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FREDERICTON, N. B.

JUDGE CHARBONNEAU SAYS HEBERT MARRIAGE IS LEGAL

(Continued from page one.)

an officer of the incontestable authority given him by law or ignore the value recognized by law of the dispensation or the license exempting from the publication of banns.

"Although distinct, these two questions are one, as may be seen by putting together the articles that must settle the point Article 128 says:

"Marriage must be solemnized only by a competent officer recognized by law."

"Article 129 says:
"All priests, ministers and other officers authorized by law to keep registers of acts of civil status together for common life and the preservation of humanity."

"That is not only the basis of the contract, but it is the contract itself, and the sacrament is simply a form which gives it solemnity and the civil function is but another form, which gives it publicity, authenticity and civil effect.

"We must therefore, distinguish between the two functions performed by the priest or minister in this matter. When he blesses the marriage he performs his religious function. When he receives the consent of the parties and gives it authentic form by entering it on the registers, under the authority given him by law, he fulfills purely ministerial functions which must be entrusted to him by the civil power. There can hardly be any question as to the nature of the authority exercised by those officers.

NO BAD FAITH

As in the present case, no bad faith can be charged against the defendant since none was found, and she then be presumed in good faith and as the marriage was celebrated publicly, under the authority of the crown license, presuming the power to exempt the consents from the publication of banns, and before an officer, enjoying his power, under the eye of the law, and without any restriction of religious denomination, it seems that one could logically conclude that public possession of the contract the good faith of the parties, the from being taxed with invalidity, without it being necessary to search the legal and real extent of the license and of the powers of the officers. This doctrine could be supported by numerous authorities, but it would be an insult to our code to let it be supposed that one can assume, under the colors of its articles an authority or privilege which it did not really possess.

"Let us then examine by following the most simple, but still, the best method, that of reading the law, whether the officer who received the marriage declaration of the parties was competent and whether the license authorizing the marriage without publication of banns was valid.

"Marriage is an act of the civil state, which must be entered in the register of the civil state, the same as the birth and death, with which it constitutes the three essential acts of human life. For the present case, the marriage being attacked as clandestine and for want of competency, we must look for the jurisdiction of this court to pronounce its nullity in the civil code. The only one which gives authority on the matter. The article dealing with marriage reads as follows:

"Every marriage which has not

been contracted openly nor solemnized before competent officer, may be contracted by the parties themselves and by all those who have an existing and actual interest, having the right of the court to decide according to the circumstances."

"It is certainly not for fault or negligence in the performance of their religious duties that articles in the law stipulate penalties against them and willing or not, they have had to remain under the direct and absolute control of the law to preserve the privilege of this civil function which they claim. They are, as mentioned in the report of the codifiers, civil officers for that object.

"This authority, the code says, with which they are invested, is found and should be found in the law on marriages."

CAMMORIST TRIAL DRAWING TO A CLOSE

Viterbo, Feb. 21—The summing up has at last begun in the trial of the group of Camorristi, charged with the murder of Gennaro Cuocolo and his wife in 1906. Formal proceedings in the case were begun more than eleven months ago, and the last witness, it was announced, was heard today. He was an engraver, Argento by name, who engraved Cuocolo's initials on the ring which was alleged to have been found by the carabinieri hidden in a mattress in the house occupied by Giuseppe Aalvi, and which has been one of the important exhibits in the case.

Argento denied emphatically having declared, as the defence maintained, that the engraving was done after Cuocolo's murder. Signor Salomono one of the lawyers, said later that proceedings would be taken against Argento for perjury.

SUNDAY SCHOOL INSTITUTE

The Fredericton Sunday School Institute opened its session in the Methodist Church vestry yesterday afternoon. Rev. W. A. Ross of Moncton, secretary of the Provincial Sunday School Association delivered a very interesting address on "Graded Lessons". Last evening devotional exercises were led by Rev. Neil McLaughlan. Rev. Mr. Ross delivered an address on "Some Essentials of Teaching" and Dr. W. C. Kierstead of the U. N. B. gave a most interesting discourse on "Jesus Teachings and Social Problems."

