

Evening Telegraph

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FRIDAY, JANUARY 12, 1886.

The Great Railroad Suit—Pennsylvania vs. Reading.

YESTERDAY the Pennsylvania Railroad Company brought suit against the Reading Railroad Company and others, for the purpose of restraining the defendants from forming a connection, whereby, it is alleged, the plaintiffs would suffer. The case is one in which the most powerful corporations of our State, if not of the country, are engaged; and the argument opened before Justice READ is one in which all of the greatest legal talent in our Commonwealth will take part.

The British capitalists, headed by Sir MORTON PETO, during their recent visit perfected arrangements whereby the Catawissa, the Morris and Essex, the Western Central, and the Atlantic and Great Western Railroads should be made to connect, so that there should be a continuous route from the Atlantic to the Lakes, passing through the States of Pennsylvania and New York. There still, however, remained a missing link in this chain of roads, which was secured by a contract with the Reading Railroad Company, whereby, in the words of the agreement, "the said several railroads are so worked, managed, and directed, by the respective corporations owning or controlling the same, as to form one great through route from the cities of Cleveland, Cincinnati, and Dayton, and all other points, to or with which the said Atlantic and Great Western Railway Company may have access or connection, to the city of Philadelphia via the Philadelphia and Reading Railroad and its tributaries, and a line to New York via the said Philadelphia and Reading Railroad, the East Pennsylvania Railroad, and the Morris and Essex Railroad."

There would thus exist a through line with two great branches, one extending from Philadelphia direct to the West, the other from New York city, and both joining in the western portion of the State at the Catawissa junction. The connection thus secured would place Philadelphia one hundred miles nearer the grain-growing States than New York, and with equal facilities for communication, it being one of the special provisions of the contract that the rate for freight should be the same both for the Quaker and the Empire City. We would thus be placed in a position to acquire such trade as would naturally flow to us, and no inducement of economy would drive the Western merchants to the metropolis. In addition to this, the Reading Railroad Company and the Atlantic and Great Western Railroad Company would pay half the expense of starting a line of steamships between our city and England; or, as the contract sums up the reasons for the connection, "the true intent of this agreement is to give to Philadelphia and the line of the Reading Railroad every advantage given to the most favored parties" in the trade with the West. In order to effect this line of continuous travel, the Atlantic and Great Western Railroad Company have leased, for various terms of years, a large number of minor roads, and all these are brought under one grand controlling power. The whole work of gauging and connecting is to be done within four years. Such is the contract between the defendants.

By this arrangement, however, while it is conducive to the interests of the Reading Road, it is highly detrimental to the Pennsylvania Company, who have heretofore had the major portion of the carrying between Philadelphia, New York, and the West. They, therefore, file an application for an injunction to restrain the defendants from entering upon this agreement, and assign sixteen reasons, which we published yesterday in our legal intelligence, as causes why this contract, in violation of equity, shall not be allowed to go into force, for it is evident that whatever may be its effects on our city, it will injure the trade of the Pennsylvania Road.

The principal allegation on which is rested the claim for the injunction is the tenth, which sets forth that "The Atlantic and Great Western Railway, being constructed of six feet gauge, does not and cannot connect with the railroad of the Philadelphia and Erie Railroad Company, or with any railroad connecting with the said Catawissa Railroad, which are of a four feet eight and one-half inches gauge."

In answer to this, the Reading Road will produce the authorized advertisement of the Pennsylvania, in which they state that their road connects with certain others, although the gauge is different. They maintain that the merely coming in contact of the two roads is sufficient to form a connection, and that the size of the gauge has nothing more to do with it than the width of two highways can be said to prevent joining.

The other great basis of the plaintiffs'

suit is that the Catawissa road entered into a contract with the Philadelphia and Erie in 1860 for the purpose of mutual advantage; that by this other contract with the Atlantic and Great Western, the benefits enjoyed by the Philadelphia and Erie under the contract of 1860 were diverted into the channel of the Atlantic; and that this latter contract is void because of the existence of a prior one, whose provisions are thus vitiated. As the Pennsylvania has bought up the Philadelphia and Erie, they assume this as one of their own grounds against the validity of the new agreement between the Catawissa and the Atlantic and Great Western.

