THURSDAY, JANUARY 6, 1898.

ONE ANSWER CITED. On the argument of the rule to take off

In the Gavigan case the proceedings were brought to recover damages for

injuries occasioned in the alleged neg-

ligent manner in which the defendant's

his health was injurious, causing nausea

INSTRUCTIONS TO JURY.

Are these such substantial injuries a

would entitle the plaintiff to damages" On this point we instructed the jury in these words; "In the course of the

and loss of appetite.



For Billous and Nervous Disorders such as Wind and Pain in the Stomach, Sick Headacha, Giddiness, Fulness and Swelling after meals, Dizziness and Drowsiness, Cold Chills, Flush-ings of Heat, Loss of Appetite, Shoriness of Breath, Costiveness, Blotches on the Skin, Di-turbed Sieep, Frightful Dreams and all Nervous and Trembling Schaulons, &c., when these symptoms are caused by constipation, as most of them are. THE FIRST DOSE WILL OIVE RELIEF IN TWENTY MINUTES. This is no foldion. Every sufferer is earnestly invited to try one box of these Pills, and they will be acknowledged to be

A WONDERFUL MEDICINE

BEECHAM'S PILLS, taken as directed, will quickly restore females to complete health asy promptly remove obstructions or irregularities of the system. For a

WEAK STOMACH, IMPAIRED DIGESTION. DISORDERED LIVER they act like magic-a few doses will act wonders upon the Vital Organs; strengthening the Muscular System, restoring the long lost complexion, bringing back the keen edge of appe-tite and arousing with the Rosebud of Health, the whole physical energy of the human irame. These are facts admitted by thousands in all classes of society, and one of the best guarantees to the Nervous and Deblittated is that Beecham's Pills have the Largest Sale of any Patent Medicine in the World.

WITHOUT A RIVAL. Annual Sales over 6,000,000 Boxes. 25c, at Drug Stores, or will be sent by U. S. Agent, P. F. ALLEN & CO., 366 Canal Street New York, post paid, upon receipt of price. Book free upon application.

charged.

to remove his cause to Pike county under the provisions of the act of April 14, 1834, P. L. 295. MARRIAGE LICENSE **CUTS NO FIGURE**

The Absence of One, in No Way Affects Validity of Marriage.

THUS JUDGE EDWARDS DECIDES

New Trial Refused in the Gaugan Case Against the Atlantic Refining Company--Local Courts Decline to Reverse the Supreme Court Even at Agib Bicketts' Demand--Some Interesting Conclusions Drawn by the Trial Judge.

It was Judge Edwards' field day, yesterday. He rendered three important, lengthy and very interesting opinions in addition to passing upon a number of minor matters.

One opinion decides that the failure in the September sessions of last year to take out a marriage license does not invalidate a marriage, although law opinion discharging the rule for another says no person shall be joined in marnew trial is in part as follows: riage until a license is first granted. It was seriously contended by detend-ant's counsel that there was no tangible testimony upon which the jury could assess damages. Let us look at the facts. The properties of plaintiff and defendant In another opinion he refuses to strike off the non-suit in the famous Felts-Delaware, Lackawanna and Western case, and in a third opinion he refuses a new trial in the case of Gavigan against the Atlantic Refining company.

chased his house and lot about fourteen years ago, and has occupied it ever since. A few years afterwards the defendant erected on its property an oll establish-ment for the purpose of receiving, stor-ing and distributing oils of various kinds. The business carried on by the defendant war an extensive one. The plaintiff claimed that the soil of his land was sat-urated with oil escaping from the de-The opinion on the marriage license matter was on the exceptions to the report of the auditor in the estate of Martha Biesecker, deceased, and is as follows:

The testatrix died, leaving personal property to the amount of about \$700, which she bequeathed to her four children, share and share alike. Her hus-band, surviving her, elected to take his statutory share against the will. The auditor allowed his claim. The exceptants contend that the auditor was in error for the reason that there was no valid marriage existing between Levi Biesecker and the decedent. It was admit-ted at the hearing and the auditor has so found, that no marriage license was is-sued before the marriage was solemnized. He also finds that the parties were mar-ried by a minister of the Christian church, in Lackawanna county, Pennsylvania, in September, 1894. His conclusions of law on this question are that the mar-riage was valid and that the omission to secure license required by the act of June 23, 1895, did not render the marriage void. We are of the opinion that the auditor was correct and that the husband's claim was properly allowed.

