Daily Globe.

BY H. P. HALL.

NO. 17, WABASHAW STREET, ST. PAUL.

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ST. PAUL, THURSDAY, MARCH 14, 1878.

THE WEEKLY GLOBE.

That mammoth sheet, the Weekly GLOBE, is ready for the public this morning. It is a sheet double the size of the daily GLOBE, and literally crammed with news and good things. A table of contents would nearly or quite fill a column. It is just the paper to send abroad to friends, and just the document for all those in this section who desire a weekly paper. The terms are $1.50 per annum.

THE election in the State of New Hampshire shows a Republican loss of over 1,600. This is a very substantial rebuke to the Administration, for in that bigoted and benighted region nothing save an earthquake shakes the average voter loose from the Republican party.

MERRILL was browsing around after that $50,000 yesterday, notwithstanding his two newspaper organs so valiantly offered to supply him with all the money he wanted. Is it possible that the *Pioneer Press* and *Dispatch* made a mistake and that they have no $50,000 lying around loose?

HAYES is proving Grant to have uttered an exact truth when he said that "No man worthy of the office of President would be willing to hold it if counted in or placed there by fraud," for Hayes is showing himself in many things unworthy of the office, including his intriguing for the pardon of the convicted Anderson, forger of the Hayes majority in Louisiana.

THE grain trade of New Orleans in January and February of this year, both in receipts and shipments, was three times larger than for the corresponding months of any preceding year. But this large gain may be but the beginning of greater increase to come if New Orleans buyers prepare themselves to take and bid for, at prices approximating to those of New York, all the surplus wheat and corn that can be hauled to the Upper Mississippi river.

GOV. PILLSBURY showed his entire freedom from any local feeling by approving the appropriation for the extension of the capitol, while refusing to approve that for the extension of the University grounds.—*Dispatch.*

The Governor approved the capitol extension bill because citizens of St. Paul supply the money without interest. The Governor simply took a sensible business, like view of the matter. There is no money in the Treasury to meet these extraordinary appropriations, and will not be before June, 1879. Hence he vetoed them, save where citizens supplied the money to the State without interest. The people of Minneapolis could have saved the $20,000 for the University, and the people of St. Paul could have saved the $10,000 for the Reform School, by pursuing the same course which was taken on the Capitol extension matter.

A MINNESOTA INVENTION IN CONGRESS.

Both Senator McMillan and Representative Dunnell have presented to Congress the joint memorial of the Legislature of Minnesota in favor of testing the invention of Mr. M. J. Adams for the deepening of the channels of rivers. The invention has been favorably noticed already by THE GLOBE, and most of the journals of the State. Mr. Adams is a sincere, candid man and has repeatedly offered to submit his invention to the most severe, practical tests. He has long been a resident of the State, and was for many years a citizen of Ramsey county. All his life, he has been studying inventions—if he has succeeded in discovering anything by which the channels of our rivers may be kept open to navigation, his life will be crowned with success. The fact that Minnesota has asked Congress to test the matter, added to the wonderful purpose of the invention, should elicit from Congress favorable action.

ABOUT TEXT BOOKS, AND BOOKS.

THE GLOBE is cosmopolitan, like learning. Learning should be free, pent up in no Utica, but free as the waves or the winds. Free trade and competition are the cardinal doctrines of the Democratic party. We are opposed to all monopolies at the public expense. We were guided in our opposition to the Merrill text book speculation by the unselfish faith of elementary principles, by considerations of the public good, and by a determination, at all hazards, to defend the State and the people against injustice.

This is not, and will not be an exceptional step on the part of THE GLOBE. Our doctrine is, that competition is the life of trade, and that any departure from the principle is error, and that error is injustice. The Text Book bill of Merrill was a mere bagatelle, although essentially sapping the foundations of the most sacred trust of the State—the School fund. The *School Fund* is valued, even now, somewhere about *twenty millions* in money, and in lands. What a tempting bait! Twenty millions of dollars! Merrill's Text Book bill is the first partially successful attack on that household treasure of the State.

The bill, if we had a constitution, would be unconstitutional, but having no constitution, we say now, and have said, that it is a private monopoly, or would lead to a private monopoly of education and learning, and that would be about the most infamous despotism ever attempted on earth.

Possibly the price of books may have been too high. But whoever dreamed that high prices could be reduced by destroying competition and free trade. This is the essence and quintessence of special legislation for Merrill's text books. There can be no doubt of these plainly stated propositions.

THE PUNISHMENT OF A GREAT CRIME.

