

The Centre Democrat.

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The South Penna. Sale.

JUDGE AGNEW'S OPINION ON ITS ILLEGALITY.

To the Editor of the Press: Sir: The subject of the 'purchase' of the South Pennsylvania Railroad by the Pennsylvania Railroad Company is one of intense interest to a large part of this State.

I am a pretty large stockholder in the Pennsylvania Railroad Company and have not a cent of interest in the South Pennsylvania, and notwithstanding, I am decidedly of opinion the so-called 'purchase' (be its form what it may) is a high-handed wrong upon the people.

Further, I think, unless our Courts of justice be extremely weak, any arrangement by which the South Pennsylvania Railroad is purchased or destroyed will be pronounced illegal and ultra vires.

With a view to set in motion public thought, I ask the use of your columns. This your justice will grant though Philadelphia may be opposed.

How will the Pennsylvania Railroad company obtain control of the South Pennsylvania? Not by purchase, for the latter being a "parallel," will be a competing route.

The question of parallelism, or competing line, is one to be decided by a jury, not by the court. Not by controlling the stock, and not through the direction. All these are distinctly forbidden by the Constitution (Sec. 4, Art. 17). I quote:

No railroad, canal, or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the parties complainant, be decided by a jury as in other civil cases.

Thus it is evident that there is no possible way in which the Pennsylvania Railroad Company can "control" the South Pennsylvania.

It may be said the Pennsylvania Railroad Company will not appear in the transaction, but act through others. But this is a clear fraud on the Constitution, and Equity will and must inquire and compel disclosure of the facts. When disclosure is made the court must declare the evasion illegal and void.

The treaty between the Pennsylvania and New York roads is notorious, and will compel inquiry, and there are creditors and stockholders to set the proceeding in motion.

Again it may be said that the Pennsylvania railroad company, not having accepted the new Constitution, may purchase control under laws existing before the adoption of the Constitution. This is a mistake. The Pennsylvania Railroad Company is bound by the terms of the new constitution just as every citizen or person in the state is, unless it be in a right distinctly conferred by its own charter.

Against the State it can set up only a contract-right preserved by its own charter. All laws repugnant to the terms of the new Constitution were abrogated by its adoption as to every corporation which cannot set out a charter provision to save the power conferred by the repugnant law. Additionally by express terms the police power of the State is preserved in all its length and breadth. See Section 3, Article 16.

Beside these, the entire policy of the State is opposed to such a purchase or control of a competing route. View together the following provisions of the Constitution:

Sec. 1, Art. 17. All railroads and canals shall be public highways and the companies common carriers.

Sec. 3, Art. 17. Equal rights in transportation of persons and property are commanded, and undue or unreasonable discrimination forbidden.

Sec. 7, Art. 17. Abatements, draw

backs and other discrimination and preferences in furnishing cars and motive power are all forbidden.

Sec. 8, Art. 17. Free passes and passes at a discount are forbidden.

Sec. 6, Art. 16. No corporation can engage in business other than that expressly authorized by its charter nor can it purchase real estate except for its legitimate business.

Sec. 3, Art. 16. The General Assembly cannot be prevented from taking the property or franchises of corporations for public use the same as the property of individuals.

Sec. 2, Art. 16. The General Assembly cannot remit the forfeiture of the charter of existing corporations; January 1, 1874.

Sec. 10, Art. 16. The power to alter, revoke and annul injurious charters is fully reserved.

These provisions taken together make transparent the intention of the people to hold corporations in subjection to State power, and abolish all devices whereby the public interests may be injured by corporate action. In full view of this clear intent no impartial Judge dare, by indirection or otherwise support the attempt of the Pennsylvania Railroad Company to monopolize the carrying power of the State by purchase control or any other means of a competing road or route.

The South Pennsylvania route is one of infinite importance to the public interests at large, and to the Southern and Western part of the State in particular. These portions of the State are entitled to the competition which the protection and policy of the State affords. In no form, therefore can a competing road destroy its utility.

Dissolution of the South Pennsylvania corporation will produce this result. Let us see how it works.

In the case of Lehman vs. Lebanon Valley Railroad Company, B. Casey, the chief Trustee, said that a private corporation (and a railroad company is such) may abandon its charter and dissolve itself except so far as its creditors may have the right to object, and so far as its public duties as conservators of a highway may tend to limit its powers in this respect.

