

Democrat and Sentinel.

THE BLESSINGS OF GOVERNMENT, LIKE THE DEWS OF HEAVEN, SHOULD BE DISTRIBUTED ALIKE UPON THE HIGH AND THE LOW, THE RICH AND THE POOR.

NEW SERIES.

EBENSBURG, JUNE 24, 1857.

VOL. 4, NO. 34.

TERMS.

DEMOCRAT & SENTINEL
Is published every Wednesday Morning at
One Dollar and Fifty Cents per
annum payable in advance;
ONE DOLLAR AND SEVENTY-FIVE CTS.
If not paid within six months, and
TWO DOLLARS
If not paid until the termination of the year.
No subscription will be taken for a shorter
period than six months, and no subscriber will be
at liberty to discontinue his paper until all ar-
rearages are paid, except at the option of the
editor.
Any person subscribing for six months will be
charged ONE DOLLAR, unless the money is paid
in advance.

Advertising Rates.

One insert, Two do. Three do.
1 square, [12 lines] \$ 60 \$ 75 \$ 1 00
2 squares, [24 lines] 1 00 1 00 2 00
3 squares, [36 lines] 1 50 2 00 3 00
8 lines or less, 8 months, 6 do. 12 do.
1 square, [12 lines] 2 50 4 50 9 00
2 squares, [24 lines] 4 00 7 00 12 00
3 squares, [36 lines] 6 00 9 00 14 00
Half a column, 10 00 12 00 20 00
One column, 15 00 22 00 35 00
All advertisements must be marked with
the number of insertions desired, or they will be
continued until forbid, and charged accordingly.

From the Pennsylvania Inquirer.

APPLICATION TO RESTRAIN THE SALE OF THE MAIN LINE.

WEDNESDAY, JUNE 17.
SUPREME COURT.—Chief Justice Lewis, and
Justices Lowrie, Woodward, Knox and Ar-
strong.

The case of H. S. Mott, et al. vs. The Penn-
sylvania Railroad. The Governor of Penn-
sylvania et al., an application for an injunction
was argued yesterday. Mr. W. L. Hirst
opened the argument in behalf of respondents.
He said there are on the files of the
Court, three bills in equity, two of which it
was proposed to argue to-day. The first bill
is filed by one of the Canal Commissioners,
another at the instance of a stockholder and
incorporator of the Pennsylvania Railroad
Company, and a third filed by a loan-holder,
the county of Allegheny on behalf of 20,000
shares of stock.

In reference to the first bill filed by the Can-
al Commissioners, a question of interest ar-
ises involving some of the first principles of a
republican government. It is provided in one
of the sections of that bill that the Penn-
sylvania Railroad Company shall be discharged
from all taxation on its capital stock, bonds,
dividends, and property. If the Legislature
can sell to one corporation, with an exemption
of taxation, it can sell to any corporation, citi-
zens or municipality. This was the fair and
legitimate scope of the constitutional question
now before the Court. It was instituting a
privileged class to be exempted from sharing
the common burdens of this Commonwealth.
There is involved in this case the question
concerning the universal right of the Legis-
lature to sell exemptions to last forever. It
was submitted that the Legislature have no
power to make such contracts. The clause in
the Constitution, under which this act is
passed, is found in the first article of the Con-
stitution, granting legislative power. The
nature of this power is a trust. The sov-
ereignty of the State is in the people, which is
manifested by the Constitution itself. This
principle is well settled by federal and State
judicial decisions. This trust is to be executed
like any other trust.

Mr. Hirst then referred to judicial defini-
tions of taxation. Government presupposes
the power of taxation, for no government could
exist without it; it is a power vital to the
existence of the government, which cannot be
relinquished. There is a constitutional defini-
tion of the word taxation in the 20th sec-
tion of the first article of the Constitution of
this State, providing that bills for raising re-
venue shall originate in the House of Repre-
sentatives, and also the section providing that
no money shall be withdrawn from the Treas-
ury unless by appropriation by law. If the
Legislature use the funds for any other pur-
pose than those granted by the provisions of
the Constitution the Supreme Court will
restrain them.