Only a year ago Mr. Hayes entered into the office of President of the United States by ways disloyal, disgraceful, and dishonest, which were bridged for his passage with forms of law limiting and defeating the spirit of the law; and already the just punishment of that great crime is coming upon him. Though first man of the nation, he does not command personal respect. Though chief of the primal council of the people his advice is scorned. And though by title and place he is the representative of one of the two almost equal political parties of the country, he and his policies are alike lacking defenders. Yet when he became President a year ago, he almost disarmed his Democratic opponents by specious professions of good purposes, and appeared capable of leading the Republican party upon a new and enduring platform of national principles. With a few gracious words added to a practical assertion of the constitutional right of the States to local self-government, he won the whole South to regard the crimes which made him President as if overruled for the country's good. With promises of civil service reform he made patriotic men everywhere hopeful that the shameful character of the public service under his predecessor would be all removed. And though at the outset, in his choice of cabinet officers, he offended some of the recognized leaders of the party which supported him for the Presidency, they shared the feeling of the country at large that it would be dangerous for them to rebel against his authority as the head of their party, so long as the people had faith in his fair promises. At that time few would have ventured to accuse Mr. Hayes of having full knowledge of the frauds by which he came to be declared elected President.

But the events of the year have revealed more of Mr. Hayes' character than was publicly known at its beginning. It is apparent now that he personally knew of the means employed to steal for him the votes of Louisiana, South Carolina and Florida. The men who procured the stealing are his first favorites as President. The cunning lawyers and wire-pullers who consummated the theft are his next favorites. Not content with this, he has recognized and acknowledged his obligation to reward the meaner instruments of the crime by appointing them all to such places of honor, trust and remuneration as only men of highest character should hold. And, still further exposing the falsity of his promises of reform, he has searched the country through to bestow office, without regard to other recommendation, upon all the personal friends and personal acquaintances of Rutherford B. Hayes, as if the office he occupies with all its privileges and powers was personal property. Now we see that the concessions to the South, and the professions of devotion to pure, impersonal and loyal methods of government, were the expedients of a cunning and not of a worthy man. He desired to be President, whether elected or not. He has his desire, but at such sacrifices as a better man would not have made for any object. And his punishment comes from the exposures which deprive him of the respect and confidence of the people, leaving his party leaders free to desert him and inviting attack and criticism from every quarter. Before his four-years term has expired he will be more an object of scornful pity than hatred.

THE PRICE OF CODFISH AND SUCH.

Codfish is a lenten subject. People who observe the season are apt to know the price of this savory and oderiferous fish. We mean the retail price. It is not everyone who knows that the United States have just paid Canada $5,500,000 for the privilege of catching codfish and eating Labrador herrings. Both codfish and Labrador herrings, as articles of diet, are good. We can't say that the taste differs materially from salt, but what is lost in taste, we suppose, is made up in salt and substance. Still this fishery business is becoming a trifle too expensive.

Some time ago, a commission, made up in the usual way, was appointed by the United States government to settle the fish business with Canada. This commission, of course, was after the latest and most improved edition of civil service reform, and therefore composed of bankrupt politicians and lawyers with a profession and no practice—the relatives and connections of the people in power. Significantly, during the deliberations of this august tribunal, the Governor General of Canada was so kind as to pay Washington city a visit, and so exceedingly polite, on his departure, as to take with him to Canada the son of President Hayes. This reminds one most forcibly of Grant in his palmiest days. Indeed it is doubtful, whether Grant ever did, or ever could, excel such a charming piece of social etiquette.

Now the strangest thing is the ending of this tete-a-tete between President Hayes and the Earl Dufferin. The Earl returned home, and the commission awarded Canada $5,500,000 for damages sustained by that interesting country in the loss of codfish and Labrador herring. Whether the immortal Smith, ex-Commissioner of Indian affairs, had anything to do with this brilliant diplomacy, we are not prepared to say, although we cannot resist the temptation to remark that it looks like Smith, smells like Smith, and tastes like Smith, now Consul General of the United States and of the churches at Montreal in the aforesaid dominion of Canada. And thereupon, it would appear that codfish and Labrador herrings are expensive diet, and that the sum of $5,500,000 is too much money to pay to prevent reciprocity, or as damges for want of reciprocity of trade. It is as plain as demonstration by figures can make it that free trade between Canada and the United States would be beneficial to both parties. And yet the government, so-called, prefers to pay the enormous sum of $5,500,000 to satisfy a false claim of a few fishermen, rather than take the high ground of free trade and international justice.

WISCONSIN SOLONS.

Closing Up the Business—Movement for Cheap School Books—Testimonial to Speaker Burrows.

[Special Telegram to THE GLOBE.]

MADISON, WIS., March 13.—The Legislature did considerable work to-day. In Senate bills passed to remedy the evils consequent upon the loss of public records by fire or otherwise. Senate bill relating to fees of justices of the peace, with Assembly amendments, was concurred in. Bills passed: For the protection of game in St. Croix county; providing for representation of Wisconsin in the forthcoming international prison congress at Stockholm, without expense to the State; memorial to Congress, providing for a weekly mail route from the village of Nelson, St. Croix county, to Rock Elm Center, in Pierce county; appropriating $18,500 to the institution for the blind for current expenses.