A majority of stockholders may dissolve the corporation even against a dissenting minority. And we may concede that the South Pennsylvania being an unfinished railroad, the power to abandon and dissolve is clearer.

But, while this is true, it is an undoubted truth that the assets of a dissolved corporation are a trust fund for creditors and stockholders. Herein the minority have rights which the majority cannot divest; consequently equity will take and hold the trust fund and distribute it. As the means of doing this the Court must decree conversion. This brings the property to sale—public sale—subject to competition wherein the highest bidder becomes purchaser; and he must either finish the road or by abandonment suffer the real estate to revert to the owners from whom it was taken.

This is undoubtedly the law. The only exception was when the State herself built her roads. She chose by law to take fee simple.

But suppose the Pennsylvania Railroad Company becomes the purchaser. She cannot finish and operate the road, for this is contrary to the prohibition of the State and to her policy, and is also ultra vires. Clearly, two parallel competing roads under the same management will not be tolerated. It would be a clear evasion of the Constitution.

A purchase by the Pennsylvania Railroad Company for the purpose of abandonment would be quite as clearly illegal. This would be a direct attack upon competition, and as an act outside of its own charter, would be as clearly ultra vires. In such a proceeding, too its own stockholders could intervene, and surely there is as much stock float in the market and as much honesty and public spirit as would sustain the intervention.

Upon the whole, the attempt of the Pennsylvania Railroad Company to smother or control in its own interest, this rival route, is clearly against the public interest, and is full of danger to itself.

DANIEL AGNEW.

Democratic Day.

WHAT THE DEMOCRATS IN SEVERAL STATES DID.

CECIL RAPIDS, Iowa, August 19.—The democratic state convention met here to-day and nominated Charles Writing for governor, W. F. Brannon for justice of the supreme court, and E. H. Gellel, greenback candidate for superintendent of public instruction.

Among the resolutions adopted was the following: "That in President Cleveland the country has found a man of solid judgment, conscientious integrity, unswerving fidelity, patriotism and courage equal to that of Andrew Jackson, and in his effort for economy, for exposure of criminal acts of the republican party and its officers; for his unflinching firmness in dealing with cattle kings; for his zeal in the behalf of reform; for his efforts to restore the public lands to the settlers; for his efforts to enforce the law against polygamy, and for his constant watchfulness of the public welfare in such a way as to receive the hearty thanks of the democracy of Iowa and its unswerving support. With these principles we go before the people of Iowa, calling

upon all who believe a change is demanded that the books should be opened, examined; that all who are tired of fanaticism and folly, whether democrat greenbacker or republican, to unite with us in bringing about the results to which we are hereby pledged."

The resolution endorsing the administration was received with much enthusiasm.

COLUMBUS, August, 19.—To-day the state democratic association met and organized, but no nominations will be made until to-morrow. It is noticeable that in nearly every instance, Governor Hoadly is placed at the head of the ticket, the fight being made on the minor officers. There has been some little opposition announced to him, but it comes from quarters where there is some other man who would like to be governor. The only fight will be made for judge of the supreme court. George B. Okey, son of the late John W. Okey, is developing considerable strength to fill the vacancy on the bench.

NOMINATED BY ACCLAMATION.

COLUMBUS August 20.—Mr. Geddes moved a suspension of the rules and nomination of Hoadly for Governor by acclamation. This motion was received with hearty cheers and round upon round of applause, and was seconded in a neat speech by General Mike Ryan of Cincinnati. The Chairman then put the question, and it was unanimously adopted.

In quick succession the name of John G. Warwick was placed in nomination for Lieutenant Governor, and he was also nominated by acclamation.

The name of Charles D. Martin, of Lancaster, and Wm. J. Gilmore, of Franklin, being placed in nomination for Judge of the Supreme Court (long term,) the roll was called and Martin received the nomination, the name of Gilmore being withdrawn before the conclusion of the roll call.

JACKSON, Miss., August 19.—Governor Lowry was re-nominated on the first ballot by the democratic state convention to-day. Governor Shands was also re-nominated. Resolutions were adopted expressing appreciation of the honor conferred by President Cleveland upon the party and state by the appointment of Mr. Lamar to the cabinet position.

It also resolved that in the policy of President Cleveland, so far as disclosed we see not only nothing to condemn, but everything to inspire confidence in his wisdom, integrity and statesmanship and we hereby express our unqualified endorsement of the same.

