THE SURANTON TRIBUNE-THURSDAY, SEPTEMBER 8, 1898.



an increase of cleven over the corresponding month of last year, the mem-bers were at a loss to understand the cause until Health Officer Allen referred to the detailed death report and found that there were thirty-nine deaths from cholera infantum and seventeen from convulsions.

Otherwise the month was normally healthful. Fifteen cases of diphtheria, three of typhoid fever, one of scarlet fever and five of whooping cough were reported. Typhoid caused three deaths; whooping cough, three, and diphtheria. one. Births numbered 104 and marriages, thirty-three.

The matter of granting death certificates in cases where the death report is made by unregistered midwives and the question of sextons of cemeteries located outside the city limits accepting for burial remains from the city that are unaccompanied by a board of health burial certificate were referred to the health officer and secretary.

The reports of Food Inspector Cullen, Plumber Inspector O'Malley and Sanitary Officer Burke showed that these officials had a very busy month. The food inspector condemned and destroyed over four tons of meat, fish fruits and vegetables.

A complaint about the unsanitary condition of Scranton street, received from the West Side board of trade, was referred to the health officer. W. O'Malley, the new member from the South Side, was present for the first time last night. Dr. Bentley attended, after an absence of several months in the West.

FURNITURE ARRIVING,-Ten car loads of furniture, consigned to Jonus Long's Sons, have been unloaded in this city during the past week, it being a part of the purchase recently made by Mr. Ar-

filed the same day, the demurrer being first in point of time. In this condi-tion of the pleadings the case was argued before my colleague, Judge Gunster. The allowance of the amendenses were yesterday granted by Clerk f the Courts Daniels to John H. Kemp, f 446 Adams avenue, and Grace M. Shelment removed the objection as to the ly, of 729 Quincy avenue; Ehenezer Lee and Mrs. Suran Briggs, of Scott; John Biggio and Agnes Hennessey, of Carbon-dale: Reese Davis, of 539 Marion street, and Bertha M. Courtright, of 1128 Ash street want of proper parties and left the de-fendants in the position of admitting all the allegations of the bill and the amendment. This was the effect of their general demurrer, and it was under these circumstances that the case was argued. In the light of the evidence taken before me on the final THE SCRANTON TEAM .- The team of Scranton policemen who are to meet a Wilkes-Barre team in a revolver match at Mountain park on Saturday was picked yesterday. Lieutenant Williams, Desk hearing of the case, it appears now that the defendants by their demurrer admitted much more than the plaintiff

made parties to the case, amended the bill, by adding the names of four of the six directors constituting the Waverly school board, as defendants, and repeating the substantial aver-ments of the bill as originally filed. The demurrer and the amendment were filed the scale day the demendment were

was able to prove. As the case then stood 1 agree with the disposition made of it by my colleague, except that the Sergeant Reese G. Jones and Patrolmen Lowry and Neuls will represent Scranton, They and other policemen have been practicing daily and are confident of wininjunction might have been modified so far as to allow the Bible to be read in the public school of Waverly, After a careful consideration of the evidence and of the arguments of coun-sel, and after an examination of num-MEETS THIS AFTERNOON .-- The Sol.

MEETS THIS AFTERNOON.-The Sol. diers' Relief association will meet at 3 o'clock this afternoon in the board of trade rooms. It is probable that steps will be taken to secure more funds. Re-lief has lately been granted to such an extent that more money than is now available will be needed if the Thirteenth is not any mustered out. erous authorities in this and other states, I now proceed to formulate the conclusions I have reached. FACTS.

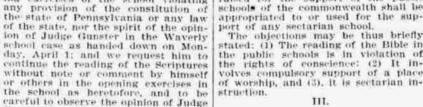
FACTS. I. F. C. Hanyon, principal of the pub-lie school of Waverly borough, assist-ed by the other teachers, for several years previous to March, 1895, opened the school every morning with certain exercises which the plaintiff claims are objectionable. There is very little dispute in the evidence as to the na-ture of these exercises. After the call-

ion of Judge Gunster in the Waverly school case as handed down on Mon-day, April 1; and we request him to continue the reading of the Scriptures without note or comment by himself or others in the opening exercises in the school as howstoffers, and is how the school as heretofore, and to be careful to observe the opinion of Judge Gunster in regard to sectarianism and denominationalism in the school. III. It was the custom in the Waverly school, as in other schools, that when strangers, especially public men, visit-

ed the schools, to invite them to ad-dress the scholars. It appears that in December, 1894, a minister of the Gospel was one of the visitors and he was requested to make an address. He prefaced his remarks with a prayer and made an address of a religious character. At the close he asked "all who were followers of Jesus to raise their heads." At another these same

