

BECHAM'S PILLS

For Bilious and Nervous Disorders such as Wind and Pain in the Stomach, Sick Headaches, Dizziness, Flatulency and Swelling after meals, Bile, Constipation, Cholera, Dropsy, Indigestion, Loss of Appetite, Shortness of Breath, Costiveness, Hoarseness of the Throat, Disturbed Sleep, Frightful Dreams and all Nervous and Trembling Sensations, when taken as directed, will cure in most cases. THE FIRST DOSE WILL GIVE RELIEF IN TWENTY MINUTES. This is no fiction. Every sufferer is earnestly invited to try one box of these Pills, and they will be acknowledged to be

A WONDERFUL MEDICINE.

BECHAM'S PILLS, taken as directed, will quickly restore females to complete health. They promptly remove obstructions or irregularities of the system. For a **WEAK STOMACH, IMPAIRED DIGESTION, DISORDERED LIVER** they act like magic—a few doses will open up the Vital Organs, strengthening the Muscular System, restoring the long lost complexion, bringing back the keen edge of appetite and arousing with the **Rosebud of Health**, the whole physical energy of the human frame. These are facts admitted by thousands in all classes of society, and one of the best guarantees to the Nervous and Debilitated is that **Becham'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 P. S. Allen, P. F. ALLEN & CO., 100 Canal Street, New York, post paid, upon receipt of price. Book free upon application.

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 Guggan Case Against the Atlantic Refining Company—Local Courts Decline to Reverse the Supreme Court Even at Agib Ricketts' 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 to take out a marriage license does not invalidate a marriage, although law says no person shall be joined in marriage until a license is first granted. In another opinion he refuses to strike off the non-suit in the famous Peleus-DeLaware, Lackawanna and Western case, and in a third opinion he refuses a new trial in the case of Guggan against the Atlantic Refining Company.

The opinion on the marriage license matter was on the exceptions to the report of the auditor in the estate of Martha Bieseker, deceased, and is as follows:

The testatrix died, leaving personal property to the amount of \$700, which she bequeathed to her four children, share and share alike. Her husband, surviving her, elected to take his statutory share against the will. The auditor allowed his claim. The exceptions contend that the auditor erred for the reason that there was no valid marriage existing between Levi Bieseker and the decedent. It was admitted at the hearing and the auditor has found that no marriage license was issued before the marriage was solemnized. He also finds that the parties were married by a minister of the Christian church, in Lackawanna county, Pennsylvania, in September, 1884. His conclusions of law on this question are that the marriage was valid and the only error in the auditor's report was in his failure to secure license required by the act of June 23, 1885, 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 provides for officers to issue licenses for parties to marry, and also provides 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 certificates, the method of obtaining the license and of keeping the records, the duties of parents and guardians and the duties of officers and ministers who fail 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 solemnize 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 void. It is true that according to the first section no person shall be joined in marriage without a license, but this phrase may refer to the act of the person solemnizing the marriage as well as to that of the parties about to marry. The expression is much too weak and insignificant to indicate a legislative intent to declare a marriage invalid if performed without a license.

Statutes regulating marriages have been invariably construed so as to uphold the marriage relation wherever possible. Bishop, in his work on "Marriage and Divorce," Vol. 2, Sec. 42, says: "It has become established in authority that a marriage good at the common law is good notwithstanding the existence of the statute on this subject, unless the statute contains express words of nullity." Justice Strong in the case of Meeker vs. Moore, 16 U. S. 76, at the conclusion of his opinion says: "In the absence of a positive statute declaring that all marriages not established in the manner therein prescribed shall be void, any marriage regularly made according to the common law without observing the statutory regulations is a valid marriage. Many authorities might be cited to establish this same principle, but we consider the question so well settled that further citation is unnecessary."

VALIDITY OF MARRIAGE.

The exceptions make another point touching the validity of this marriage. They claim that there was no legal proof of a marriage before the auditor; that the contract was not proven; that there was no evidence of subsequent cohabitation nor of reputation. It is shown in the testimony that the minister who performed the marriage ceremony was dead; the certificate of marriage was offered in evidence, the signature of the minister who were present at the wedding. This is in prime fact proof of a valid marriage. The auditor's conclusion on this question is correct.

GRAND JURY MAKES RETURN.

Thirty-one True Bills and Twenty-seven Ignored.

The first return of the grand jury, which began its sessions Monday morning, was made yesterday to Judge Archibald. Fifty-eight cases were presented, in twenty-seven of them the bill was ignored. They are all cases of minor importance:

TRUE BILLS.
Assault and Battery—Martin Josefchick; Mary Boby, pro. Alexander Romanec, pro. Andrew Gansper; Michael Eston, pro. George Jay; Bertha S. Best, pro. Edward Graham; Lizale Graham; Ellen Turner, pro. John Sheehan; Bridget Sheehan, pro. Julia Corcoran; L. D. Myers, pro. Mary Zeigler; Daniel Holzman, pro. William Hill; Mary J. Willis, pro. George Heron; Mary D. Jones, pro. Joseph Wood Ticker; Thomas King, pro. Jacob Muck; Lottie Muck, pro. Martin Pugh; John Mink; William Romero, pro. Thomas Jones; Henry Solim, pro.