Hacked to Pieces.

ATICA, Ind., August 6.—A shocking tragedy was enacted at Marshfield, Warren county, yesterday. Since last April Dr. Orin Aborn of Marshfield, has been insane. Last week preparations were made to convey him to the state asylum, and he was to have been taken there yesterday. The doctor heard of the arrangement and went to Williamsport to stop the proceedings. He was taken in charge by Dr. C. R. Boyer, a lifetime friend, who conveyed him back home, and to satisfy the family, agreed to stop with them all night. At midnight Dr. Aborn got out his case of surgical instruments, ostensibly to show them to him when they were opened he seized one of the sharp two-edged knives and started for his wife's room. Suspecting his intentions, she fled from the house when he first got out the instruments. While he was out hunting for her A. B. Cronkite, who was present, went out for assistance, and when Aborn returned to the room only Dr. Boyer remained in the house. Walking up to him the mad man drew the knife across his friend's throat. Boyer then grappled with him and a death-struggle ensued.

The knife again descended with vicious force, striking across Boyer's breast and in the back over the shoulder and under the arms. Boyer is a delicate man, but the knowledge that it was a fight for life gave him superhuman strength and he finally got hold of the knife with both hands. In the struggle for its possession Aborn turned it about and the sharp edge gouged Boyer's hands until they were nearly cut in two compelling him to let go. Aborn then stopped for rest and Boyer made his escape. His garments were soaked with blood. Aborn held possession of the house for some time, though the streets were full of men. He finally walked out in the yard, plunged the knife through his own throat and drank a quantity of iodyne. He lived seven hours. Boyer was taken to Williamsport in a dying condition.

A Lady's Perfect Companion.

PAINLESS CHILD BIRTH, our new book, tells how any woman may become a mother without suffering any pain what ever. Also how to treat and overcome morning sickness, swelled limbs and other evils attending pregnancy. It is reliable and highly endorsed by physicians as the wife's true private companion. Send two cent stamp for descriptive circulars and confidential letter sent in sealed envelope. Address FRANK THOMAS & Co., Publishers, Baltimore, Md.

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No other medicine known so effectively purges the blood of deep-seated disease. Millions bear testimony to its wonderful curative effects.

It is a purely Vegetable Preparation, made from the native herbs and roots of California, the medicinal properties of which are extracted therefrom without the use of Alcohol.

It removes the cause of Disease, and the patient recovers his health.

It is the great Blood Purifier and Life-giving Principle of the Vegetable and Tonic; a perfect Renovator and Invigorator of the system.

Never before in the history of the world has a medicine been compounded possessing the power of VINEGAR BITTERS in healing the sick of every disease man is heir to.

The Alterative, Aperient, Diaphoretic, Carminative, Nutritious, Laxative, Sedative, Counter Irritant, Sudorific, Anti-Bilious, Solvent, Diuretic and Tonic properties of VINEGAR BITTERS exceed those of any other medicine in the world.

No person can take the BITTERS according to directions and remain long unwell, provided their bones are not decayed by mineral poison or other means, and the vital organs wasted beyond the point of repair.

The Liver, Intermittent and Malarial Fevers are prevalent throughout the United States, particularly in the valleys of our great rivers and their tributaries during the Summer and Autumn, especially during seasons of unusual heat and drenches.

These Fevers are invariably accompanied by extreme debility of the stomach, liver and bowels. In their treatment, a purgative, exerting a powerful influence upon these organs, is absolutely necessary.

There is no cathartic for the purpose equal to Dr. J. Walker's VINEGAR BITTERS, as it will speedily remove the dark-colored viscid matter which lodges in the bowels, at the same time stimulating the secretions of the liver and generally restoring the healthy functions of the digestive organs.

The body against disease by purifying all its fluids with VINEGAR BITTERS, an epidemic can take hold of a system thus forearmed.

It invigorates the Stomach and stimulates the Liver and Bowels, cleansing the blood of all impurities, imparting life and vigor to the frame, and carrying off without the aid of Calomel or other minerals, all poisonous matter from the system. It is easy of operation, prompt in action, and certain in its results.

It relieves Indigestion, Headache, Pain in the Shoulders, Coughs, Tightness of the Chest, Pile Hemorrhoids, Dizziness, Red Taste in the Mouth, Bilious Attacks, Palpitation of the Heart, and a hundred other painful symptoms, all at once relieved by VINEGAR BITTERS.