PROVISIONS OF ACT OF 1885. The act of 1885, according to its title. relates to marriage licenses and pro-

Larceny and Receiving Martin Wasi-us; Frank Smith, pros. William Arnoid; ... A. Mulines, pros. Agravated Assault and Battery -Frank Gill, Michael Gill; George L. Bur-

Selling liquor to Minors-John Brown, Selling liquor to Minors-John Brown, Jr.; Timothy Jones, pros. Selling Liquor Without License-John Brown, Jr.; Timothy Jones, pros. Pointing Pistol-Hugh Collins; A. Brum-baush, pros. Peter Race; Jonah Beynon, pros.

Fornication and Bastardy-Richard Walsh: Bridget Garvey, prox. Felonious Wounding-Alexander Smith:

Feloulous Wounding-Alexander Smith: Frank Miller, pros. Larceny by Ballee-William Whitbeck, John H. Munson; Niel McTague, pros. False Pretencez-Clarence Snyder; A:-thur L. Hyble, pros. D. Feldman: William H. Chandler, pros. Pelonicus Attempt-Antonia Matra, Louigi Renda, Michael Renda, Raphael Basta, Francesco Marino; Antonio Ger-age, pros. Antonia Hatra, Louigi Renda, Michael Renda, Raphael Basta, Frances-co Marino; Joseph Anastasio, pros. Malicious Mischiel-Martin Josefchick; Mary Boby, prox.

Mary Boby, prox. -Robbery-John Allspough, Harry Ails-pough, John Davis; Samuel Lee, pros.

IGNORED. Mullcious Mischief-Cella Eastman; Winifred Moran, pros., to pay costs. William Kelly; John McAvoy, pros.; couny pay costs. Assault and Battery-Patrick Melvin:

On the argument of the rule to take off the non-suit the only ground assigned was the want of jurisdiction. Our answer to the argument is to be found in the case of Feits vs. the Defa-ware. Lackswanna and Western Rail-road company. To Pa 432, the same case that is now before us. It will be seen at once that we are asked to ait in judgment upon the decision of the Supreme court in this case. It might be a pleasant va-riation of judicial work for a court of common pleas to exercise appellate jur-isdiction over the judgments of our Su-James Conway, pros.; county pay costs, Patrick Murray; Annie Murray, prox., to pay costs. James Wilson, L. A. Mulinex, pros. to pay costs, Louis Mulinex; James Wilson and the pay costs, Louis Mulinex; James wilson, pros. to pay costs. Louis Mulnex; James Wilson, pros. to pay costs. Patrick Hef-fron; Nora Heffron, prox.; county pay costs. Joseph Smith; Winnie Scott, prox., to pay costs. Anthony McNuity; Michael Reap, pros., to pay costs. Antirew Gorat; Sophia Meeske, prox.; county pay costs, Cella Eastman; Winifred Moran, prox., to pay costs. John Gaughan; Maggie isdiction over the judgments of our Su-preme court, but, with becoming mod-esty, we shall allow the appellate trib-Gaughan, prox., to pay costs, efty, we shall allow the upperfunction on al itself to change or modify its own indgments, whenever it feels called upon to exercise toat high privilege. The rule to take off the non-solt is fis-

Gaughan, prox., to pay costs. Larceny and Receiving-Mary Stubbs; B. M. Vosburg, pros.; county pay costs, Peter Smith; Anthony Sabas, pros., to pay costs. Peter Reiber; H. Eugene Washer, pros., to pay costs; G. L. Potter, Hugh Collins; A. Burbaogh, pros. Ldu Fisher; Morgan Edwards, pros. Charles Vobulski; Fred Baliner, pros. Indecent Exposure-Joseph Smith; Win-nie Scott, prox., to pay costs, Celia Enst-man; Winifred Moran, pros., to pay costs, company's works are conducted. A Common Scold-Celia Eastman; Wint-

fred Moran, pros., to pay costs, Salua Protences-Albert H. Smith verdict of \$500 was awarded at the Salas Protences-Albert H. Smith Mary H. Smith; Mary Davis, prox.; counfirst trial and at a retrial of the case ty pay costs. Eugene Miller: Carrie Grove, prox ; county pay costs. Larceny by Ballee-M. Davidow; John the award was increased to \$1,286. The