To remove his cause to Pike county under the provisions of the act of April 14, 1881, P. L. 285.

ONE ANSWER CITED.

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 Felts vs. the Delaware, Lackawanna and Western Railroad company, 17 Pa. 42, the same case that is now before us. It will be seen at once that we are asked to sit in judgment upon the decision of the Supreme court in this case. It might be a pleasant variation of judicial work for a court of common pleas to exercise appellate jurisdiction over the judgments of our Supreme court, but with becoming modesty, we shall allow the appellate tribunal itself to change or modify its own judgments, whenever it feels called upon to do so by the facts of a particular case. The rule to take off the non-suit is discharged.

In the Guggan case the proceedings were brought to recover damages for injuries occasioned in the alleged negligent manner in which the defendant's company's works are conducted. A verdict of \$800 was awarded at the first trial and at a retrial of the case in the September sessions of last year the award was increased to \$1,286. The opinion discharging the rule for another new trial is in part as follows:

It was seriously contended by defendant'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 are near each other. The plaintiff purchased his house and lot about fourteen years ago, and has occupied it ever since. A few years afterwards the defendant erected on his property an oil establishment for the purpose of receiving, storing and distributing oils of various kinds. The business carried on by the defendant was an extensive one. The plaintiff claimed that the soil of his land was saturated with oil escaping from the defendant's plant, and percolating through the soil into the cellars of his house, and that the odors and smoke from defendant's works were unwholesome and offensive, and of such a character that the plaintiff had to close the windows and doors of his house in summer; and that the effects of these offensive odors upon his health were injurious, causing nausea and loss of appetite.

INSTRUCTIONS TO JURY.

Are these such substantial injuries as would entitle the plaintiff to damages? On this point we instructed the jury in these words: "In the course of the proceedings the development of a toxic oil emanating from the defendant's works was shown to be unwholesome and offensive, and of such a character that the plaintiff had to close the windows and doors of his house in summer; and that the effects of these offensive odors upon his health were injurious, causing nausea and loss of appetite. It is your duty to determine whether or not these injuries are such as would entitle the plaintiff to damages." The jury returned a verdict in favor of the plaintiff for \$1,286. The defendant's counsel contended that the jury had no right to award damages for the reasons stated above. We are of the opinion that the jury was correct in its verdict.

OTHER CASES.

The rule to open judgment in the case of E. Stewart 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 absence of the husband, but allows counsel fees to the amount of \$25. Harry A. Wall was granted a divorce from Rose A. Wall, Judge Edwards handing down the decree. The parties had been married in Mulberry street, this city. They were married Nov. 29, 1889, and lived together until Aug. 18, 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. a rule was granted on the plaintiff to show cause why the attachment should not be dissolved, returnable at next argument court.

EMPLOYMENT AGENCY.

Adv. Under This Head One Cent a Word.

FOR RENT—ONE SECOND-HAND TWO-SEATER, one two-seater carriage, one delivery wagon, all for one horse. GILBOL'S CARRIAGE WORKS.

FOR RENT—ONE SECOND-HAND HORSE, harness and top buggy. Inquire at 441 New Street.

FOR SALE—ONE OX-HORNE POWER MILL, as good as new. THE WESTON MILL CO.

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

SPECIAL NOTICE.

THE OFFICE OF THE ENGINEER COMPANY, 107 North Second Street, Dec. 24th, 1897. SPECIAL NOTICE TO THE STOCKHOLDERS OF THE CITY OF SCRANTON, PENNSYLVANIA, is hereby given that the annual meeting of the stockholders of 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 \$750,000 to one million dollars (\$1,000,000), and an increase in the number of Directors of Trustees from three to five (5), and to amend the by-laws with reference thereto.

EXECUTRIX'S NOTICE.

ESTATE OF J. ATTICE ROBERTSON, Lackawanna, and State of Pennsylvania, deceased. Notice is hereby given that letters testamentary in the above named estate have been granted to the undersigned. All persons indebted to said estate are requested to make payment and all persons having any claims against the same will present them to the undersigned.

STOCKHOLDERS' MEETING.

THE ANNUAL STOCKHOLDERS' MEETING of the City of Scranton, Pa., will be held at the First National Bank of Scranton, Saturday evening, Jan. 8, 1898, at 8 o'clock.

NOTICE IS HEREBY GIVEN THAT THE annual 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, Scranton, Pa., on January 11th, 1898, at 2 o'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.

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NOTICE IS HEREBY GIVEN THAT THE annual 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, Scranton, Pa., on January 11th, 1898, at 2 o'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.

THE ANNUAL MEETING OF THE stockholders of the Third National Bank of Scranton, for the election of Directors for the year ending January 1st, 1898, will be held in the Directors' room of the banking house, on Tuesday, January 11th, 1898