The bill cheapening the cost of school books came up as a special order, the question being on the adoption of the committee's substitute recommending the appointment of a commission of five to consider the matter during the summer, and to report next winter. After an eloquent speech by Senator Barrows, the bill was ordered to a third reading by a large majority.

IN THE ASSEMBLY

Senate bills were concurred in to establish a State road in the counties of Jackson, Wood and Clark; relating to license fund received by the city of Chippewa Falls; relating to the draining fund in several towns; to appropriate money to the State hospital for the insane; for current expenses; to legalize the acts of the common council of Chippewa Falls; relating to street work; to fix the compensation of the assistant attorney general at $2,000; relating to the booms in the Wisconsin river; memorial to Congress against the reduction of the present duty on wood; memorial to Congress in favor of an income tax.

Bills passed: To confer civil and criminal jurisdiction in certain cases upon the Jackson county court; to authorize W. L. Saddler to erect and maintain a dam across Sucker branch in Polk county for log driving purposes; to authorize Henry Hewitt, Jr., and Eric McArthur and their associates to construct and maintain a dam across the south fork of Flambeau river; relating to tract indexes; to authorize the granting of State certificates to graduates of the State university.

SPEAKER BURROWS

acknowledges the gift of a very handsome bronze inkstand from the employes of the Assembly.

PORK PACKING.

Proof Positive that Chicago has Fairly Earned the Title of Porkopolis.

CHICAGO, March 13.—Messrs. Howard, White & Carroll, publishers of the *Daily Commercial Bulletin* have published their ninth annual report of the packing of Chicago for the season of 1877-78, and year ending March 1st, 1878. The report shows by far the most extensive business and exceeds even the expectations of the best informed; the total packing from March 1st, 1877, to March 1st, 1878, was 4,009,311, average weight of summer packing 1,960 9-100 lbs, and average yield of lard of 3,250 lbs. against an average weight of 189.29 lbs and a yield of lard of 2,910 pounds for last summer's season. The winter packing regular season was 2,501,285, against 1,618,084 last season. The average weight of the winter season was 228.37 pounds and lard 39.05 pounds against a weight last year of 215.97 and a lard yield of 35.10. The manufacture of the product necessarily shows a heavy increase and is reported as follows: Lard, 295,360 tierces. Mess pork, 324,573 barrels. Total of all kinds of pork barreled, 338,430. S. P. hams, 90,270 tierces. Green hams, 37,044,427 pounds. D. S. hams, 13,083,220 pounds. Long cuts, 12,478,043 pounds, and South Staffordshire, 18,712,070 pounds. S. P. shoulders, 9,172 tierces. Green and dry salted scoulders, 34,449,280 pounds. Rough sides, 330,000 pounds. Cumberlands, 4,946,312 pounds. Short ribs, 45,173,464 pounds. Long ribs, 851,826 pounds. Short clear, 43 256,893 pounds. Long clear, 64,159,504 pounds. South Staffordshire, 8,458,727 pounds. Stretford, 24,815,511 pounds. Irish cut, 530,084 pounds. Yorkshire, 1,283,801 pounds. Birmingham, 411,845 pounds. Wellshires, 1,068,897 poudds. Other cuts, 22,600,834 pounds; Bacon, singed, 2,008,000 pounds. Bellies, 2,436,681 pounds. Backs, 2,474,926 pounds. Hock, 2,578 barrels. Pig tongues, 1,998 barrels, and 3,638 kegs grease.

The Charter Oak to be a Mutual Company.

HARTFORD, Conn., March 13.—The House to-day concurred with the Senate in passing the bill reorganizing the Charter Oak Life Insurance company on the mutual plan, but adopted an amendment providing that no money shall be paid for the purchase and retirement of the capital stock, so as to impair the policy reserve as computed by the legal standard, and put in an another amendment that approving the action of the company is not needed to make the new charter of full effect. The amended bill was returned to the Senate.

Railroad Election.

CLEVELAND, March 13.—The annual meeting of this stockholders of the Cleveland, Tuscorawas Valley & Wheeling railroad, was held in the city this morning. The total earnings for the past year were four hundren ninety thousand four hundred dollars. Operating expenses three hundred thousand nine hundred dollars. The following board of directors were elected: S. Chamberlin, W. S. Streetor, E. B. Thomas, Amasa Stone, H. Cook, Cleveland; W. W. Holloway, E. P. Rhodes, Bridgport, Ohio; C. Russell, Massillon; H. R. Kent, New York.

Revival of Hazing at Dartmouth College.