It will thus be seen that the interests involved are of the first magnitude, holding, as they do, within their grasp the great question of Western trade. The points on both sides are nice legal ones, and it is far from our intention to anticipate the Court in judging which company has equity on its side. A deep interest is felt in our community in regard to the result, of which we will again speak in due time.

The Enforcement of the Death Sentence—The Folly of Leniency.

A FALSE and morbid kind of sentimentality has recently grown up in our community in regard to the infliction of the death punishment on criminals who have wilfully taken life. This kindly pity for murderers, we are thankful to say, is almost entirely confined to the good City of Brotherly Love. Our sister municipalities execute their criminals without the whole community shedding tears. Pittsburg has a brace of scoundrels every month. New York sends forth an unprepared soul every few weeks.

All over the country executions are taking place for murder, and the Scriptural command that "Whosoever sheddeth man's blood, by man shall his blood be shed," is being fulfilled. Here, however, murders are being committed to a most astonishing extent, and yet it is nearly four years since any wretch has paid the penalty of his crime. The recent trial of MARY RIDEX, at which she was convicted of killing in the second degree, and let off with an imprisonment, even in the face of evidence so convincing that on the second trial she pleaded guilty of homicide, has called public attention to the fact that trials by jury are rapidly degenerating into a farce, and has suggested question to the minds of many whether it would not be better both for the prisoner and the public, that a more unbiased judge would decide the guilt and prescribe the punishment.

We know that, since the days of the Magna Charta, all of the Anglo-Saxon race have prided themselves on the integrity of the system of being tried for crime before a dozen peers, and convicted or acquitted by their opinion. There has been a vast amount of unbecoming utterance, and a great deal of folly said, as well as truth, in regard to the advantages of this system. In primal purity we do not doubt but that it was the most perfect and fair device that could have been selected, but it has frightfully degenerated to-day.

It may not be known, but it is nevertheless true, that there is a low and senseless class of our community who make it a regular profession to be on juries, who are all friendly to each other, and who live on the rich fees of one dollar per day. These men are the most stupid and the most unscrupulous of any set of men in the city. To look at the physique of the generality of Quarter Sessions juries is to see a collection of animal physiognomy which would disgrace a jail. And these professional jurors are the twelve peers before whom it is the delight of the American people to be tried! This is the sacred privilege bequeathed to us from the days of the Magna Charter.

The manner in which the majority of our jurors are taken from the lower classes is a singular incident of the evasion of a wise law. By a revision of the statute some years ago, the business of juror as a profession was supposed to be done away with. All the names of citizens are placed in a wheel, and a certain number drawn out at the opening of that term of the court for which all the jurors are to be selected. Those of our most respectable citizens who may be so unfortunate as to be selected either are excused from service for sufficient cause, or do not believe in capital punishment, and thus evade the duty of sitting for hours in a filthy room to decide on the life of a fellow-being. Thus only such as are beneath any such scruples remain, and thus from the lowest classes are our jurors selected.

It has been by such men as these that MARY RIDEX was acquitted, because of her pretty face, and it is as likely as not that if the scoundrel who murdered Miss WATT is brought up, he will get off with a second degree verdict. The jurors may be the peers of murderers, but they are not peers of ours.

There cannot be too much congratulation over the fact that our city is possessed of a District Attorney at once wise, vigilant, and relentless in his pursuit of crime. Hon. WILLIAM B. MANN has done his whole duty in endeavoring to secure the conviction of those evidently guilty of homicide, and that he failed is not due to any dereliction on his part, but because of the stupidity and partiality of those who constituted the enlightened peers before whom the criminals were tried.

from the attacks of those who are only kept in the path of duty by fear of the punishment, which will surely follow in the steps of all evil-doers.

Aid to Soldiers' Families.