WOODROW WILSON AT TOPEKA

Wilson, Governor of New Jersey, and candidate for the Democratic presidential nomination came to Topeka today as the guest of honor and principal speaker at the Washington day dinner under the auspices of the Kansas State Democratic Club.

TO PREACH ON CHURCH UNION

Rev. Thos. Stebbings of the Gibson Methodist Church will preach on Church Union on Sunday next. Ballots will be distributed among the members of the congregation and voting of the question of church union will take place on the Sunday following.

GRAY HAIR MAKES YOU LOOK OLD

A Simple Remedy Brings Back the
Natural Color--Dandruff Quickly
Removed

How often one hears the expression, "She is gray and beginning to look old." It is true that gray hair usually denotes age and is always associated with age. You never hear one referred to as having gray hair and looking young.

The hair is generally the index of age. If your hair is gray, you can't blame your friends for referring to you as looking old. You can't retain a youthful appearance if you allow your hair to grow gray. Many persons of middle age jeopardize their future simply by allowing the gray hair to become manifest. If your hair has become faded or gray, try Wyeth's Sage and Sulphur Hair Remedy, a preparation which a chemist by the name of Wyeth devised a few years ago. It is simple, inexpensive and practical, and will banish the gray hairs in a few days. It is also guaranteed to remove dandruff and promote the growth of the hair. It is a pleasant dressing for the hair, and after using it a few days itching and dryness to the scalp entirely disappear.

Don't neglect your hair. Start using Wyeth's Sage and Sulphur today, and you will be surprised at the quick results.

This preparation is offered to the public at fifty cents a bottle, and is recommended and sold by all druggists.

For Sale and Recommended by
GEORGE Y. DIBBLEE, Druggist,
Opposite City Hall. Special Agent.

"ONE ROUND" HOGAN MATCHED WITH McFARLAND

New York, Feb. 20—It was announced tonight at the Fairmont A. C. that "One-Round" Hogan and Packey McFarland had been matched to fight ten rounds here March 4.

PERSONAL

Mr. H. B. Colwell of Fredericton is in New York for a few days and is staying at the Hotel Walcott.

Mr. L. H. Wheaton, C.E., of the G.T.P. staff, arrived in the city last night and went to McGivney by the I.C.R. this morning.

Mr. F. del. Clements of St. John, arrived in the city last night.

Mr. G. F. Burt of Hartland, is registered at the Barker House.

Mr. Chas. E. Faust of St. Stephen, is at the Barker House.

Mr. W. G. Gunn of St. John, is in the city.

The condition of Mr. Edward Dunphy of St. Mary's, is reported to be slightly improved.

Fisheries Inspector R. Fockin of Pictou, is at the Barker House.

Mr. A. E. Trites of Salisbury, arrived in the city last night.

Mr. F. J. G. Knowlton of St. John arrived in the city last night.

Mr. W. E. Emslie of Montreal, is at the Queen.

Mr. W. E. Mullaly of St. John, is registered at the Queen.

Mr. J. V. Kierstead of Montreal, is in the city.

TO COMPLETE ARRANGEMENTS

Final plans for the provincial immigration conference to be held here on Friday March 8, will be made at a conference at Fredericton Junction on the evening of Monday, March 4. The literature is being sent out from the office of the St. John board of trade and there is every indication that the convention will be a pronounced success.

DECISION IN SMALLPOX CASE

(Continued from page eight.)

On this application no contest was raised before His Honor, as to the charges in Dr. Allaire's bills, but as the Finance Committee had reduced the total bills in connection with the alleged small pox services by the Board, by over one thousand dollars the decision in somewhat important, from a financial point of view, to the Kent Municipality.