HANOVER, N. H., March 12.—Hazing was revived at Dartmouth college last night. Early in the evening the sophomores intruded upon the freshmen. About 2 o'clock in the morning the freshmen broke into the room in Thornton hall occupied by a sophomore and his brother, a senior, both of whom were unmercifully beaten with bottles and disfigured. Two have been arrested for assault with intent to kill, and are in custody, and search is being made for others.

Protectionists Defeated Nearly Two to One.

OTTAWA, Ont., March 13.—Debate on the budget closed at 3:30 this morning, when a vote was taken on Sir John MacDonald's motion, to the effect that the welfare of Canada requires the adoption of a national policy which, by judicious readjustment of the tariff, will benefit and foster the agricultural, mining and manufacturing interests of the Dominion. The vote resulted 76 for to 114 against.

Going to Give Bayard a Good Send-Off.

NEW YORK, March 13.—Bayard Taylor, the new minister to Germany will be entertained at a banquet in this city before leaving for Berlin, by representative citizens in art, commerce and literature. The German singing societies are organizing a serenade.

The Moffat Bell-Punch.

[New York Graphic.]

Punch, brothers, punch with care,
Punch in the presence of the bar-keepaire;
A one-cent slip for a lager baire,
A two-cent nip for a whisky squaire,
A quarter 'f a dollar for a regular taire,
Punch, brothers, punch with case,
Punch in the presence of the customaire.

Sam Cox's Remark.

[Page County (Iowa) Democrat.]

When Sam Cox, of New York, said the President's veto was "a cry of fraud from a fraud," he just covered all the ground, and told a palpable truth.

Mrs. Thompson of Lake City, has, for the sum of $75, compromised with the city for injuries sustained by being precipitated from a buggy into an unguarded street excavation.

SUPREME COURT.

DECISIONS OF CASES ARGUED AT THE OCTOBER TERM.

The Syllabi and Opinions of the Supreme Court of Minnesota, as Filed With the Clerk Yesterday.

John J. Lalor, Respondent, vs. Jeremiah C. McCarthy, Andrew J. Preston, administrator of the estate of John C. Raguet, deceased, Emma C. Raguet, John M. Raguet, Andrew J. Preston, John Wann, Patrick Nash, and the Minnesota Savings Association, Appellant.

SYLLABUS.

If, in consequence of the improper manner in which a sale is conducted upon the foreclosure of a mortgage by advertisement, the price at which the property is bid in is grossly inadequate and grossly below what it ought to bring, the sale is grossly unfair. And if the mortgagor, or those interested in attacking such a sale, have not assented to it or by laches disentitled themselves to relief, a court of equity is justified in setting aside the sale at least in a case which the property has been bid in by the holders of the mortgage and is held by them or by persons who have no greater rights or equities. The mortgage foreclosed covered lands described as three parcels. The sale of the first and second parcels was grossly unfair and the price received for them grossly inadequate, because they were improperly sold separately and not as one parcel. The sale of the third parcel was not *in itself* irregular or unfair. *Held*, however that upon the facts of the case as detailed in the opinion the entire sale was properly set aside.

OPINION.

The lands covered by the mortgage, from the plaintiff to Nash, are described therein as three parcels. The parcel thirdly described did not adjoin the other two. As to the latter, the finding of the court is, "That the parcels of land in said mortgage, first and secondly described, constitute one tract of land in fact. The two parcels adjoin each other, the second parcel lying immediately in the rear of the first. The first described parcel had a frontage of twenty feet on Third street (St. Paul) and ran back fifty feet. The parcel secondly described, immediately in its rear, and of the same width. The two parcels form a strip twenty feet in width by eighty feet in depth. There was no mark of separation between the two parcels, but they had been improved and used as one tract, by the erection of a costly stone building, extending the whole length, and covering the entire width of the whole property. The building was used as a store, and there was no access to the rear portion, except through the rear portion. It is further found that the assignees and holders of the mortgage proceeding to foreclose by advertisement caused the property firstly and secondly described to be put up for sale, and to be sold separately, and not as one parcel; that the two would bring much more if sold as one parcel than if sold as two; that the second described parcel has scarcely any value separate from the first; that the two parcels, with the building and improvements theron, were worth, at the time of the sale, $17,000, and the third parcel $1,500; that the value of the first and second parcels separated cannot be estimated with any accuracy; that at the foreclosure sale the first parcel was bought in by the holders of the mortgage for the grossly inadequate sum of $4,000, the second parcel for $200 and the third for $230. The statute (Gen. St. Ch, 81, S. 9) enacts that "if the mortgaged premises consist of separate and distinct farms or tracts they shall be sold separately." As is correctly found by the court below, the first and second described parcels did not consist of separate tracts, but together they formed one tract and this was a potent fact, as to which there was no difference of opinion. Notwithstanding the two parcels were separately described in the mortgage, the statute did not require that they should be separately sold. Neither did the statute perscribe that they should be sold together. But upon general principles it is clearly the duty of the holders of the mortgage to sell fairly and with a reasonable regard for the interests of all parties concerned. And as respects a case like the present, in which the mortgaged property was bid in by the assignees and holders of the mortgage, this duty is clearly recognized by Section 10, chap. 81, Gen. St. which provides that "the mortgagee, his assigns, or his, or their legal representatives, may fairly and in good faith purchase the premises so advertised or any part thereof sold." A sale is a sale conducted with fairness as respects the rights and interests of the parties affected by it.