Waverly school any sectarian or de-nominational teaching, nor in the open-ing exercises of the school violating

their hands." At another time a min-ister of another religious body spoke on the use of the cross in the Catholic faith. Such themes are undoubtedly proper subjects of instruction in the proper place, but they are not suit-



raised for the support of the public

We shall only incidentally discuss the first and second objections. The first was not strenuously urged upon us by counsel, although we deem it worthy of great consideration, and the second is untenable on any reasonable ground. The third is the objection which is the subject of the most serious contention. We shall not consider these objections seriatim, but shall briefly state some of the general principles which underlie and ought to control the decision of the question before us in the light of Pennsylvania

jurisprudence, IV. It must be considered that Chris-tianity, which is the religion of the Bible and the Bible itself, occupies a unique position in the early and sub-sequent history of Pennsylvania. In sequent history of Pennsylvania. In the year 1700 it was enacted that "Whoever shall speak loosely thereof and profanely of Almighty God, Christ Jesus, the Holy Spirit, or Scriptures of Truth, and is thereof legally con-victed, shall forfelt and pay five nounds and he impresented for five days pounds and be imprisoned in the house of correction.



THIRTY-SECOND NATIONAL EN-

the Pennsylvania Railroad company will sell excursion tickets at rate of

single fare for the round trip. These tickets will be sold on September 3, 4 and 5, and will be good to leave Cincinnati returning not earlier than September 6 nor latter than Septembe 13, except that by depositing ticket with joint agent at Cincinnati on September 5, 6, 7, 8 or 9, and on payment of twenty-five cents, return limit may be extended so that passengers may

CINNATI, O.



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JIM JUDGE SAW SMITH.

Scranton Boxer Says He Can Defeat Mysterious William.

Jim Judge, who is soon to box "Mysterious Billy" Smith, the champion welterweight, returned to Scranton yesterday from New York city where he saw Smith and Andy Walsh box a draw Monday night, While impressed with Smith's qualities, Judge expresses himself as being able to defeat him

"I would rather meet Smith than many in his class," said Judge to a Tribune reporter. "He is only fairly clever but is 'rougher' with a handy right hand which he uses at all stages of the game. I think I can beat him with a right hand as good and as ready as his."

The arrangements for deciding the match between Smith and Judge will probably be made before Saturday They are to meet Friday or night. Saturday, September 22 or 21. Recent developments make it possible to give the bout in this city. Judge begins today to train for the contest.

Carroll's Day.

The second annual joint excursion of the Young Men's Institute, September 20, to Lake Ariel, promises to be one of the largest excursions of the cason. The committee in charge have left nothing undone to assure a good time for all who attend. Games and athletic sports of all kinds. Lawrence's full orchestra will furnish the music for dancing. The refreshments will be furnished by Mr. M. J. Kelly, Tickets for sale by members of the institute. Fare from Scranton, Dunmore Green Ridge, Minooka and Avoca, adults 60 cents, children 35 cents, Archhald and Olyphant 75 and 46 cents, Jermyn, Mayfield and Carbondate 85 and 55 cents, Wilkes-Barre and Miners Mills 70 and 40 cents, Pittston 65 and 40 cents.

Funeral of Mrs. Margaret Jenkins.

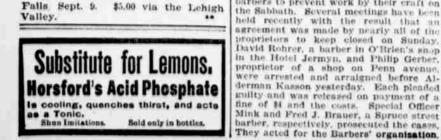
The funeral of the late Mrs. Margaret Jenkins, of West Pittston, will place today. Services will be held at the family home on Luzerne avenue about 10.30 a. m., and the remains will be taken on the 12.15 Delaware, Lackawanna and Western train for interment in Jermyn.

Waldron's Horse Sale Saturday.

Did you see Waldron's horses? They arrived this noon and are a fine lotthirty in all. They are to be sold next Saturday at 1 o'clock. Go and buy or exchange and get one

Foot Ball Guides for 1898-9 Now ready at Florey and Brooks. **

An Interesting Trip to Niagara Falls Sept. 9. \$5.00 via the Lehigh Valley.



dispute in the evidence as to the na-ture of these exercises. After the callure huyer of the Scranton hous ing of the roll, the pupils joined in singing: then the principal, or one of ame from the great furniture markets west, and is only a small part of what is expected during the week. SHE WANTS DAMAGES .- A libel suit

hur Long and Mr. Mandeville, the furni-

THIEVES IN GREEN RIDGE-Thieve

third entrance to the laundry in the residence of T. J. Kelly at New York treet and Capouse avenue Tuesday light and appropriated to their use the

entire washing of clothes that had been taken in early in the evening. The po-lice are investigating the case.

