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SCRANTON, FEBRUARY 4, 1897.

Mrs. Franc T. Vail, who has been mentioned as a proper successor to Mrs. Swan on the poor board, is among the brightest and most progressive of Scranton's bright women and has had experience in philanthropic work that would be of material aid on the poor board. Mrs. Vail has always taken great interest in public affairs. Several years ago she was a candidate for school controller from the Seventeenth ward and received a large vote.

Manufactured Damage Suits. A recent dispatch from Harrisburg to one of the Philadelphia papers contained the assertion that Senator Magee, of Allegheny, proposed to introduce a bill to check the multiplication of speculative damage suits against Traction companies by requiring plaintims to give advance bond for the costs. We learn from Senator Magee that this ts not true. "While I believe," he says in a letter under date of February 1, "that something should be done to prevent the growing evil of manufactured damage cases, I have no bill to present upon the subject."

That this is "a growing evil" is ghown, among other ways, by a search which Mr. E. Parmalee Prentice, of the Chicago bar, recently made of the records of Cook county, Ill. During the first six months of 1890, 346 damage suits were brought, claiming a total sum of \$2.814.860. During the first six months of 1896, the number of this class of suits was 893, and the total damages claimed was \$13,519,000. Mr. Prentice says that it is not unreasonable to assume that there are now pending in the courts of Cook county eases of this kind to the number of 3,600, claiming damages of over \$50,-

A like increase in the size of the verdlets rendered and the number of judgments obtained is also shown, as we learn from the Times-Herald, from tisties are taken. In the first six months of 1890 three verdicts were rendered in the Cook county courts of \$19,to \$35,240. In the first six months of in the same courts, each for an amount exceeding \$19,000, the total of the twenty-six being \$425,000. Other figures are given showing the vast prependerance of verdicts that are rendered for the plaintiff, the proportion being about six to one, indicating that damage suits against corporations are practicably indefensible because of the prejudice of juries.

Mr. Prentice asserts that the prosecution of these suits has grown into a regular business; that bureaus and claims, being assignable, are transferred like stock in the market, and numerous persons thus become interested in them and in their successful prosecution. "Thus," says the Times-Herald, "a vast and often unseen power is brought to bear upon courts and Juries, which is altogether unlawful."

This is a picture which presents many points of local familiarity. It is to be regretted that a way is not clear by legislation to reach this evil without denying justice to those who have real injuries to be redressed.

It begins to look as if Clifton Knorr, of Bloomsburg, were about to establish a new record for the wanton abuse of

Three Instructive Examples.

Te Lancaster New Era cites three recent trials for libel under the present law wherein, with similar facts, dissimilar conclusions were reached.

The first case was a suit brought against the Reading Herald, and tried before Judge Endlich, in March, 1895. The Herald had published an item stating that one Zuber was arrested the night before, having been caught in the act of adultery at the home of Deborah Shelly, No. 954 Muhlenburg street, the caption of the item being, "Arrested in a Bawdy House." The article was privileged and the statement true, except that a mistake was made in the location of the house and the name of the proprietress, Mrs. Shelly being a woman of irreproachable character. The mistake, arising out of a misunderstanding between the police and the reporter and editor, was discovered and a correction printed the next day. But Mrs. Shelly, not satisfied, brought sult, and the jury gave her a verdict of \$150, the court reserving for further consideration the question whether, as a matter of law. under the facts proven and admitted. there could be any recovery. This reserved point having been argued, Judge Endlich, in a lengthy opinion, in which he cited numerous authorities, reached the conclusion that "an honest mistake. both in the location and the name, induced by probable cause, could not make the erroneous statement believed in at the time, and made without malice, a lawful ground of recovery," and, therefore, set the verdict of the

jury aside. The second was a Lancaster county case, that of Collins vs. the Morning News. In this case a mistake was made by the reporter in giving the wrong name as a defendant in a criminal charge. He was misled in doing so by the statement of the attorney for the plaintiff in the case, to whom he had been referred from the police office for details. The mistake was corrected as soon as brought to the editor's attention, but the jury awarded \$650 damages. In charging the jury Judge Livingston held that the publication being untrue it was not privileged, but libellous per se, therefore actionable

and presumed to be malicious. The third case was that of Becker against the Philadelphia Public Ledger, than which there is not a more careful. conscientious or cautious paper printed. the Ledger stating that Mr. Becker had to oppose a new tariff bill, drawn on