The holders of the mortgage are interested that the property shall bring enough to satisfy their claim; those claiming under the mortgagor other than the holders of the mortgage, are interested that there be a surplus over and above the mortgage debt, large enough to satisfy their claims; while the mortgagor is interested that the surplus may be as large as possible. As respects the mortgagor, then, any manner of conducting the sale which prevents the property from bringing a price as high as it would bring if otherwise conducted, is unfair. This proposition is, of course, to be taken in a reasonable sense. If, in consequence of the improper manner in which the sale is conducted, the price at which the property is bid in is grossly inadequate and grossly below what it ought to bring, the sale may be said to be grossly unfair. And if the mortgagor, or those interested in attacking such a sale, have not assented to it, or by laches disentitled themselves to relief, a court of equity is justified in setting aside the sale at least in a case in which the property has been bid in by the holders of the mortgage and is held by them or by persons who have no greater rights or equities. The manner in which the sale of the first and second parcels was conducted was plainly calculated to prevent those parcels from bringing a fair price, a price as high as they might reasonably be expected to have brought if sold together. The result (which may be fairly attributed to the manner of conducting the sale) was that the property brought a grossly inadequate price. The sale was grossly unfair. The property was also bid in by the assignees and holders of the mortgage, and is held by parties who occupy no better position than they do. But it is said that the mortgagor has slept upon his rights. As respects this matter the facts found are that the foreclosure sale took place July 5th, 1870; that during all the time when the notice of such sale was being published (between May 21st and July 5th, 1870), the plaintiff was out of the State and was not in the same until about the time of the commencement of this action in the latter part of December, 1871; that the plaintiff did not know of the foreclosure and sale until a short time before the expiration of the time for redemption, (July 5th, 1871), when he was informed in general terms that the mortgage had been foreclosed, but was not informed of the details of the foreclosure. Upon this state of facts the court below held that the plaintiff was not "too late in seeking his remedy" in this action. In this, we think, the court did not err. The plaintiff's delay, was not, in the circumstances of the case, unreasonable, and, as we shall hereafter see, it was practicable to put the parties substantially *in statu quo.* Johnson vs. Williams, 4 Minn., 260.

The foreclosure sale was wholly set aside by the court below, although, as respects the parcel thirdly described in the mortgage, the sale is not in itself objected to nor found in any way irregular or unfair. This disposition of the sale restores all parties to the position which they or those in whose shoes they stand occupied before the sale. This obviates any obligation which might arise from the setting aside of the sale if, in consequence of the plaintiffs delay in seeking his remedy, rights had intervened or circumstances changed so as to render it impossible to restore the *status in quo.*

This disposition of the sale was also the only way in which the plaintiff could probably obtain a full remedy for the wrong done by the unfair sale of the first and second parcels. It is impossible to say that the price bid for the third parcel was not unfavorably influenced by the low prices at which the first and second were struck off. For when it is considered that the amount claimed to be due on the mortgage exceeded $20,000, the sale of more than fifteen-sixteenths in value of the mortgaged property for $4,200 would, as such things go, be well calculated to discourage bidding upon that residue.