LICENSES GRANTED .- Marriage li-

street

ning.

s not soon mustered out

times alternating with the pupils, the teacher reading one verse and the pupils responding by reading the next. or \$10,000 damages was instituted yester. ay against F. J. Fitzsimmons as editor of the Sunday News, by Rese E. Dupuy, of Dalton. The alleged libellous article was published in the News Sunday, Authe reading exercise generally closing with a repetition of a Psaim or of the Lord's prayer, or both, by the teachers gust 21. Eall in the sum of \$1,000 was de-manded. The defendant was notified to appear and furnish ball. A crimnal prosand scholars in unison. Following the Scripture reading, about ten minutes more was devoted to singing. The cution was previously brought in Alderman Millar's court.

creabouts, is attracting ma

wife's injurica.

erick. They lost no time in engaging counsel to arsit the city solicitor. The

tor tomorrow. Saturday is the last day

OPEN ON SUNDAY .- The arrest yes-

erday of two barbers for shaving cua-omers last Sunday, is the first radical

tep of of the organization of Scranton arbers to prevent work by their craft on

he has for that purpose.

version of the Bible used was that of King James. The selections were gen-erally from the Psaims, and occasion-READY FOR FUSINESS.-Importance is attached to the next meeting of the board of trade. Soptember 17, as is indi-cated by a circular letter addressed to the members of the board which has been ally from the Gospel of St. Matthew is unnecessary to enumerate them The singing book used is entitled "Happy Hours," "a collection of songs for schools, academies and the home sent out by Secretary Atherton. The manufacturers committee will meet soon to consider matters relative to a procircle," and was furnished for the use of the school by the school directors, This book is a collection of patriotic posed new industry of considerable mag-

nitude, but concerning which no micr-mation will now be revealed. and miscellaneous songs, several pages at the end containing hymns and hymn tunes, such as the Portugese Hymn. WELL EXECUTED WATER COLOR. tunes, such as the Portugese Hymn, Morning Prayer, Dennis, Duke Street, St. Thomas, etc. On account of the familiarity of the pupils with these tunes they were often selected, and for the same reason other songs were sung occasionally, such as "Bringing in the Sheaves," "We Will Never Say Good-Bye in Heaven," and "Blessed he the -A handsome water color study of Dr. Sitterly and his horse, "Harrisburg," which is well known to lovers of the turf in the show window of Meyer's art store on Spruce street. The picture represents the doctor sitting in his buggy in a chiristeristic attitude and accompanied by a small dog, and the details are brough



is what a great many men and women are looking for ; help against approaching baldness ; help against Whitening locks ; was put to great expense in caring for his help to restore the lost gloss to the hair; help against fading tresses; help for the scalp attacked by dandruff. AYER'S HAIR VIGOR offers just such help. It restores gray or faded hair to its original ASSOCIATE COUNSEL ENGAGED. Attorneys Evereti Warren and A. A Vosburg have been engaged as associate

unsel to aid City Solicitor McGinley (color, gives it length, thickness and gloss," and removes dandruff. the Providence pavement equity proceed ings. The committee appointed at Tues day night's meeting of the property own-ers met yesterday morning in the offices of the Scranten bound of trade. All the "My hair was rough and broken and began to fall out. The use of but one bottle of AVER'S HAIR VIGOR both checked the falling out and rendered my hair smooth, glossy and in spiendid condition. It is the finest of dress-inga "-MRS. F. L. SMITH, Silver Creek, Miss. committee were present. William Chap-pell, chairman; W. B. Christmas, D. B. Atherton, P. J. Jordan and Edward Rod-

"Some years ago my hair began to fall out and I became quite bald. By advice I tried 9 inswer to the bill in equity, filed recent-y by the objecting property owners, will arobably be atswered by the city selic.



hair is now abundant and glossy."-THOS. DUNN, Rockville, Will -----

This law in substance is in force to day. 1V.

The only allegation in the plaintiff's the only allogation in the plaintiff's bill of complaint that is sustained by the evidence is, that the principal of the public school of Waverly, with the approval of the school board, permit-ted the reading of portions of the Bible, in the version commonly known the other teachers, read a portion of the Holy Scriptures, sometimes alter-nating with each other, and at other as King James, as a part of the daily opening exercises of said school. All the other material averments of the bill fall for the want of sufficient evi-dence to sustain them.

CONCLUSIONS OF LAW.

The reading of the Holy Scriptures. In either version, as a part of the opening exercises in our public schools does not violate any constitutional provision. It is not in contravention of Article I, section 3, nor of Article X, lsion. ection 2. II.