These are rules of construction which gov-
ern Courts and the Court will construe the
Constitution like any other instrument. It
has been decided that no Legislature can
control the future acts of another. The deci-
sion of the Supreme Court of this State es-
tablish and confirm the proposition that tax-
ation is incident to sovereignty. Such power
should be used with moderation; it should be
equal and universal; there should be no ex-
emption or relinquishment. The exemption
of a few imposes a heavier burden on the re-
mainder. Taxation being a mode of raising
revenue should be just and equal. This is a
taxim established by all clods. This is a
Legislature have no more power to em-
barrass the right of taxation than they have
to embarrass the right of the people to elect
their own representatives. Should the Legis-
lature be permitted to sell exemption of tax-
ation *ad libitum*, in times of emergency such
as an invasion, we would be utterly powerless
for means. It is a dangerous power to invest
in any body of legislators, no matter how vir-
tuous. It is asserted by the respondents that
the Supreme Court of the United States have
affirmed this power. Mr. Hirst pronounced
this not to be so, that as yet the question was
an open one.

He then proceeded to show by a synopsis
an analysis of the adjudicated cases by the
Federal Supreme Court, that his proposition
was correct, and questioned the binding force
of these decisions upon our State Courts.

He then proceeded to discuss the merits of
the bill filed by a corporation and stockholder,
alleging that he dissects from such a transac-

tion; and that the Company have no power or
authority to embark in it without his consent.
Mr. Hirst proceeded to read the Act of
Assembly in its various provisions in relation
to the sale of the Main Line, maintaining
that the Legislature might as well have con-
ferred the power of selling the road upon a
mere auctioneer as the Governor, and that
the provision of the act confiscating the stock
of a stockholder, by reason of his dissent, was
unconstitutional; that the Company had the
corporate right under their charter to coerce
a minority; their charter and the stock of the
stockholders were inviolable; that the limita-
tions in the charter denies to the Company
the right to embark in this enterprise.

These propositions were supported by a
number of authorities of the Federal and State
Courts.

Mr. Campbell followed in behalf of the de-
fendants. The first question for considera-
tion was—Will the Court grant a special in-
junction to prohibit obedience to an act of
Assembly upon the application of such parties,
or upon such a case as is made by either
bill? In regard to the right of the respec-
tive parties asking the intervention of the
Court, he said that the Canal Commissioners
as such, are not entitled to relief, having no
property or interest in the works to be sold,
but are only the superintendents to guard the
property of the Commonwealth and to obey
their commands. They can have no relief as
tax-payers, for they do not aver that their
taxes will be augmented by the sale. The
stockholder is not entitled to a special injunc-
tion, because the acts complained of are not
in violation of, but in obedience to the law;
because he has intruded himself into the cor-
poration for the purpose of creating litigation
and preventing the acceptance of the law.—
He can suffer no such injury as entitles him
to the summary relief sought—his interest is
insignificant and indemnity is tendered him.
The bills presented purport to be for the
purpose of preventing the sale, but are really
to restrain competition. No person, by pur-
chasing stock, pending the grant of powers to
a quasi public corporation, can be entitled to
a special injunction prohibiting the use of such
extended authority, and deprive the people
of advantages designed to be secured by
such legislation.

Mr. C. said the complainants maintain that
there can be no substantial change in, or ex-
tension of power granted to a railroad com-
pany without the unanimous consent of every
stockholder. The defendants are great com-
panies, created to maintain and promote the
policy of the State, to extend her trade and
to form improved highways for the transpor-
tation of passengers, mails and traffic, upon
which every citizen is entitled to fall within
the same narrow rules of law as are maintain-
ed with reference to corporations in their nature
exclusively private, and maintained solely for
individual profit.

That these great companies are to be re-
garded as quasi public corporations, with
powers conferred for the public good, and in-
to which every shareholder who enters does
so with the full knowledge that their powers
and privileges may be, from time to time,
extended as the public necessities may require.
That with reference to corporations of this
class, upon whom is cast the discharge of pub-
lic duties as well as the protection of private
interests, the action of a majority of the stock-
holders in accepting an additional privilege
conferred by the Legislature, will bind the
corporation, not to the extent of compelling
a dissentient shareholder to enter into the ad-
venture sanctioned by law; but to allow him
the option either to have his interests contin-
ued by the majority of his associates, or to
withdraw from the corporation, and his pecu-
niary interest ascertained, paid or secured.
That any other rule would enable a single
shareholder of the rival works of other States
to prevent the Commonwealth of Pennsylvania
from using, for purposes which were con-
sistent with her policy and her interests, cor-
porations were created by her and would ren-
der unavailable the associated capital of the
State to accomplish any beneficial object she
might have in view.

