of November, A. D. 1878, or at any other election."

On the argument of the motion to quash, it was conceded by the counsel for the petitioner that the petition was defective, in that it omitted to state that the twenty citizens who signed said petition were qualified electors.

The act of assembly of March, 21st, 1866, provides 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 directions of the said acts shall be strictly pursued, and no penalty shall be inflicted, or anything 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. Garages, 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 provided by the statute must be followed, to the exclusion of the common law mode of redress."

In Monongahela Navigation 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."

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 1866.

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.

"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 matter essential to the frame of the petition, but was a mere specification of a fact

comprehended within the general terms of 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 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 statute requires, as necessary to give the Court jurisdiction, to wit, that the petition shall be signed by twenty qualified 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 Intelligence, 1215. No precedent has been found for the allowance of an amendment in a vital point necessary to bring the petition within the jurisdiction of the Court, after the allotted time for filing the petition has passed, and this Court could not make one without departing from settled principles."

The motion for leave to amend in this case was refused, and the petition dismissed because the affidavit was not in the form required by the act of Assembly. "To give the Court jurisdiction in cases of contested elections, under the act of May 18th, 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 re contested election of C. B. Weltz, 3 W. F. C., 165.)

It was urged on 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 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 dicere 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 naught, 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 jurisdiction. 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 preamble 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 Falls, Pa.;

Resolved, That in his death the family have lost a kind husband and father, and the Temperance cause, for which he labored so earnestly, one of its best adherents;

Resolved, That we deeply sympathize with the family of our deceased brother, and tender to them our sincere condolences 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 SHUTTLE," 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 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, correct, smooth, neat, and strong. Has all the late improvements, is easy to learn and manage, is serviceable, does not 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 the World. Territory free. Address, for descriptive books, &c., "Family" Shuttle Machine Co., 755 Broadway, New York.

AN ASTONISHING 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 satisfactory 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-1y

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 Wild Cherry and Bloodroot," which will give you almost instant relief. It is a pleasant and effectual preparation, containing the virtues of Tar combined with some of the best expectorants and anodynes, allaying all those distressing symptoms which if not promptly arrested will too frequently result in that fatal disease, Consumption. Price, 50 cents a bottle, or six for \$2.50. 21-cow