"EVERY heart knoweth its own sorrows." We can scarcely imagine the desolation and want that has been produced by the desolation incident to a state of war. Many families, supported and sustained by the industry and zeal of loving husbands and fathers, are at present in needy circumstances, and appeal with solemn earnestness to the benevolence of that Philadelphia public that never refused to answer the call of the suffering. The long list of contributors published in yesterday's TELEGRAPH indicates that the people are interested in this matter, and are willing to furnish means for the support of all who have lost their natural protectors by the accidents of war. But it must always be borne in mind that the most deserving are generally the last to make application for charity. They feel, but would rather starve than lose their self-respect. Perhaps this is foolish, but it is, nevertheless, human nature. A heart palpitating with sensibility always feels a delicacy in applying for necessary aid. There is a feeling of degradation in accepting a favor which every unindured heart must regard as a charity.

We incline to the belief that the families of soldiers who have died in the cause of their country's salvation should claim support as a right, and not beg for it as a privilege. They, by the blood and sweat of the battle-field, have earned a support for their widows and children. A life devoted to the salvation of the country cannot be repaid by a miserable pittance of eight dollars per month; but if a saved country denies to the families of our soldiers a respectable support, we are disgraced, and deserving of having proved that the slander that republics are ungrateful, is not an unmitigated slander. We can repay with kindness the sufferings of those who lost all in the struggle which saved us as a nation. We can very easily afford to support those who have saved the republic.

It is not often that we feel inclined to draw attention to the theories and practice of medical men, but when day after day we see in this journal, and the other leading dailies of this city, articles on Catarrh, Bronchitis, and Consumption, written in a plain, clear, concise manner (free from the technicalities of the profession), explaining a peculiar system of treatment, which even to the most uneducated person seems rational, then we cannot help alluding to the principal features of the case. In the first place, it strikes us as strange to see thoroughly educated physicians, like the authors of these letters, Drs. HUNTER & RAMSAY, addressing the masses through the columns of a daily newspaper, and yet, in the second place, who throw is due to these liberal-minded men, who praise off the shackles which bind them to their medical brethren, and spurning the ridicule of the fraternity, dare to openly advocate a system of treatment which, after years of successful practice, has proved to the world the blessings that result from thoroughly explaining the modus operandi of remedies in a manner intelligible to the public at large! In a word, Drs. HUNTER & RAMSAY—who have so long distinguished themselves as the advocates of the Inhalation system of practice in this country—hold that their mode of treatment is the only one by which lung diseases can be cured, and we, therefore (knowing these gentlemen personally), have no hesitation in drawing attention to their series of articles upon Consumption; and in conclusion we would add that, in so doing, we feel sure we are only paying a just compliment to men who, freeing themselves from the trammels of a false etiquette, and at the same time standing aloof from empiricism, have openly dared to publish what might be called "Popular Lectures upon the Causes, Symptoms, and Treatment of Consumption."

THE SUNDAY NEWSPAPER QUESTION.

The Matter in View of Common and Statutory Law.

To the Editor of THE EVENING TELEGRAPH:—Sir:—As the Sunday Press has favored the public with many long and learned dissertations in the shape of editorials and communications of a facetious and polemical character, in the effort to make the impression or enforce the conviction that the proper observance of the first day of the week is a matter of little importance with the editor of that paper, its profound biblical writers may obtain some wisdom and perhaps timely caution from the following legal propositions and observations:—

1. "Profanation of the Lord's-day is an offense against God and religion. For, besides the notorious indecency and scandal of permitting any secular business to be publicly transacted on that day, in a country professing Christianity, and the corruption of morals which usually follows its profanation, the keeping one day in seven holy, as a time of relaxation and refreshment, as well as for public worship, is of admirable service to a State considered merely as a civil institution. It enables the industrious workman to pursue his occupation in the ensuing week with health and cheerfulness. It imprints on the minds of the people that sense of their duty to God so necessary to make them good citizens, but which yet would be worn out and defaced by an unremitting continuance of labor, without any stated times of recalling them to the worship of their Maker." 4 Blackstones Commentaries, page 64.