The Commonwealth has before parted with
her property—for instance, the Erie Railroad,
the Franklin Canal, and she offered to give
away the North Branch Canal, but no one
would have it. The people, those who make
the machines hum, and the fields bloom, wish
that the government should own as little as
possible.

The case is being conducted on the part of
the complainants by Wm. L. Hirst, C. R.
Buckalew, James H. Walton and Wm. M.
Meredit; on the part of respondents by St.
George T. Campbell, E. M. Stanton, Atty-
ner General Franklin, and Theodore Cuyler.
Mr. Stanton will speak this morning.

The following is the answer and protest of
Gov. Pollock to the bill, together with his
brief as one of the parties named in it:—
James Pollock, Governor of Pennsylvania,
protesting against the jurisdiction of this
court in the premises, and against the right
of the complainants to be heard therein con-
cerning any of the matters and things in their
said bill of complaint set forth, and reserving
to himself all manner of exception thereto, makes
the following statement and protest:—
That the Commonwealth of Pennsylvania
is the owner of the public improvements and
property described in the bill of complaint,
and known as the Main Line of the Canal
Commissioners of this Commonwealth; that
they have not vested in them any portion
of the supreme executive power thereof, but
are ministerial agents, having certain limited
powers specially delegated to them by acts of
Assembly, and entirely subject to the direc-
tion and control of the Legislature; that so
far from being, by virtue of their said office,
now in possession of the Main Line of the
public works, and receiving the incomes and
revenues thereof for the use of the State, as
is charged in their said bill, they are not en-

abled to receive any portion of the said in-
comes and revenues; but the same are pay-
able of right into the State Treasury, and the
legal possession of the said public works is in
this Commonwealth.

That by an act of Assembly, approved the
16th day of May, A. D. 1857, entitled "an
act for the sale of the Main Line of the Pub-
lic Works," it is among other things made
the duty of the Governor to give public no-
tice of the time and place of sale, and to
have offered at public sale the whole Main
Line of the public works, in manner and
form as in the said act is prescribed.

That the said act, so far as this affiant
knows or is informed and believes, was a leg-
itimate and constitutional exercise of the
legislative power, and was passed in pursu-
ance of a policy deliberately adopted by the
Legislature and sanctioned by the people; as
expressly declared by popular vote and by
repeated acts of legislation; and that this
affiant, in discharge of the executive duty
imposed upon him as Governor of this Com-
monwealth, has advertised the said Main
Line of the public works for sale; that it is
his design and purpose in all respects to per-
form the duties imposed upon him, and to
comply with and obey the said act of Assem-
bly; and he denies the right or the power of
this court to obstruct or interfere with him in
the exercise of his functions as supreme ex-
ecutive officer of this Commonwealth.

JAMES POLLOCK,
Governor of Pennsylvania.
Sworn and subscribed this 15th day of
June, A. D., 1857, before me
JOHN B. KENNEY, ATT.

Mott et al. vs. Pennsylvania Railroad
Company, et al.—Brief on behalf of Gov.
Pollock.—The Governor is not amenable to
this court or to any court for the exercise of
his executive functions; but is responsible
only in the mode pointed out in the constitu-
tion. Any judicial interference with the
prerogative of the executive, or with his acts
as Governor in accordance with the directions
of the Legislature, would be a violation of
the constitution, the natural effect of which
would be a collision between the different de-
partments of the government.

In the case of Marbury vs. Madison, 1st
Cranch, 137, which was an application to the
Supreme Court of the United States for a
mandamus to the Secretary of State of the
United States, Mr. Lee, in arguing in sup-
port of the application, distinctly admitted
that the court had no jurisdiction to issue a
mandamus to the President in any case what-
ever, and that the Secretary of State was not
liable to a mandamus in respect of any official
acts in reference to which he acted under the
discretion of the President. The court, in
their opinion in the same case, expressly dis-
claim any right to attempt to intermeddle
with the President in the exercise of his ex-
ecutive prerogative, pp. 165-6, 169-70.—
"Where the head of a department," say they,
"acts in a case in which he is the mere organ
of executive will, any application to a court
to control in any respect his conduct, would
be rejected without hesitation. It is scarcely
necessary for the court to disclaim all preten-
sions to such a jurisdiction. An extrava-
gance so absurd and excessive could not have
been sustained for a moment. The province
of the court is solely to decide on the rights
of individuals not to inquire how the execu-
tive or executive officers perform duties in
which they have a discretion. Questions in
their nature political, or which are by the
constitution and laws submitted to the execu-
tive, can never be made in this court."