BEVERLY OF GRAUSTARK

Dramatically, artistically and scenically perfect was the verdict rendered by Amy Leslie the famous critic of the Chicago News in reviewing George Barr McCutcheon's "Beverly" as produced at the Studebaker Theatre. The original Chicago Studebaker Theatre east and production en route to Broadway, New York for an extended engagement will appear at the City Opera House tomorrow evening and should and probably will be greeted by a crowded house. The cast is comprised of some of the most prominent artists who have ever appeared in this city, and the massive scenic production requiring two sixty foot baggage cars for its transportation will be used in its entirety. Seats on sale at Ryan's drug store.

A Great Snap in GREY COTTON Sold only by the Web.

LOT No. 1	A nice fine quality Grey Cotton free from specks, even good round thread. 34 in. wide (about 42 yds. in web)..... 7c. yd.
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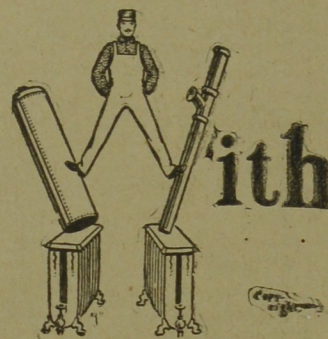
Our Sales of Olive Oil are constantly increasing. As a food and a medicine it is readily welcomed and assimilated by delicate stomachs. From infancy to old age Pure Olive may be beneficially taken. Ours is absolutely pure.

C. Fred. Chestnut The Quality Drug Store

Good Plumbing to Begin

and your household troubles are reduced to a minimum for the whole year.

Cheap plumbing is generally poor plumbing, and stands in constant need of repairs.
Like to have householders and others test our work. New work done by our workmen will be long before it needs repair work will almost make new plumbing of the old.



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8 cents a yard.

CASHMERETTE in all Colors.

Only 12 cents a yard.

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FEBRUARY FURNITURE SALE

1 only RUG COUCH, slightly damaged. Regular price \$16.00	Now, \$7.00
1 only COUCH upholstered in Green Velour, a little faded. Regular price \$11.50, Now, \$7.00	
1 only COUCH, upholstered in Red Velour. Regular price \$13.00	Now, \$9.00
1 only COUCH, with back upholstered in imitation leather. Regular price \$7.00. Now, \$5.25	

Ask to see our \$5.25 COUCH, upholstered in Velour, assorted colors.

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Strongest on the market.

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G. T. Whelpley

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Grows hair and we
can prove it

Hair Becomes Soft, Fluffy, Lustrous and Beautiful Immediately
After a Danderine Hair Cleanse

Get a 25 Cent Bottle Now and
Forever Stop Falling Hair, Itching
Scalp and Dandruff

A little Danderine now will immediately double the beauty of your hair—No difference how dull, faded, brittle and scraggy, just moisten a cloth with Danderine and carefully draw it through your hair taking one small strand at a time. The effect is immediate and amazing—your hair will be light, fluffy and wavy and have an appearance of abundance; an incomparable lustre, softness and luxuriance, the beauty and shimmer of true hair health.

Try as you will after an application of Danderine, you cannot find a single trace of dandruff or a loose or falling hair and your scalp will not itch, but what will please you most will be after a few weeks' use when you will actually see new hair, fine and downy at first—yes—but really new hair—sprouting all over the scalp.

Danderine is to the hair what fresh showers of rain and sunshine are to vegetation. It goes right to the roots, invigorates and strengthens them. Its life-producing properties cause the hair to grow abundantly long, strong and beautiful.

Get a 25 cent bottle of Knowlton's Danderine from any drug store or toilet counter and prove to yourself tonight—now—that your hair is as pretty and soft as any—that it has been neglected or injured by careless treatment—that's all—you surely can have beautiful hair and lots of it, if you will just try a little Danderine. Real surprise awaits you.