2. These sound and restraining principles of the law were, in the early history of our State, incorporated into our jurisprudence and legislation. The Legislature, on the 22d of April, 1794, enacted that "that if any person shall do or perform any worldly employment or business whatever on the Lord's-day, commonly called Sunday, works of necessity and charity only excepted, and be convicted thereof, every such person so offending shall, for every such offense, forfeit and pay four dollars, which shall be collected by distress; and in case the offender refuses to pay, or goods and chattels cannot be found whereof to levy the same, he or she shall suffer six days imprisonment in the house of correction of the proper county.

Indelicacy and Sabbath-breakers have made, at various times since the enactment of this law, vigorous efforts to induce the Supreme Court of our State to declare the law null and void; but in all the cases, reaching over a period of sixty years, the Court has wisely and firmly maintained the law. The Court decided in one of the most important and leading cases on this

subject that even the "members of a society, or sect, who conscientiously observe and keep the seventh day of the week as the Christian Sabbath, are, upon conviction for violating the first day of the week, or Sunday, by working or performing any worldly employment, amenable to the penalties inflicted by the act of Assembly."

3. The publishing and selling a newspaper on Sunday, in pursuance of the worldly calling of the editor, is certainly worldly labor on that day, and is a violation of the law. A penalty imposed for doing a thing implies a prohibition against performance, and therefore the law restrains the performance of all worldly labor whatsoever, works of necessity and charity excepted.

The question whether a good or bad paper is published and sold on Sunday, is wholly immaterial in the inquiry whether the law has been violated; for the simple point to be established upon an arrest for performing worldly labor, in pursuance of a worldly calling, on the Lord's day or Sunday, was there any labor so performed on the day; if so, the offender is of course liable to the punishment prescribed in the Act of Assembly.

Not is it material in such an inquiry, nor could the law and penalty be evaded, by proving that all, or nearly all, of the principal labor preparatory to issuing a Sunday paper had been performed on Saturday. The law is violated by publishing and selling a paper on Sunday, in pursuance of the worldly calling of the editor. Obedience to law is the foundation of all good government and orderly society, and it is the duty of every citizen to keep, and aid in keeping, in violation of this law, which has prevented lawlessness and crime, and which at the present day is essential to protect sincere lovers of God in their worship, devotions, duties, and pious labors on the Lord's day or Sunday.

—The following statement gives the number of deaths which have taken place in Chicago annually for the past nineteen years:—

SPECIAL NOTICES.

SECOND NATIONAL BANK OF PHILADELPHIA.

At the Annual Meeting of the Stockholders of this Bank, held on the 9th inst., the following gentlemen were elected Directors for the ensuing year:—

THE PHILADELPHIA NATIONAL BANK.

At the Annual Election held on the 11th inst., the following gentlemen were elected Directors of this Bank:—

COMMONWEALTH NATIONAL BANK.

At the Annual Election held on the 11th inst., the following gentlemen were elected Directors of this Bank:—

UNION NATIONAL BANK.

At the Annual Election held on the 11th inst., the following gentlemen were elected Directors of this Bank:—

BANK OF NORTH AMERICA.

At an Election held on the 9th inst., the following named gentlemen were elected Directors of this Bank:—

FARMERS' AND MECHANICS' NATIONAL BANK.

At an election held on the 10th of January, 1886, the following named Stockholders were elected Directors of this Bank:—

SOUTHWALK NATIONAL BANK.

The Directors have been elected, as follows:—

THE PHILADELPHIA WILMINGTON, AND BALTIMORE RAILROAD CO.

At an Annual Meeting of the Stockholders, held this day, the following persons were unanimously elected Directors for the ensuing year:—

THE PENNSYLVANIA INSTITUTION FOR THE DEAF AND DUMB.

The Annual Report of the Board of Directors will be submitted, and an election will be held for officers to serve for the ensuing year, on the 15th inst.

SPECIAL NOTICES.