2d. Are the complainants, as public offi-
cers, entitled to bring the public rights into
this Court to be adjudicated upon, and to con-
test the validity of an act of the Legislature
on account of its bearing on the public inter-
ests. What public functions have they ex-
cept just such as the Legislature chooses to
give them? Formerly appointed by the
Governor, and more recently elected by the
people in accordance with an act of Assem-
bly, they are merely ministerial agents, all
whose movements are subject to the control
of the Legislature, which is in the constant
habit of supervising and directing their pro-
ceedings and of overruling and reversing
their acts whenever it is considered expedient
to do so. The same power which created
them can abolish them and all their functions,
and the attempt on their part to set up them-
selves a possession of the public works, to
assume the power of questioning, in their
capacity of public agents, the right of the
Legislature to dispose of them, and of inter-
posing to invoke the process of this Court, to
prevent the executive from carrying out the
directions of the Legislature, to expose them
to sale, is an arrogant pretension to author-
ity not delegated to them, and an infatuated
attempt to rise higher than the source from
which they derive their very existence as
public agents.

3d. Is the case as set out in the allegations
contained in the bill such as to entitle the
complainants, either as public officers or pri-
vate individuals, to demand and to require
this Court to extend to them the exercise of
the extraordinary interposition of the Court
to restrain, by special injunction, the sale of
the Main Line of the Public Works as pre-
scribed by the act of the 16th of May,
1857, or the purchase thereof by any of the
defendants? On this it is to be ob-
served, that an injunction to restrain any
particular person from bidding at the sale,
may, by removing competition, as effectual-
ly prevent the sale from being made, as a
positive prohibition of the sale.

A legislative act cannot be impeached by
evidence in relation to the manner of pro-
ceeding, or the motives which induced the
members of the body, or the agencies used
to procure its passage. It would be unbecom-
ing and disrespectful to the legislative body
to institute such inquiry; and any at-
tempt to put such questions in issue will al-
ways be repudiated by the courts. This

principle was conclusively established by the
Supreme Court of the United States, in
Fletcher vs. Peck, 6th Cranch, 129-131, and
was recognized and acted on by our Supreme
Court, in Jones vs. Jones, 2d Jones, 350.
See also on this point, the remarks of Black,
Ch. J., in Sharpless vs. Mayor of Philadel-
phia, 9th Har., 161-2.

Whether, therefore, the Pennsylvania Rail-
road Company, or their agents, promoted the
passage of the said act of Assembly, with
the view and intent of becoming the pur-
chasers, and whether alleged in the said bill,
the said public works have been a source of
revenue and profit to the State Treasury for
five years last past, or whether on the other
hand, as is with glaring and gross inconsis-
tency alleged by Henry S. Mott, one of these
complainants, in his bill simultaneously filed,
they have not for many years yielded income
sufficient to pay the cost of keeping them in
repairable order, are questions upon the con-
sideration of which this court cannot enter,
and which cannot in any degree affect the de-
termination of the case.

The naked question, therefore results,
whether the tender to the Pennsylvania Rail-
road Company of exemption from the tonnage
tax and from other State taxes upon their
bonds and property, upon their becoming the
purchaser of the Main Line, and paying a
million and a half of dollars in addition to their
bid, is an unconstitutional assumption of
power by the Legislature, which renders the
act wholly invalid, null and void.

There is nothing in the Constitution of Pen-
sylvania which expressly, or by necessary
inference, limits the Legislature in its ad-
mitted power of regulating taxation; and in
the absence of such provision, the competency
of the Legislature to part with the taxing power
in reference to specified property has been
frequently recognized, and cannot at this day
be regarded as an open question. In the
State of New Jersey vs. Wilson, 7th Cranch,
164, it was decided that a legislative act de-
claring that certain lands which should be
purchased from the Indians should not be
thereafter subject to any tax, constituted a
contract, which could not be rescinded by a
subsequent legislative act: such repealing
act being void under that clause of the Con-
stitution of the United States, which prohibits
a State from passing any law impairing the
obligation of contracts. But if the position
assumed by these complainants were correct,
that the right to tax is inalienable, and that
the Legislature cannot bind the government
against its future exercise, the first mentioned
act in that case would have been wholly inop-
erative and void, and there would have been
no valid contract to be impaired or violated.