For Inflammatory and Chronic Rheumatism, Gout, Neuralgia, Pains of the Blood, Liver, Kidneys and Bladder, the Bitters have no equal. In these, as in all constitutional diseases, WALKER'S VINEGAR BITTERS has shown its great curative powers in the most obstinate and intractable cases.

Mechanical Diseases.—Persons engaged in Metals, and Minerals, such as Plumbers, Typewriters, Gold-beaters, and Miners, as they advance in life, are subject to Paralysis of the Bowels. To guard against this, take occasional doses of VINEGAR BITTERS.

Skin Diseases.—Scrofula, Salt Rheum, Uicera, Swellings, Pimples, Pastules, Boils, Carbuncles, Ring worms, Scald-head, Sore Eyes, Erysipelas, Itch, Scars, Discolorations, Humors and diseases of the Skin, of whatever name or nature, are literally dug up and carried out of the system in a short time by the use of the Bitters.

Pin, Tape and other Worms, lurking in the system of so many thousands, are effectively destroyed and removed. No system of medicine, no vermifuge, no anthelmintic, will free the system from worms like VINEGAR BITTERS.

Measles, Scarlet Fever, Mumps, Whooping Cough, and all children's diseases may be mode safe and healthy by keeping the bowels open with mild doses of the Bitters.

For Female Complaints, in young or married or single, at the dawn of womanhood, or the turn of life, this Bitters has no equal.

Cleanse the Vitiated Blood when its impurities break through the skin in Eruptions or Sores; cleanse it when obstructed and sluggish in the veins; cleanse it when it is foul; your feelings will tell you when, and the health of the system will follow.

In conclusion: Give the Bitters a trial. It will speak for itself. One bottle is a better guarantee of its merits than a lengthy advertisement.

Around each bottle are full directions printed in different languages.

R. H. McDonald Drug Co., Proprietors, San Francisco, Cal., Washington St., Cor. Charlton St., New York. Sold by all Dealers and Druggists.

JAMES VICK STRAWBERRIES.—This new and valuable berry originated with Samuel Miller of Bluffton, Montgomery county, Missouri. As a seedling it attracted attention by the unusual glossiness and vigor of its foliage, before it fruited, and this vigor and strength of growth has to a still greater degree appeared in its enormous bearing qualities.

The berries are nearly round, of uniformly large size, deep scarlet and of excellent flavor. In respect to its keeping qualities, it is among strawberries what the Hansell and Souhegan are among raspberries. Its fruits has been known to stand on the vines a week after becoming ripe, without softening or rotting. It is not only a standby for family use but for a market berry it stands pre-eminently at the head.

The originator of this berry is well-known as a horticulturist, having originated the Martha Grape and other fruits of great value. He has never sent out a new variety which has not taken its place in the front rank and held it, and the fact that he has allowed the James Vick to come before the public as one of his seedlings is of itself evidence of its excellence.

The valuable qualities of this new strawberry may be summed up as follows: 1st Fine quality of fruit, great vigor and hermaphrodite (or perfect) blossoms; 2d, Color, form and firmness of berry; 3d, Ability to remain on the vines a long time without injury; 4th, Ability to stand drought; 5th, Uniformity of size of fruit, which averages large; 6th The rapidity with which it forms new sets; 7th. The glossy and beautiful appearance of the foliage, retaining its verdure until very late in the fall, making it one of the finest border plants for flower beds that can be obtained; 8th, enormous productiveness; all these qualities uniting to make it the most valuable market berry which has ever been produced.

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A trial bottle will make you a permanent customer. Put up in 2 oz., 4 oz., 8 oz. and 1 pint bottles. Manufactured only at

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S. A. STOVER, Bellefonte, Pa.

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NOVELTY STORE.

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Majolica Pitchers, 20c; Bohemian Vases height 10 inches, \$1.00, and everything else just as cheap in proportion. I desire to say to every reader of this advertisement: I want your custom, and in reaching out for it I am fully prepared to give you the Greatest value for your money once yet obtained. Call and examine the goods and the price. If I do not fulfill strictly all I claim as to prices being LOWER than ever before heard of, I do not ask your patronage. The greater amount of goods I can sell the lower prices I can and WILL BE MADE.

Respectfully, W. H. WILKINSON, Agent

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