Bamford, pres. Porjury-Vencel Marvel: Lottle Muck. prox. to pay costs. Selling Liquor on Sunday-John Hef-fron: John Kajuacinski, pros.: county

Selling Liquor Without (Jeense-John Heffron: John Kapuscinski, pros.; county are near each other. The plaintiff pur-chased his house and lot about fourteen pay costs.

DAY COMM.

Piles Cured in 3 to 6 Nights.

One application gives relief. Dr Agnew's Ointment is a boon for Itch-ing Piles, or Blind, Bleeding Piles; it relieves quickly and permanently. In skin eruptions it stands without a urated with oil escaping from the de-Thousands of testimonials if rival. fendant's plant, and percolating through the intervening lots, reaching his cellar; that the odors and smoke from defendyou want evidence. Sold by Matthews Bros. 35 cents .- 7.



gress of the development of a town like Scranton one must expect inconveniences and discomforts. Smoke stacks, smoke and odors are necessarily incidental to the operation of many of the industries of the city. The smoke and colors ascend into the air and impregnate it. The com-FOR RENT1 CENT A WORD FOR SALE. munity at large suffers some inconven-

lence and annoyance on account of this. But such inconvenience and annoyance SITUATIONS WANTED

THE SCRANTON TRIBUNE.

soph Rudolevich; Charles Blyshon, pros. AGENTS WANTED. A GENTS-THE "MONARCH" IS THE best and cheapest telephone dask on the market; retail price, including one roll of paper, Si; liberal discount; exclusive ter-ritory. W. W; HAMILTON & CO., 21 Milk street, Boston, Mass.

WANTED-AGENTS FOR GREATENT tails 25. Big profits. OLVER BROS. Rochester, N. Y.

A GENTS TO SELL OUR SOC. STORM door: sample prepaid upon receipt of price, AMERICAN STORM DOOR CO., Fort Huron, Mich.

K LONDIKE - AGENTS WANTED FOR bundred pages; price \$1.50; outfit 105; Ad-dress NATIONAL PUBLISHING CO., Lake-side Building, Chicago, III.

WANTED-SOLICITORS: NO DELIVER-ing, no coulecting; position permanent; pay weekly; state age. GLEN BROTHERS, Rochester, N. Y.

A GENTS-WHAT ARE YOU GOING TO do about Safe Citizenship-price \$1. Go-ing by thousands. Address NICHOLS Naperville, Ill.

A GENTS.-TO SELL OUR PRACTICAL gold, silver, nickei and copper electro plasters; prices from \$3 upward; salary and expenses paid; outfit free. Address, with stamp, MICHIGAN MFG CO., Chicago.

A GENTS-TO SELL CIGARS TO DEAL-ers; \$25 weekly and expenses; experi-ence unaccessary. CONSOLIDATED MFG CO., 48 Van Buren St., Chicago.

LOST.

Advs. Under This Head One Cent a Word. LOST-AT NEW YEAR'S BALL, SILVER watch; reward to finder by returning to CURRY, Attorney, Commonwealth.

SPECIAL NOTICE.

OFFICE OF THE COLLIERY ENGINEER COMPANY, Scranton, Pa., Dec. 24th, 1897. 1 SPECIAL, NOTICE TO THE STOCK-holders—The Board of Trustees of this company has called a special meeting of its stockholders, to be held at the office of the side company in the Coal Exchange Build-ing in the City of Scranton. Pennsylvania, on the twenty-fourth day of February, 1898, at 2 p. m., for the purpose of voting for or against an increase of the capital stock from seven hundred and fifty thousand dollars (\$7530,000) to one million dollars (\$1,000,-000), and an increase in the number of Directors or Trustees from three (3) to five (5), and to amend the by-laws with refer-ence thereto. STANLEY P. ALLEN, Secretary.