The same question arose in Gordon vs. Ap-
pel Tax Court, 2d Howard 133. The Legis-
lature of Maryland in 1821, contained the
charter of several banks to 1845, upon con-
dition that they would make a road and pay
a school tax. A clause in the law provided
that upon any of the said banks accepting of
and complying with the terms and conditions
of the act, the faith of the State was pledged
not to impose any further tax or burden
upon them during the continuance of their
charters under the act. Held, that this was a
contract exempting the stockholders from a
tax which the Legislature, in 1841, attempted
to levy on them as individuals, according to
the amount of their stock.

In State Bank of Ohio vs. Knoop, 16th
Howard, 369, the same position was insisted
on which is now pressed on us that the relin-
quishment of the taxing power cannot be
made the subject of a binding contract be-
tween the Legislature and individuals or cor-
porations. Judge McLean, in delivering
the opinion of the Court, completely overthrows
this position, and demonstrates the right of
the Legislature to exempt specified property
from taxation, relinquishment, commutation
or limitation. See p. 383 to 391.

This case was reviewed and affirmed in
Dodge vs. Woolsey, 18th How., 331.

The principal is also contained in many
other cases.

See Hardy vs. Waltham, 7th Pick 110.
Atwater vs. Woodbridge, 6th Conn, 323.
Seymour vs. Hartford, 21st Conn 481.

Our Legislature have frequently passed
laws exempting property from taxation. See
7th section, Act 1st March, 1780, 1st Smith's
Laws, 489, exempting lands granted to sol-
diers, &c., during their lives, and act of 26th
of March, 1785, section 33, 2d Smith, 187,
to same effect, and those acts recognized in
Finney vs. Commissioners of Mercer county,
1st S. & R., 62.

Coney vs. Owens, 6th Watts, 435, see per
Kennedy, Just p. 438.

Act of 16th April, 1838, pamp. p. 514,
exempts churches, colleges, &c.

And the numerous acts exempt particular
properties from taxation.

Act of the 5th April, 1849, pamp. p. 360
exempts certain certificates of loan of certain
municipal corporations from taxation, except
for State purposes.

Act 4th May, 1852, authorizes the Gov-
ernor and State Treasurer to borrow five mil-
lions, and issue bonds which shall not be sub-
ject to taxation for any purpose whatever.

Act 16th of April, 1853, sect. 92, pamp.
p. 604, authorizes Governor and State Treas-
urer to issue bonds of Commonwealth for
money borrowed, not subject to taxation for
any purposes whatever.

Act of 18th May, 1857, sect. 70, extends
this provision for two years.

Act of 1st of May, 1854, pamp. p. 535,
exempts certain loans of city of Philadelphia;
&c. from taxation, except for State purposes.

THOS. E. FRANKLIN, Attorney General.
THURSDAY, JUNE 18.
At the opening of the Court yesterday, Mr
Hirst presented the following petition:—
The petition of Samuel B. Cooper, Jacob
Tomer and Wm. Perkins, Commissioners of
Allegheny county, in the Commonwealth of
Pennsylvania, acting for and on behalf of said
county of Allegheny, respectful represent—

That the said county is the owner of (20,000)
twenty thousand shares of the capital stock of
the Pennsylvania Railroad Company, and
have owned and held the same for nine years,
last past; that a bill has been filed in this hon-
orable Court in the above cause, setting forth
that the said Company threatens and intends
to become the purchaser of the Main Line of
the Public Works of the State, according to
the terms and provisions of the act of Assem-
bly of May 16th, A. D. 1857, referred to in
the said bill, and praying for the causes and
reasons therein assigned, that the said Com-
pany, their officers, servants and agents, and
the other defendants named in the said bill,
may be enjoined, by the decree of your hon-
ors, from purchasing the same.

Your petitioners therefore pray that your
honors will permit them to become parties,
complainants, to the said cause, and aid and as-
sist in prosecuting the same, according to the
practice of equity in such cases, and they will
over pray, &c.

S. B. COOPER,
JACOB TOMER,
WM. PERKINS.
Commissioners of Allegheny County, Pa.
Commonwealth of Pennsylvania, Allegheny
County, &c.:—On the 12th day of June,
A. D. 1857, personally appeared before the
undersigned authority, S. B. Cooper, Jacob
Tomer and Wm. Perkins, the above named
Commissioners of Allegheny county, who, being
duly sworn, said that the facts set forth
in the above petition are just and true, to the
best of their knowledge and belief.