SPRING GARDEN STREET M. E. CHURCH (Rev. A. COOKMAN, Pastor).—Deeply interesting services are being held in this Church, Tuesday and Friday evenings. The Evening, Rev. WILLIAM BUTLER, D. D., Missionary to India, and Rev. J. A. W. W. present the most able and eloquent. Services at 7 o'clock. The public are invited.

REV. J. H. SUYDAM WILL PREACH THIS EVENING, JANUARY 12, in Trinity Church, EIGHTH STREET, above Race at 7 o'clock.

E. H. THARP, ATTORNEY-AT-LAW, LAW AND COLLECTION OFFICE, No. 123 S. SIXTH STREET. Debts promptly collected in any City or Town of the United States.

OFFICE OF THE DELAWARE MUTUAL SAFETY INSURANCE COMPANY. At the Annual Election for Directors held on the 1st inst., the following gentlemen were duly elected:—

OFFICE OF THE NORTH PENNSYLVANIA RAILROAD. At an Annual Election of this Company, held this day, the following gentlemen were elected to serve during the ensuing year:—

OFFICE OF THE PHILADELPHIA AND READING RAILROAD COMPANY. The following gentlemen have been elected to serve for the ensuing year:—

OFFICE OF THE UNION PASSENGER RAILWAY COMPANY, No. 208 S. FOURTH STREET. The Coupons of the Union Passenger Railway, due on the 1st of January, 1886, will be paid on presentation at the Office of JACOB E. RIDGWAY, Banker, No. 37 THIRD STREET, until the 15th inst.

OFFICE ANTHRACITE INSURANCE COMPANY, No. 31 WALNUT STREET. The Board of Directors have this day declared a Cash Dividend of TWELVE PER CENT on the Capital Stock, payable on demand, from JANUARY 15, 1886.

OFFICE OF THE PEOPLE'S EQUIPMENT OIL COMPANY, No. 39 S. SECOND STREET. The Annual Meeting of the Stockholders of this Company will be held at their office, on MONDAY, JANUARY 13, 1886, at 12 o'clock noon, for the purpose of electing new Directors to serve the ensuing year, and for such other business as may be brought before them. Full notice at 2 o'clock P. M.

OFFICE ST. NICHOLAS COAL COMPANY, No. 205 S. WALNUT STREET. The Directors of the St. Nicholas Coal Company have this day declared a Cash Dividend of TWELVE PER CENT on the Capital Stock, payable on demand, from JANUARY 15, 1886.

PHILADELPHIA FIRE AND INLAND VIGILANCE INSURANCE COMPANY. An Election will be held for Directors on MONDAY next, at No. 248 South THIRD STREET, between the hours of 11 and 1 o'clock P. M.

ATTENTION, COMPANY!—PHILADELPHIA GRAVEYARD. The Active, Honorable, and Contributing Members of the Artillery Corps of Philadelphia are requested to meet at the Company's CONCERT HALL, on FRIDAY EVENING, the 12th, at 7 o'clock. Business important, in view of Anniversary Celebration.

A MEETING OF THE STOCKHOLDERS OF THE RED MOUNTAIN COAL AND IMPROVEMENT COMPANY will be held at the office of the Company, No. 208 S. FOURTH STREET, on SATURDAY, JANUARY 10, at 12 o'clock M.

DINING-ROOM.—F. LAKEMEYER, CARTER'S Alley, would respectfully inform the Public generally that he has just returned to make this place comfortable in every respect for the accommodation of guests. He has opened a large and commodious Dining-room in the second story. His SEVEN BOARD is furnished with BRANDIES, WINES, WHISKY, &c., &c., of SUPERIOR BRANDS.

A PHYSIOLOGICAL VIEW OF MARRIAGE.—Containing nearly 300 pages, and 129 fine Plates and Engravings of the Anatomy of the Human Organs in a State of Health and Disease, with a Treatise on Early Errors, its Dangers, and its Remedies, and the Mind and Body, with the Author's Plan of Treatment, the only rational and successful mode of cure, as shown by the report of Cases treated. A truthful adviser to the married, and those contemplating marriage, who entertain doubts of their physical condition. Sent free of postage to any address, on receipt of 25 cents. In stamps or postal currency, by addressing DR. LA CROIX, No. 31 S. ALLEN LANE, N. Y.