The Scranton Tribune been held in \$800 on a charge of embezzlement. This alleged libel also had been held in \$800 on a charge of emits origin in a confusion of names. The magistrate gave the reporter the name of Mr. Becker instead of that of Segal, the real defendant. Becker sued for \$25,000, notwithstanding that a full and adequate retraction was published in the Ledger as soon as the error was brought to the attention of the city edi-The jury returned a verdict of \$75 damages. Judge Gordon, in a lengthy charge to the jury, said "the verdict in this case must be for the plaintiff; it is a question of amount only." though he also charged that as the matter was a publication touching facts of a judicial proceeding, it was a privileged subject, and there being no malice the plaintiff was entitled to recover only compensation for actual injury sus-

tained. Here we have three different interpre ations of the libel laws under practic ally identical circumstances. Judge Endlich, holding that "anything which is of public interest to the community is privileged," also says that a promptly corrected mistake inflicts no injury Judge Livingston, on the other hand says that every mistake in print is nec essarily malicious; and Judge Gordon takes a middle position between the two. Is it any wonder that when a law is so obscure in its language that experus can thus disagree, publishers should wish, in their own protection, to have that law amended with a view to making its meaning clear?

The fact that it is possible in this ountry for a bright man like Frank Thompson to work his way up from the very foot of the rallway ladder to the presidency of the largest and best managed transportation company in the world within less than forty years is a tribute to American institutions offsetting a great deal of academic or dyspeptic criticism. Such instances are not the exception but the rule among Americans who prove themselves worthy of advancement.

The Man Who Dared,

No other political event of the year has excited a greater stir among newspapers and politicians than th selection by Governor Black of Louis F. Payn to be insurance superintendent of the state of New York. Mr. Payn is one of the most skilful politicians in the Empire state; by many he is rated as second only to T. C. Platt. He has which journal these instructive sta- held important offices with credit, notably the United States marshalship for the Southern district of New York under Grant, and has shown executive 000 each or over, the three amounting ability of a high order. But he has also been conspicuous in the factional 1896 twenty-six verdicts were rendered strife which has so long and so bitterly prevailed during the present political generation in that commonwealth; he has thumped many heads, rasped many sensibilities, trodden on many tender ambitions and is by a certain element furiously disliked. This element includes those who like to make targets of men active in politics, who accept wil report at face value and consider that the only wickedness is the wickedless of the opposition.

Concerning the clamor which has sought to defeat Payn we have only to brokers and runners are employed to say that it has exceeded in din any hunt up such cases, and that more or within our personal recollection. Most less fraud is used in promoting, fos- of the specific charges included in it have been refuted in detail and shown to be false, but of course this has had as yet no perceptible effect. Manhunting, while the craze is on, is seldom conducive to impartial justice; the itch of the populace periodically to crucify some one is seemingly an inheritance from humanity's early days. The point which commands our admiration in this whole episode is the steadiness and coolness with which the main victim of this furore, Governor Black, stands by his personal conviction, remains true to his word and has for the storm about him apparently the quietest contempt. Whether you agree with Black or not as to the propriety of naming Payn you cannot get away from admiring the flint-like determination with which he follows out his personal judgment Here, you are sure, is no ordinary man Predictions are superabundant that

Black has committed political suicide. Time alone can tell. But for our part we don't believe it. Newspaper abuse particularly in a case like this where it seems to be founded almost wholly on artificial grounds, is often a due bill of character which the future will hon-We don't think Black would have gone back on Payn, to whom he says he owed his nomination, even if the alternative were the utter destruction of his personal prospects; but we entertain very little fear that a governor who can face such a storm as Black is facing without wavering from the line he has marked out will be eliminated from future politics by pop-gun newspaper criticism.

Word is received from Canton, in a manner which courts credence, to the effect that a cabinet portfolio very likely the postmaster generalship, will be proffered by the president-elect to New York first, and in the event of a failure among the factions of that state to agree upon a suitable man, this portfolio will next be tendered to Pennsylvania. It is a safe guess that the factions in New York, newly stirred to strife over the Payn appointment, will not agree.