EXECUTRIX'S NOTICE,

ESTATE OF J. ATTICUS ROBERTSON. Lackade of the city of Scranton, county of Lackade anna, and state of Pennsylvania, de-

Lackawanna, and state of Pennsylvania, de-ceased. Notice is hereby given that letters testa-mentary in the above named estate have been granted to the undersigned. All per-sons indebted to said estate are requested to make payment and all persons having claims or demands against the same will present them to MAGGIES. ROBERTSON, Executrix. F. L. HITCHCOCK, Attorney.

STOCKHOLDERS' MEETING.

THE ANNUAL STOCKHOLDERS' MEET-ing of The Western Miff Company will be held at the First National Bank, of Scran-ton, Saturday evening, Jan. S. 1898, at S o'clock. A. W. DICKSON, Secretary.

NOTICE IS HEREBY GIVEN THAT THE Norther is night by Given THAT THE namual meeting of the stockholders of the National Boring and Drilling company, will be held at the office of the company, room No. 410, Commonwealth building, scrapton, Fennsylvania, January 26th, 1898, at 20 clock p.m., for the purpose of electing directors for the ensuing year, and for the transaction of such other business as may properly come before the meeting, W. D. BOYER, Secretary.

130 Wyoming Ava.



business men, pleasure seekers and visitors



Annual Sale of Ladies' Underwear

It's always a January event in this store. More so this year than ever, because the stock is larger and better, and the prices lower than ever before. Our goods are all clean and fresh, made by in-telligent people, in the best factory in the business. Our immense purchases cause these remarkably low prices.

THURSDAY, JANUARY 6, 1898.



Night Gowns.

 SPECIAL PRICES—45c, 50c, 58c, 69c, 89c; \$1.15,
 Fluffy, Ruffled Skirts, liberal in size and honest in make.

 \$1.25, \$1.35, \$1.50, \$1.65, \$1.75, \$2.25, \$2.50.
 Hill make.

 & Lonsdale Muslin, Lonsdale Cambrics and other
 45c, 69c, 89c, \$1.15, \$1.25, \$1.35, \$1.50, \$1.65.

good makes are used in our garments.



A new line of Peck &

AP AND APTA

Snyder's celebrated



Skirts.

\$1.75, \$2.50.

Reis & Burgunder, Lessecs. H. R. Long, Local Managor.

One Week, Commencing

Monday, Jan 3.

vides for officers to issue licenses for parties to marry. Section 1 says that "No person, within this commonwealth shall be joined in marriage until a license shall have been obtained for that purpose." It then proceeds to prescribe the form of cretificates, the method of obtaining the license and of keeping the records, the duties of parents and guardians and the penalties on officers and ministers who fall to comply with the regulation of the act. A penalty of one hundred dollars is imposed on the minister, justice or other officer who shall olemnize a marriage ceremony without a license having been first obtained by the parties marrying. Nowhere in the act is it stated that such a marriage shall be vold. It is true that according to the first section no persons shall be joined in marriage without a license, but this phrase may refer to the act of the per-son solemnizing the marriage as well as son solemnizing the marriage as well as to that of the persons about to marry. The expression is much too weak and insignificant to indicate a legislative in-tent to declare a marriage invalid if performed without a license. Statutes regulating the celebration of marriages have been invariable

Statutes regulating the celebration of marriages have been invariably construed so as to uphold the marriage relation whenever possible. Bishop, in his work on "Marriage and Divorce," Vol. I, Sec. 424, says: "It has become established in authority that a marriage good at the common law, is good notwithstanding the common law, is good not withstanding the existence of any statute on the subject, unless the statute contains express words of nullity." Justice Strong in the case of Meister vs. Moore, 96 U. S. 76, at the conclusion of an elaborate opinion, says: "In the absence of a monitive statute de "In the absence of a positive statute de-claring that all marriages not estab-lished in the manner therein prescribed shall be void; any marriage regularly made according to the common law mith shall be void: any marriage regularly made according to the common law with-out observing the statutory regulations is a valid marriage." Many authorities might be cited which establish this same principle, but we consider the question so well settled that further citation is unnecessary

VALIDITY OF MARRIAGE.