There are other facts in the case which have an important bearing upon the question of the propriety of setting aside the whole sale. The plaintiff (the mortgagor), upon the request of Nash (the mortgagee), sent him a power of attorney authorizing him to sell the mortgaged property, and thus relive it from the foreclosure sale. Instead of selling, Nash, without any actual consideration, conveyed the second and third parcels to the Minnesota Savings Association, one of the defendants. The savings association had liens on the first and second parcels prior and paramount to the lien of the foreclosed mortgage to Nash. Just before the expiration of the period of redemption from the foreclosure sale, the association, at the suggestion of Nash, redeemed (as it is called) the second and third parcels—the redemption money being accepted by the holder of the certificate of sale. The court below very properly held that the conveyance by Nash to the Association was void, because made without authority. The so-called redemption was therefore not a valid redemption, because the Association did not occupy a position entitling it to be a redemption. Nevertheless, in equity the effect of the so-called redemption would be to vest in the Association the rights of the holders of the certificate in the property thus redeemed. If this is so the defendants McCarthy and Preston, who alone appeal, cannot complain that the sale of the third parcel is set aside, it does not injure them. If anybody is entitled to complain it is the Association which does not complain, as it has not appealed. The court below further and very properly and equitably held that the money paid by the Association upon their so-called redemption having been received by the holders of the certificate of foreclosure sale, must be credited upon their claim against Nash, and that the Savings Association was entitled to an interest in the mortgage to the extent of the money so paid by it, and it was, adjudged accordingly. Now although the association in equity has by its redemption acquired the rights of the holders of the certificate in the second and third parcels, its title is not formerly perfect as to the second parcel, it is not entitled to have it perfected, on account of the unfairness of the sale, as to the money paid in the socalled redemption of both second and third parcels while the title of the association under its redemption was in the condition described it was certainly equitable as respected the association to hold and adjudge that the whole sale should be set aside and that the association should have an interest in the mortgage, to secure its claim on account of the redemption money. And if the court saw fit to dispose of the matter in this way, it was under all the circumstances of the case for the association only to object. For these reasons (and there may be others) we are of opinion that the whole sale was properly set aside or, at least, that the appellants are not in a position to complain of it. This disposes of all the points made in this case which we deem it necessary to notice in this opinion, and the result is that the judgment is affirmed.

BERRY, J.

I. N. Cummings and Mary Cummings, Appellants, vs. John Taylor, Respondent.

SYLLABUS.

Certain questions submitted to the jury in this case considered and held to have been properly submitted.

The answers to five questions thus submitted, held to be sustained by the evidence, and the answer to a sixth question not to be sustained, and the award of damages directed to be modified accordingly.

When a witness has been examined, cross-examined and dismissed from the stand, he can be re-called for further cross-examination only by the indulgence of the court; and when permitted to be so re-called, the court is entitled to exercise a large discretion as to the manner in which, and the extent to which the favor granted shall be made use of. A motion for a new trial on the ground of newly discovered evidence, held to have been properly refused such evidence, being almost wholly cumulative, some of that which is not cumulative, not being shown to be material, and the rest being of such a character that it is not likely to change the result of the trial.

Russell Witherell, Respondent, vs. The Milwaukee and St. Paul Railway Company, Appellant.

SYLLABUS.

If domestic animals are on the track of a railroad by the fault of the owner, such owner takes all reasonable risks of injury to them from passing trains, and while the railroad company is not bound to presume that such animals will be upon the track, they are not authorized to injure them willfully or carelessly, but are bound to use reasonable care to avoid injuring them. By the exercise of reasonable care is meant the making of the same effort to avoid injuring an animal as a prudent person, owning both train and cattle, would make, for proper regard for both. The foregoing rules, laid down in Locke vs. First Division St. P. & P. R. R. Co., 15 Minn., 350, approved, with a comment and explanation to the effect that, considering that the owner of the cattle is at fault, in supposing his cattle to go upon the track, and that the railroad company is engaged in the exercise of a lawful right, and in discharge of a public, or *quasi* public act; and considering further, the relative value and importance of a train, and of the lives and limbs of the persons upon it, as compared with the value of domestic animals, a proper regard for both train and cattle would make the duty to avoid injury to the train, and those upon it, primary paramount to the duty of avoiding injury to the cattle.

First National Bank of Fergus Falls, Respondent vs. Michael Anderson, Appellant.

SYLLABUS.

C. executed to W. a chattel mortgage upon a stock of goods void as to creditors, because it contained a clause authorizing the mortgagor to remain in possession and make sales of the property without satisfaction of the mortgage debt. Before any creditor took proceedings hostile to the mortgage, the mortgagor, part of the mortgage debt having fallen due voluntarily in good faith delivered the property to the holder of the mortgage for the purpose of being applied in payment of the mortgage debt, and authorized him to sell the property for that purpose. *Held*, that under this delivery and authority the mortgage creditor could hold the property against any creditor subsequently proceeding against the mortgagor.

MINNESOTA NEWS.

Night trains are to be placed on the Winona & St. Peter railroad on April 1.

They scatter the social evil in Waseca county by pulling down the houses infested by it.

The steamer Pepin arrived at Lake City on the 11th, on her regular trip to Maiden Rock and intermediate points.

Peter Feife, a farm laborer, committed suicide on the 10th, by shooting himself through the head at the residence of Peter Leonard, Highland township, Wabashaw county.

Under date of the 12th, the *Argus*, published at Janesville, Waseca county, says: "The remains of Mr. Rourk, of McPherson, were taken to Milwaukee the past week for interment. Mr. Rourk claimed, while alive, to be the oldest inhabitant of the reservation, and gave his age as 101. The boys seem to be a little in doubt regarding the exact figure, we understand, but place it from 98 to 101, which records in Milwaukee will show. Shepard says, Mr. Rourk, the past summer, hauled wheat to the elevator and unloaded as brisk as a young man.