Appearances indicate the defeat in the senate of the arbitration treaty. chiefly because of the personal antagonism in that body to Messrs. Cleveland and Olney. On the other hand, appearances are proverbially deceptive, and especially so in politics. We predict that the senate will simply not have the nerve to hold out against the accumulating public sentiment which is preparing to demand the ratification by it of the essential principles of that treaty

If Attorney General Harmon were half as anxious to punish violations of the Sherman anti-trust law as he is to make a legal case against the steamer "Three Friends," which is charged with conveying ammunition and supplies to Cuba, he would present a much better appearance before the people.

Lyman J. Gage is reported to have pronounced the greenback "idlotic and immoral." But not all that is reported these days can be believed. We doubt If he ever said anything of the kind.

A canvass of the next senate shows Last November an item appeared in 44 votes certain to favor and 36 certain

otective lines, besides 10 votes marked doubtful. On the financial question. there the reported to be 46 silver votes, 43 gold votes and I vote in doubt. This alignment is quite sufficient to insure conservative action on the two vital is-

STATE LEGISLATIVE TOPICS.

Senator Gibson, of Eric, will introduce bill providing a radical reform in the resent method of school government in consylvania. The main feature of his neasure is that if passed it will remove rom school boards the power to employ achers and vest it in the school princ pais or superintendents themselves. While the boards of control will, as heretofore elect superintendents and chief teacher in district or ward schools, all subord nates will be under the full control of thes rincipals and the public will hold the lat-er directly responsible for the quality of astruction in the schools, Ex-Mayor instruction in the schools, Ex-Mayor Pearson, of Allegheny, in discussing the Gibson bill, which he helped to frame, recently said: "The greatest evil today in connection with our public schools is the prominent part that politics plays in them. In many wards of Allegheny, for instance, the fact is frequently clearly demonstrated that competent teachers are removed only because they look political power. A ed that competent teachers are removed only because they lack political power. A director, in order to be re-elected, is compelled to satisfy his constituents. If he falls to secure a position for a certain popular young lady, or a lady who is wanted by the political leaders, his chances for winning are lessened. This trouble could all be overcome if the power of leating teachers was taken from the discussions. electing teachers was taken from the di-rectors. The principal, who should be the governor of the school, would then be entirely responsible for the management of the institution in all of its details. He could be held accountable. The result of such a change would mean that the principal unless he made a good showing would be called to time by the directors. For his own part he would do his best to curround himself with the most compoent instructors, and where a teacher was not satisfactory he would try to secure one hat was." Unfortunately for this bill, the objection has been raised that if were passed it would simply transfer th location of political interference from school boards to principals. The boards would not elect principals without a prio understanding as to patronage, and the latter, when elected, would be compelled do as the electing power wished or a he hazard of subsequent defeat. *As the Washington Post pertinently observes Instead of getting the schools out of polices or politics out of the schools, it would imply create a new set of bosses, or sul оязея, in the persons of the principals, an he chronic evil would experience no abute ent. But there is one way to bring abou ne desired reform. The voters elect directors. If they will turn down selfish politics hemers and elect only the best available on and women the work will be accomdished." There is no other way,

Discussing the proposed new libel lay he Altoona Tribune commends its printipal features, but adds: "We have n esire to see the restraints that guard th movements of a private citizen removes or in any way weakened. A candidate to office of an office-holder may be a legitimate subject of criticism. When a man asks the public to honor him with its continuous lence he must not complain if the news capers which are advocating the claim of his opponent bring out any weak spot n his record, make much of his fractiles criticise his character and even calumni ate him. If he be a public servint and ate him, If he be a public servint and stand in the white light of publicity he must expect misrepresentation and ma licious criticism almost every day of his life. If a citizen wolate the law, if he become a danger and a menace, if he en gage in a business that is a peril to the peace of the community, he is a legit! mate subject of criticism, indeed, newspaper fails in its duty as a guar of the interests of the community unle it makes vigorous warfare upon crua and criminals. But the man who is no n politics or in office or posing in a sublic capacity before his fellow citize has a right to the protection of the la when his privacy is invaded. Not being any sense an object of public concern. I should be free from the impertingne the reporter, and if, in spite of his remot strance, or without his knowledge h name is handled about by the press in manner to make him notorious or later us, he has a right to exemplary damag No offensive publication about a privat person should ever be regarded as a privi leged one. The law should protect one good name as well as his property." On contemporary errs in demanding "exem-plary damages." The proper redress in the contingency it cites would be a proseution for criminal libel and a civil spit for compensatory damages. It is unfair in the present law to single out newspape men, even when gullty, for cumulous pan-ishment. No other class of cit zens are thus doubly punished, not even the lowest and meanest and scurviest that haun the plague spots and the slums.