The injunction in this case should be denied and the bill dismissed. DISCUSSION.

It may be truly said that the decision In this case has been delayed much beyond the usual period of time in which our court disposes of cases that worship. * * Christianity is part comes before it. The final hearing was in 1895. A large amount of other press-ing business, accumulating from term to term, has interfered with the case, and the fact may also be considered that, outside of the parties immediate-

time has taken such interest in the question as to secure a decision upon it from our court of last resort. Neither have the courts of common pleas been called upon to decide the ques-tion, as far as we can ascertain, except in one instance, viz: in Mercer county, in the case of Hart, et al. vs. the School District, etc., 2 Lanc. Law Review, 346, in which the judge writes an elaborate opinion, his views coin-ciding with ours

iding with ours, Nevertheless, a case of this kind is interesting and important, especially as a study of the principles of govern-

ment so far as they relate to the indi-vidual rights of citizens. The ques-tions involved have produced a wide wariance of opinions among learned men. Eminent judges and appeliate courts have reached different conclu-sions; the resources of ripe scholar-ship with the keenest logic and the most elaborate research have been dis-played and used in the almeidation of

played and used in the elucidation of these questions. 11.

The sections of the constitution which the plaintiff claim are being violated by the reading of the Bible in the public schools are the follow-

Article 1, section 3: All men have a natural and Indefensible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship or to maintain any ministry against his convent; no human authory can in any case whatever control r in erfere with the rights of con-cience; and no preference shall ever e given by law to any religious estab-shuants or modes of warshin hty.

shments or modes of worship, Article X, section 2: No money

of the common law of Pennsylvania, and that to maliciously vilify the Christian religion is an indictable offence. Justice Duncan says: "Chris-tianity was one of the considerations of the royal charter and the very basis of its great founder, William Penn not Christianity founded on any par-ticular tenets; not Christianity with an established church and titles and spiritual courts, but Christianity with liberty of conscience to all men William Penn and Lord Baltimore were the first legislators who passed laws in favor of liberty of conscience for before that period the principle of liberty of conscience appeared in the laws of no people, the axiom of no government, the institutes of no so-ciety and seriously in the temper of any man. Even the reformers were as any man. Even the reformers were as furious against contunacious errors as they were loud in asserting the liberty of conscience. And to the wilds of America peopled by a stock cut off by persecution from a Christian of the common law of this state

"It is not proclaimed by the com-manding voice of any human superior but expressed in the calm and mild accents of customary law. Its founda-tions are broad and strong and deep; that, outside of the parties immediated by concerned, there has been no urgent demand for an adjudication of the questions before us. But the case is in our hands, and like all other cases, it should be finally adjudicated. It is worthy of comment and reflects creditably upon the good sense of the people of Pennsylvania, that although our common school system has been in existence for many years and that, as a general rule, in a large number of school districts throughout the state, portions of the Holy Scriptures have been read as a part of the daily opening exercises, nobody up to this time hus taken such interest in the said to be a part of the law of the land. The law undoubtedly avails it-self of the obligations of Christianity as instruments to accomplish the pur-poses of justice. * * Christianity is indeed recognized as the predomin-ant religion of the country, and for that reason are not only its institu-tions but the feelings of its preference tions, but the feelings of its professors guarded against insult from reviling

Again in Mohney vs. Cook (1855), 26 Pa., 342, Justice Lowrie says: "The declaration that Christianity is part of the law of the land, is a summary de-scription of an existing and very ob-vious condition of our institutions. We are a Christian people, in so far as we have entered into the spirit of Christian institutions, and become imare bued with the sentiments and princi ples of Christianity; and we cannot be imbued with them, and yet prevent imbued with them, and influenc-them from entering into and influencing, more or less, all our social in-ing, more or less, all our social in-stitutions, customs and relations, as well as all our individual modes of thinking and acting.

"It is involved in our social nature that even those among us who reject Christianity, cannot possibly get clear of its influence or reject those senti ments, customs and principles which it has spread among the people, so that, like the air we breathe, they hav become the common stock of the whole country, and essential elements of its life. It is perfectly natural, therefore, that a Christian people should have laws to protect their day of rest from descenation. Regarding it as a day desecration. Regarding it as a day necessarily and divinely set apart for rest from worldly enjoyments, and for the enjoyment of spiritual privileges, it is simply absurd to suppose that they would leave it without any leg-islative protection from the disorderly and the immoral." and the immoral. Also in Zeisweiss vs. James (1870),

[Continued on Page 8.]

we mean you can have shother hat without cost if it does not give entire satisfaction.

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W. T. SMITH.