Speaking of the early opening this year of Lake Pepin, the Wabashaw county *Sentinel* says: "We feel to rejoice in the early opening of the lake. This year is the best on record. On March 9th, boats could have easily passed through. On authority of an old settler, March 21st, 1878, was the champion until now. It is among the imperishable records that the steamer Pepin made an excursion trip on New Years Day, 1878, to the delight of the wondering citizens. The ice was thinner this winter than ever previously known, it being scant twelve inches thick. Very few accidents have taken place on the ice, but the fool killer never fails to bag a few aspirants for fame and eternity."

MINNEAPOLIS NEWS

Specially Reported for the Daily Globe.

MINNEAPOLIS GLOBELETS.

Bare-footed urchins have appeared.

Yesterday's wind dried the mud rapidly.

That half-hour line to St. Paul is again being agitated.

Minneapolis hasn't enough ballot-boxes to go around.

Revival services at Centenary church during the remaining evenings of the week.

Conductor Cadwell's train recently had on board four car loads of land hunters.

Nothing on the wood and hay market yesterday, owing to the condition of the roads.

Judge Cooley was not called upon to deal out municipal justice in a single criminal case yesterday.

Superintendent Tousley is busily engaged in giving oral examinations in the primary grades of the public schools.

The window frames of the first story of the new machine shop and foundry of O. A. Pray, are being put into position.

Mrs. Wm. Dolliver left for the East last evening, where she will visit friends during a greater portion of the coming summer.

Charlotte Smith and Harriet L. Dalsen of the Chicago Inland *Monthly* were in the city yesterday, and may conclude to "write up" Minneapolis.

Mr. Dan E. Eyre will shortly resume his residence in this city, having closed out the bankrupt stock of goods which he recently purchased at Winona.

Eddie Pritchard, a ten year old son of David Pritchard, of Maple Plain, received a charge of shot through the hand, owing to an accidental discharge of a gun.

Daniel Moriarty, a brakesman on the Minneapolis & St. Louis road, while getting on a car, yesterday, missed his footing, and, in the resulting fall, broke his elbow.

The last Scandinavian masquerade ball will be given by the F. D. Society, at Harmonia Hall, Friday evening, March 29th. Four valuable prizes will be awarded.

The first coinage of the new silver dollar was turned out of the mint day before yesterday, in the amount of $30,000. Who will be the first to secure one in Minneapolis?

Eastern parties have written to the secretary of the board of trade inquiring as to the feasibility of establishing a large wholesale and manufacturing clothing house in this city.

Mr. W. L. Kuran, of Onalaska, Wis., has 12 varieties of fowls on exhibition at the Brackett's Hall convention, but finds time to look about the city and note some of its attractions.

Judge Rea was yesterday engaged in receiving testimony bearing upon the alleged unsoundness of mind of Ovid Pinney, Esq., and considering the necessity for the appointment of a guardian.

Regular dime concert next Saturday evening. Mrs. A. N. Elliott, of New York, will give the vocal numbers, Miss Eva Williams the readings, and the Weinberg orchestra the instrumental inspiration.

The ladies of the M. E. church have arranged a novel entertainment for next Friday evening with refreshments attached. They propose to issue a challenge to the gentlemen of the society for a spelling contest; the champion speller to be awarded a Webster's Unabridged Dictionary.

Judge Vanderburgh held court yesterday morning and ordered judgment in the case of Luther C. White and the Victor Sewing Machine company vs. Lodena Runions and L. G. Pendergast. The case of Peter Wolford vs. Matthew Frier and Mary Frier was continued until the May term.

Examinations will take place at the Minneapolis seminary, in the following order: Thursday, March 14, from 8:45 A. M. to 12:30—Outlines of History, English History, Rhetoric. Friday, 8:45 A.M.—Moral Philosophy; 10 A.M.—Exercises of Bethanian society. All are cordially invited to attend.

The members of the Lurline boat club, were invited to take tea at the residence of Chas. McReeve last evening. The social gathering was prolonged until a late hour, and the entertainment pronounced to be of that enjoyable character for which there has never been found a descriptive adjective.

Harry H. Grace, was yesterday admitted to practice at the bar, having passed a successful examination before the committee appointed by His Honor Judge Young. Frank H. Carver and Francis B. Bailey were also admitted to practice upon examination, and presentation of certificates from other States.

Gov. Washburn has, at his own expense, established a fire alarm box at the Washburn big mill, and has connected it with the regular system of fire alarm telegraph. The box will be known as No. 25, and whenever it sends in an alarm the people may know that there is something wrong in the milling district.

It is to be regretted that a much larger audience did not listen to the piano recital and concert given by Mme. Rive-King at the Academy of Music last evening. Nothing could be more exquisitely perfect, and the mere mention of the grand harmonies by any but a Beethoven, a Liszt, or a Handel, would seem like sacrilege.