S. B. COOPER,
JACOB TOMER,
WM. PERKINS.
Sworn and subscribed before me the day
and the year aforesaid.

ALFRED B. M'CALMONT,
Prothonotary Sup. Court, Western District.
Mr. Campbell, on behalf of defendants,
read the following affidavit:—

J. Edgar Thompson, President of the Penn-
sylvania Railroad Company, being duly af-
firmed according to law, saith, That the coun-
sel for the defendants did not receive notice
until after 3 o'clock of the afternoon of June
15th 1857, that the county of Allegheny would
petition for leave to be made parties complain-
ant in this cause; that the stock of the Penn-
sylvania Railroad Company, issued to the
county of Allegheny at the time of their sub-
scription to the capital stock of the Penn-
sylvania Railroad Company, was and is pledged
to secure the payment of the bonds issued by
said county therefore, and that the said pledge
appears upon the face of the bonds so issued;
that the schedule hereto annexed, contains
as he verily believes, a list of the parties hold-
ing or owning said bonds and the amount
held by each; that he verily believes that said
proceedings have been taken by the Commis-
sioners of said county without the application
or request of any of the parties holding the
bonds of said county and equitably entitled to
said stock; that he verily believes that no one
of the holders of said bonds would join there-
in, and that if reasonable time could be afford-
ed they would request the discontinuance of
such proceedings and would all freely consent
to exchange and surrender to the said county
the bonds held by them for the like amounts
of the stock of the said Company.

J. EDGAR THOMPSON
Affirmed and subscribed before me, June
16, 1857. J. B. KENNEY, Alderman

Mott et al. vs. The Pennsylvania Railroad
Company. Charles Henry Fisher being duly
sworn according to law, doth depose and say
that he is the representative of the holders of
\$291,000 of the bonds of the county of Alle-
gheny, the same being a portion of the loan
of \$1,000,000 created by said county for the
purposes of effecting a subscription of \$1,000,000
to the capital stock of the Pennsylvania
Railroad Company. That by the terms of
the loan which is represented and the pay-
ment of which is secured by said bonds, the
shares of capital stock in said Railroad Com-
pany which were issued to the said county of
Allegheny, are pledged as a security for the
redemption of said loan; and that the depon-
t is the representative of the said bonds, and there-
fore equitably interested in said stock to the
amount thereof, does not believe that the value
of said stock will be injuriously effected by a
purchase of the said Main Line of public
works by the Pennsylvania Railroad Com-
pany, if said purchase shall be effected, and does
not desire that any proceedings shall be taken
by the county of Allegheny, as whose
property the same are pledged for the purpose
of defeating such purchase. On the contrary
thereof he believes that the purchase of the
said Main Line, if effected upon the terms
and condition of the act of Assembly, will
be beneficial to the company. That he ver-
ily believes that it is the interest, and will be
the desire of the other holders of such bonds
to exchange the bonds held by them for the
corresponding amount of stock of the Com-
pany.

Sworn and subscribed before me, June 16,
1857. J. B. KENNEY, Alderman
To the Honorable Judges of the Supreme Court
of Pennsylvania:

The undersigned respectfully represent,
that they are holders in their own right or
for others, to the amount set opposite to their
names, of the bonds of the county of Allegheny,
issued for that stock, subscribed by said
county to the Pennsylvania Railroad Com-
pany, and for which said stock is pledged, as by
a copy of said Bonds hereto attached will ap-
pear.

That they are the parties equitably inter-
ested in said stock to the amount set opposite
to their names.

That they are in favor of the purchase of
the Main Line of the Public Works by the
Pennsylvania Railroad Company under the act
of the 16th of May, 1857, and they do verily
believe that said purchase will be for the
advantage of stockholders in said Com-
pany, and would enhance the value of said
stock so pledged for the Bonds held by them.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they are in favor of the purchase of
the Main Line of the Public Works by the
Pennsylvania Railroad Company under the act
of the 16th of May, 1857, and they do verily
believe that said purchase will be for the
advantage of stockholders in said Com-
pany, and would enhance the value of said
stock so pledged for the Bonds held by them.
That the Commissioners of Allegheny
county are only naked Trustees of said stock,

having no interest therein, and that the un-
designated parties interested in said stock, do
protest against the intervention of said Com-
missioners as holders of said stock, to prevent
the aforesaid sale.

That any action of said Commissioners re-
sisting said sale is, in their opinion, hostile to
their rights and interests of the parties equi-
tably interested in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.

That they have never advised, consented
or given any permission to said Trustees to in-
terfere in the suit now pending by Henry S.
Mott to prevent said sale, and they do protest
against such interference, and pray the Court
to protect their rights in said stock.