The Philadelphia Ledger heartily favors Representative Keator's bill appointing a "Thinking committee" for the benefit the legislature; i. e., a permanent con mission for statutory revision. It says "Notwithstanding the fact that many o the members of the legislature are law yers, and that the acts of assembly as examined by the governor and the atto ney general, many defective acts appear upon the statute book. Much of our leg-islation is precipitate. Little time is arorded for the close scrutiny of bills in the losing days of the legislative session, when many important measures are hastily passed. The creation of a sort of third house to examine pending measures, is set forth in the Keator bill, would loubtless save numerous acts of assemly from annulment by the courts for constitutional imperfections. The State Bar association of New York, a few years ago, made this matter a subject of inquiry, and the recommendation was made, which was substantially adopted by the legislaure of that state, providing that com-missioners of statutory revision should act as advisers to the members of the leg-islature in the drawing of bills. An Eng-lish official and his assistants, known as parliamentary counsel, receives a salary of nearly \$15,000 in our money, and each of his assistants \$10,000. A properly consti-tuted commission of this nature would be highly advantageous. It would not eliminate all the uncertainties and imperfections which creep into our laws by inad vertence or inexperience, but the drafting of the statutes would be improved, and less would be left to be construed by the courts. The proposition casts no refletion upon the ability of the legislature, would, doubtless, find such an advisor third house exceedingly convenient

It is an interesting fact, as bearing upon the charge that Quay influences have sought to throttle the proposed investiga-tion of the state treasury, that before the rote on this matter was taken on Monday night every member of the house friendly to Quay received a written request from major Penrose to be present and to ver r a thorough investigation, without ejudice to any measures which may, it e meantime, be introduced relative w better safeguarding of state fund inther than this, it is known that we as come from Senator Quay hims uggesting the enactment of a law to ure interest on state balances, his only lish being that if such a law shall bassed it shall relieve the state treasure of responsibility for balances placel an-der its direction and shall afford him a living salary after the cost of executing its bond shall be met.

It is to be hoped that the present s sion of the legislature will not adjourn be-fore it shall have either abolished the Legislative Record or taken some action which will insure the prompt appearance of that publication so printed and edited that it

can be read. This we realize, is a ster yped complaint; but it is also a Just The money now spent on this disrepu and uncertain spasmodical is simply was ed. It might much better be donated the Harrisburg fire department, which a parently needs help. An accurate reco-of legislative proceedings printed in leae type on substantial white paper an issued not later than twenty-four hours after the adjournment of the sitting to be reported would be worth something. but the present leisurely and vagrant issue is not worth a counterfeit picayune.

The Altoona Tribune wants the legis-ature to provide for the submission of a lature to provide for the submission of a constitutional amendment abolishing tay board of pardons, and the incorporation of a section forbidding the granting of pardons, save only under certain exceptional circumstances. "And then," it adds, "let the governor shoulder the entire responsibility. Our present system has been in operation long enough to convince those who believe in the convince those who believe in the convince those who believe in the enforcement of law that it is a failure."

Senator Brown, of Westmoreland, pro-poses an amendment to the primary elec-tion law of 1874, extending it to include congressmen, and compelling all candi-dates to file a bill of expenses with the derk of courts. The same regulation will apply to general elections, except that the money put up by candidates must be spent through the county chairman for the bene-fit of the whole ticket. Senator Brown says it will protect aspirants for office from macers and prevent corruption at primaries and in elections.

THE GOVERNORSHIP.

From the Washington Post, Half a dozen congressmen want to step out of the house into the gubernatorial out of the house into the gubernatorial chair in Pennsylvania, and as only one man can be nominated and elected there is likely to be some heartburning before the question is settled. The six congressmen are William A. Stone, Leisenriug. Charles W. Stone, Mahon, Hicks and Huff. It has always been supposed that the influence of Senator Quay would be exerted for William A. Stone, but since all the for William A. Stone, but since all the other candidates are also friends of Quay, it is probable that the latter will keep his hands out of the fight until some one can didate develops marked strength. It is said to be within the range of probability that the prize, after all, will go to Con-gressman-elect Connell, of Scranton, who is another of Quay's lieutenants,

TOLD BY THE STARS.