N. B. Harwood & Co. will employ about 200 persons in their new manufacturing department being fitted up in Brackett's block. Twenty horse power will be utilized in the running of sewing machines and other light machinery. The amount of manufacturing done by this firm during the past year amounted to $100,000.

The new stove manufactory is to occupy a piece of ground 200x450 feet, opposite the Harvester Works. The proprietors arrived in the city yesterday, and already several contracts for the erection of the different buildings have been closed. The firm will employ about 70 men, and an improved pattern of a cook stove will be one of the large items of manufacture.

According to the authority of the St. Louis merchants' exchange, recently given, 1,009,269 bushels of wheat were handled in that city between the dates of January 1, and March 9. That is a very good showing for St. Louis, but she should not forget that during the same period of time Minneapolis handled 1,044,400 bushels of wheat, being an excess of 35,131 bushels over St. Louis. Minneapolis can and will maintain her supremacy.

THE CHICKENS.

Large Attendance at Brackett's Hall Yesterday--Partial List of Prizes.

Everything was in apple pie order at Brackett's Hall yesterday, the bustle and slight confusion caused by the reception of numerous coops of fowls during the first day of the exhibition having subsided. At least 500 fancy fowls are on exhibition, embracing all known breeds, and the fourth annual exhibit may truthfully be said to far outstrip all of its predecessors. The attendance was large yesterday the hall being filled with a large number of fanciers as well as with ladies and gentlemen who were merely satisfying curiosity. The patent incubator was one of the chief attractions, a brood of two chickens being as nicely hatched yesterday as though covered by the mother hen. A larger brood is expected to break their shells to-day. Max Pfeifer has a fine collection of birds on exhibition, and Robert Robertson a fine exhibit of taxidermy.

Mr. B. N. Pierce, of Corning, Iowa, who is acting as judge, commenced his labors yesterday by judging the white and brown Leghorn variety.

Of the white Leghorn chicks Mr. J. J. Rankeillor, of this city, received the first prize; A. H. Brackett second prize, and Chas. Gilpatrick third prize.

Of the Leghorn fowls A. H. Brackett received both the first and second prize, although the latter was closely contested.

There was a large display of Brown Leghorns. R. O. Foster receiving first prize on chicks, A. P. McKinney, second prize and I. J. Ball, third prize.

Mr. Ball also received the second and third prize on Brown Leghorn fowls, no first prize being given.

Prizes will be further awarded to-day, and the attendance during the day and evening will undoubtedly exceed that of yesterday.

GLOBELETS.

Tom Anderson, convict, is still a customs officer at New Orleans.

Camilla Urso's violin was seized at Ithaca, for debt, but she borrowed a fiddle and gave a concert all the same.

Since Don Cameron's engagement was announced he wears in the Senate a frock coat instead of a pea jacket.

Longfellow's "Song of Home" has been set to music by the English composer Barrett, and sung by Mr. Sims Reeves.

The gross earnings of the Chicago, Milwaukee & St. Paul railroad for February amounted to $680,000, being $265,000 more than in the same month of last year.

When will Mr. Evarts obtain an explanation of the conduct of the British naval officer who last December ordered the American flag at Morant Keyes to be pulled down?

The greatest hit of the Paris opera season is "*Le Petit Duc.*" "This," says the Philadelphia *Times*, "means our own commissioner of agriculture, with his name spelled out."

The letter writers of Miles City represent Gen. Miles and his men much chagrined on receipt of the orders countermanding their intended march to the Milk river country.

The post-office committee of the House has agreed to recommend the adoption of a double-stamp postal card, the purpose being to permit an answer to be returned on the same card.

Particulars as to the drowning of Suleiman Pasha have not been published. Was it in the old Turkish style—by being tied up in a weighted sack and thrown into the Bosphorus?

The plurishers who do not fail as a result of the lack of business through the winter just passed, will hereafter enjoy the credit of being able to withstand almost any run of hard times.

The first of the new dollars was struck at the Philadelphia mint Monday last at 3:17 P. M. One machine, operated by steam, strikes eighty a minute, and from to-day four will be in operation.

Archibald Nicholas, born a slave in Maryland, who purchased his own freedom thirty-five years ago, died at Baltimore last week, aged 105 years, having survived all but one of thirteen children.

According to his own account, the principal daily business of General Comly, Hayes' Ohio friend, as minister to the Sandwich Islands, is to call on the secretary of state for foreign affairs and take a drink.

A monster meeting of communists, under the auspices of the "Social Labor Club," was held in St. Louis, Monday evening, at which no English-speaking workingman could be induced to make a speech.

Mr. Joseph H. Acklin, of Louisiana, is the youngest member of Congress, being only twenty-eight. He has also a beautiful black moustache and bright, large, black e