The exceptants make another point touching the validity of this marriage. They claim that there was no legal proof of a marriage before the auditor: that of a marriage before the auditor; that the contract was not proven; that there was no evidence of subsequent cohabita-tion nor of reputation. It is shown in the testimony that the minister who per-formed the marriage ceremony was dead; the certificate of marriage was offered in evidence, the signature of the minister being proven, and two witnesses testify whb were present at the wedding. This is prime facle proof of a valid marriage. The auditor's conclusion on this question is correct.

is correct. The exceptions to the report of the auditor are overruled. The report is confirmed finally and distribution is or-dered in accordance therewith."

It the Felts case the opinion is writ sarkastic. To understand it one must know that the Supreme court previ-ously refused a charge of venue to Pike county. The opinion reads:

This cake was on the trial list last September term and was separately called. The defendants were present demanding trial. The plaintiff declined to go on with the crise and a non-sult was thereupon al-lowed as prescribed by act of assembly rule w. a subsequently granted to take

A rule with subsequently granted to take off this non-suid. Before the non-suid was ordered the plaintiff by his counsel (Agib Ricketts) ified a paper objecting to the jurisdiction of the court and chaiming that trial or this court would be coram non judice and of no avail and specifying the reasons why the court had no jurisdiction. The paper filed ends thus: "For these rea-sons, the plaintiff understanding that a trial in this cause. The reason assigned for the want of jur-iddiction is that the plaintiff on the jurisdiction at y of September, 1994, filed play motion

must be endured by the public without redress. No damages can be recovered by anybody under such conditions. The individual must sacrifice some comforts for the sake of the general welfare. can any person recover damages if his personal preferences as to choice of resi dence are interfered with. A livery sta-ble, a saloon or a distillery may be located next to one's residence, and would naturally diminish its comfort and value, but the owner would be without redress so far as mere proximity is concerned. At the same time ... the business is so conducted as to affect the reasonable use of adjoining property or the health of its occupants, such tangible and substantial injuries might sustain an action for daminjuries might sustain an action for dam-ages. So that to enable a plaintiff to re-cover damages in a case such as we are now trying. It must be shown by the fair weight of the testimony that he has suffered actual and substantial injury, peculiar to himself, either in the reason-able and newsary use of blacks peculiar to himself, either in the reason-able and necessary use of his home, or in his health and physicial comfort. Are you satisfied that such injury has been shown in this case? If you are satisfied that such injury has been shown, is it to be attributed to the business carried on by the defendence or to the defendence. on by the defendants, or to the manner in which this business is to be conin which ducted?

Some of the expressions in this extract from the court are taken from the opin-ion of the court in the case of Robb vs. Carnegie, 145 Pa., 324. And under all the evidence we do not think the amount of the verdict is second to the verdict is unreasonable or excessive. We can find no reason in the whole record of this case which would justify us in granting a new trial. The rule is therefore discharged, and a new trial refused.

OTHER CASES.

The rule to open judgment in the case of E. Sweet against A. P. Lewis and H. J. Lewis was made absolute by Judge Edwards.

In the divorce case of Michael Smith against Maria Smith, Judge Edwards refuses the petition for alimony during the pending of the proceedings, but allows counsel fees to the amount of

Harry A. Wall was granted a divorce from Rose A. Wall, Judge Edwards handing down the decree. The parties were residents of Mulberry street, this city. They were married Nov. 20, 1889, and lived together until Aug. 16, 1895, when it is alleged the wife ran away. Unfaithfulness was also alleged as one of the reasons for divorce, one Walter Carey being named as co-respondent. In the case of Myers Bros.' Cloak company against A. W. Block, a rule was granted on the plaintiff to show cause why the attachment should not be dissolved, returnable at next argu-



birty-one Tine Bills and Twentyseven Ignored.

The first return of the grand jury which began its sessions Monday morning, was made yesterday to Judge Archbald. Fifty-eight cases passed upon, in twenty-seven of them the bill was ignored. They are all

FOR SALE-ONE 20-HORSE POWER botter, as good as new. THE WESTON MILL CO.



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FUK

NEXT ATTRACTION-Jan. 10, 11 and 12, Venetian Burlesquers. Repauno Chemical Co.'s EXPLOSIVES