Daily Horoscope Drawn by Ajacchus The Tribune Astrologer. Astrolabe cast: 3.18 a. m., for Thursday, Feb. 4, 1897.

(2) FA. A child born on this day will notice that he suggestion that Mrs. Franc Vail would make an excellent poor director to succeed Mrs. Swan has caused several promising booms to droop like the proverbial moist

It will be proper for Mayor Bailey to carry a handful of stage snow in his socket to throw over himself when he igns that South Side sewer ordinance. If fire could be successfully controlled with wind, there is no doubt that the Harrisburg blaze would have been a very

Billy Bryan's jokes at this stage of the be funny when suffering from the tooth-

Authorities differ as to whether it is advisable for the ground hog to keep on his winter flannels another month. Ajacchus' Advice.

romises to pay Star line dividends upon a

Odds and Ends, we find while taking stock, are being sold at greatly reduced prices to make room for new spring

Have some good Dinner Sets we are closing out very low. \$15.00 Sets, with a few pieces short, now \$10.00.

Clemons, Ferber, O'Malley Co.

422 Lackawanna Ave.



BYRON WRITING

That "sheel" was paved with good intentions, probably realized the truth of the assertion. Don't let your good resolution to buy only the best Blank Books, Office Supplies, Type-Writing Supplies, etc., at our store be a paving stone. We keep the best in variety and quality. We also make a specialty of Draughting Supplies.

Reynolds Bros.,

Stationers and Engravers, HOTEL JERMYN BUILDING.

Anthony Hope's Fascinat-

ing Romance. Just Issued by the Same Author. Phroso.

437 Spruce Street. Opposite The Commonwealth.

GOLDSMITH'S S BAZAAR.



Carpet Department



We Are Now Showing New Designs in Axminsters, Body Brussels, Wiltons and Ingrain Carpets.

Silk Department

Large Invoice of Moire Velours, Taffetas and Pongees have been put in stock and are ready for inspection



E. ROBINSON'S SONS'

Brewery. Beer ager

Manufacturers of the Celebrated PILSNER LAGER BEER. CAPACITY-100,000 Barrels Per Annum.

ACHANGE

BARGAINS SCRANTON BUSINESS

The shoe store known as the I. Banister store, corner Lackawanna and Wyoming avenues, will hereafter be known as The Banister Shoe Co., of Newark, N. J. Are going to make extensive improvements in the store and the building and will close out the entire stock of the store at prices way below any ever offered to the people of this city. The improvements decided upon make it necessary to empty the store of all goods now there, and prices will not be considered to accomplish this result. Among the many improvements will be the doing away with all stands on the Wyoming avenue side and putting entrances and attractive shoe windows in their place. In short they intend having the best and most modern shoe store in the

SALE OPENS SATURDAY, FEBRUARY

Below Are a Few Prices. Read Them Carefully:

All Kahler Last Shoes \$5.00 and \$6.00 goods, will be sold for \$3.00 a pair. Laird, Schober & Co.'s Shoes, English Toe, worth \$6.00, for \$2.30 a pair. All the \$4 hand-made Common Sense and Square Toe Shoes, will be sold for \$2.25. All of Gray's \$5.00 hand made Shoes for \$2.50 a pair.

The above are a few of the many bargains we have to offer, and will serve to show the cut made on all lines. Every shoe in the store must be sold. Men's, Boys', Ladies', Misses' and Children's. On tables neatly arranged will be job lots of fine goods that will interest you. Ladies' fine shoes \$1.50 a pair, \$5.00 goods. Ladies' shoes at \$1.00, original price \$3.00 to \$5. Children's and Misses' shoes 50 to 75 cents. Dressing 5c. a bottle. Ladies' rubbers 10c. a pair, etc. It will be necessary to close the store all day Friday to arrange the stock and goods ZENDA on tables for the Opening Day of Sale, Saturday, Feb. 6.

THE BANISTER SHOE COMPANY W. N. BROOKS, Manager.