JUST PUBLISHED BY THE NEW YORK MUSEUM, the Nineteenth Edition of their

PHILOSOPHY OF MARRIAGE. To be had free or for 4 stamps, by addressing Secretary New York Museum of Anatomy, No. 115 BROADWAY, New York.

STAR CLOTHING EMPORIUM, No. 609 CHESTNUT STREET, ABOVE SIXTH. Slightly Damaged Stock Closing Out. EXTREMELY LOW.

TO RENT. A NEW AND ELEGANT FOUR STORY HOUSE, with furniture, light, and gas, to rent and furniture for sale, on S. Broad street, Address Box 2094 Philadelphia Post Office. 15 1/2

EDWIN HALL & CO., No. 26 S. SECOND STREET.

Call the especial attention of the ladies to our present stock of

SILKS, And advise them to purchase now, as they have good reason to believe that the price of Silks will advance after the present month, and the spring demand will raise the prices still higher.

COLORED AND BLACK MOIRE ANTIQUES. COLORED CORDED SILKS. COLORED POULT DE SOIRS. BLACK CORDED SILKS.

BLACK GROS GRAINES. BLACK TAFFETAS. BLACK GROS DE RHINES.

A few Fancy Silks selling of very cheap to close them out. 15 1/2

THE LATE GREAT FIRE! IMMENSE BARGAINS OFFERED.

ROCKHILL & WILSON, PROPRIETORS OF THE Brown Stone Clothing Hall, Nos. 603 and 605 CHESTNUT ST., HAVE THEIR STOCK OF GOODS

GENTLEMEN AND YOUTHS Now Arranged and Ready for Sale, AT

ASTOUNDINGLY LOW PRICES, WITH A VIEW TO CLOSING OUT THE GOODS

Rescued from the Late Conflagration, AND OF PREPARING THEM SPRING STOCK.

THE CUSTOMER DEPARTMENT IS NOW UNDER WAY ON THE SECOND FLOOR, 12 3/4

AMERICAN ACADEMY OF MUSIC. SOIREE GYMNASTIQUE BY THE PUPILS OF HILLEBRAND & LEWIS' GYMNASIUM, TUESDAY EVENING, JANUARY 16.

A Rich Programme of GYMNASIUMS by the Pupils of both Sexes, ACROBATICS, FENCING, SPARRING, DRILLING. CHEERS WITH ORCHESTRA, ETC. ETC. RESERVED SEATS 50 CENTS. 12 3/4

WANTS. WANTED—A SITUATION AS BOOK-KEEPER or Assistant Book-keeper and Salesman, by a Young Man of experience and good business qualifications. Will be dispensed on 1st February. A firm doing a country business will find it to their advantage to address "N. F. G.," TELEGRAPH OFFICE. 119 1/2

GREEN PEAS, GREEN CORN, FRESH PEACHES, FRESH TOMATOES, PLUMS, ETC., ALBERT C. ROBERTS, DEALER IN FINE GROCERIES, 9 2/4

10 CENTS! 10 CENTS! 10 CENTS!!! VERY SATISFACTORY. A JOYOUS OF GIGGLE READING, SELECTED FROM CURRENT FOREIGN LITERATURE. Subscriptions received for weekly or monthly parts. G. W. FISHER, No. 605 CHESTNUT STREET. 12 1/2

TAKE NOTICE—CONSTANTLY ON HAND an extensive stock of the renowned "Lubon Oil Safety Lamps." Needs no chimney and does not smoke, "the only wanted;" also the celebrated "American Water-light Safety Lamps," burning without smoke or smell. The patronage of the public is most cordially solicited. WOOSTER, DAVIS & CO., No. 913 ARCH STREET. 11 1/2

WANAMAKER & BROWN, SIXTH AND MARKET STREETS.