

THE RIGHT PREVAILS.

OUTRAGEOUS FEATURE OF ELECTION LAW UNCONSTITUTIONAL.

A Righteous Decision--The Secrecy of the Ballot-Box Inviolable--The Attempt of Ex-Ald. Fisher to Ascertain How People Vote a Failure--The Judges Cannot Number Your Ballots.

An important decision was rendered in the district court, yesterday, by Judge Brill, the other judges concurring, on the election law of 1878. The history of the case is about as follows: On the 12th of March, 1878, the legislature passed a general election law, among other provisions of which was a section requiring the judges of election to number every ticket offered with the corresponding number set opposite every voter's name on the poll book. At the last spring election Hon. J. B. Brislin offered his vote, but declined to have it numbered as required, thereupon the judges deprived him of the right of franchise. He accordingly brought suit against the judges for damages, to test the validity of the law. The case was argued, John B. Brislin vs. James Cleary et al. The cause came up for hearing on a demurrer by defendant, that no cause for action was had by plaintiff. The case was argued by Messrs. Fisher, and Merrill, for defendant, and J. B. Brislin, for plaintiff, before Judges Wilkin, Brill and Simms, sitting in banc, and the decision was given yesterday in full as follows: The point raised upon the complaint and demurrer in this case is the constitutionality of the act of March 12th, 1878, relating to elections, so far as it provides for the identification of the ticket of the voter on the poll book. The constitution provides, section 6, article 6, "all elections shall be by ballot except for such town officers as may be directed by law to be otherwise chosen."

CLIQUE CAN BE ELIMINATED WITHOUT DESTROYING THE ENTIRE FORCE OF THE LAW.

THE MATTER WILL HAVE TO BE PASSED UPON BY THE SUPREME COURT BEFORE A FINAL SETTLEMENT OF THE MATTER CAN BE REACHED OR DETERMINED.

The matter will have to be passed upon by the supreme court before a final settlement of the matter can be reached or determined. The intention is, if possible, to carry the case before the supreme court, in time to have a decision given before the day of election, November 5, 1878. The demurrer must be overruled. An order may be entered accordingly which will leave to defendant to answer within twenty days. H. R. Brill, District Judge. The above decision does not alter the election law under which the coming election is to be held. The matter will have to be passed upon by the supreme court before a final settlement of the matter can be reached or determined. The intention is, if possible, to carry the case before the supreme court, in time to have a decision given before the day of election, November 5, 1878. The demurrer must be overruled. An order may be entered accordingly which will leave to defendant to answer within twenty days. H. R. Brill, District Judge.

CITY GLOBULES.

OFFICER CLARKE RUN IN A DRUNKEN POLAROID ABOUT 10 O'CLOCK LAST NIGHT.

Officer Clarke run in a drunken Polaroid about 10 o'clock last night. He, the Polaroid, was too drunk to sneeze forth his royal patronym. Ory Bates, who was sent to State prison February 23, 1878, for eight months, has been pardoned by Governor Pillsbury. Bates had only a week more of service and the pardon was issued that he might be restored to the rights of citizenship.

Donnelly in St. Paul!

HON. I. DONNELLY

Donnelly Club!

TO-NIGHT!

OPERA HOUSE BLOCK.

THE COURTS.

Business of the Various Legal Bodies of St. Paul Yesterday.

In the district court, Judge Wilkin presiding, the Smythe-Methodist church case was resumed yesterday.

Case No. 79--E. C. Palmer, administrator, et al., vs. J. P. Kidder et al.

A special venire was placed in the sheriff's hands yesterday for eighteen petit jurors, and was served on the following: T. Holpin, R. L. Wharton, Sylvanus Nadeau, John Adam, Sam. R. Stone, John P. Libby, Edward Langevin, James G. Brown, Wm. A. Bushman, Henry Dainkroger, Christian C. Berg.

The court adjourned till to-day at 10 o'clock a. m.

Probate Court.

In the matter of the estate of John H. Kammerling, deceased, Petition of Ida Kammerling for letters of administration filed. Order made for hearing on Saturday, Nov. 23d, at 10 a. m.

In the matter of the estate of Bartholomew Griffin, Petition filed for examination of administrator's accounts.

Supreme Court.

(Before Associate Justices Berry and Cornell.)

Municipal Court.

The City vs. Alonzo Garner, drunk, committed to jail for fourteen days.

The City vs. Margaret Shannahan, keeping open house, continued to the 23rd inst. (to-day) at 9 o'clock a. m.

CIVIL CASES.

Myer Rosenholtz vs. Louis Goldberg; action on accounting. Set for trial October 31st, 1878, at 10 a. m.

Charles Decker vs. Wilhelm Sidenkrantz and Carl Gebauer; action on promissory note. Action for alleged contract to next general term.

The St. Paul Coal Company vs. William Crook; action for alleged contract to next general term.

Sammer vs. James Cullen. Action on promissory note. Continued for settlement.

A. H. Lindeke & Bro. vs. C. A. Stein. Action for goods alleged to have been sold defendant. Case continued to next general term.

Mathew C. Ten Eyck vs. E. A. Rengstaf. Action for alleged services. Case passed on all calendar and continued to next general term.

D. T. Parsons & Co. vs. Charles A. Whitchoer. Action on promissory note. Case passed on all calendar and continued to next general term.

R. O. Strong vs. Charles Caldwell. Action for goods alleged to have been sold to defendant. Case set for trial October 31st, 1878.

The Chicago Union Brewing Co. vs. Charles C. Caldwell. Action for goods sold. Judgment for Plaintiff for \$35.10.

E. J. O'Reilly vs. M. E. Korreich. Action on promissory note. Case held open for settlement until next general term.

Michael Burns vs. Joseph Irish. Action for labor alleged to have been done by plaintiff. Case set for trial on October 30th, 1878, at 10 a. m.

The Magician.

The magic exhibition by Hartz at the Opera House, last night, was fully equal to any other of the kind ever seen.

REGISTRATION.

Light Work Done Yesterday--An Immense amount of registration work was done yesterday.

There was a very general misapprehension among our citizens and the judges and clerks of election as to the law relative to registration, many people holding that the election officers could do nothing but copy and revise the poll-books of last year.

Soldiers Additional Homesteads for sale by

WREALING OFF LONG ISLAND.

A Battle With a Forty-Foot Monster on the Amagansett Bar.

In the fishing hamlet of Amagansett, near Montauk point, Long Island, and on the southern coast, a sharp lookout is kept for whales and menhaden. Menhaden are used by the farmers for manure on their land, while whales, which appear only about once a year, make money for the longshoremen. Patrols ride up and down the coast, and whenever either whale or menhaden are discovered a "rally" is sounded on a long tin horn carried by the patrolman on horseback. Then a white flag is quickly raised from the top of Capt. J. H. Edwards' house if the announcement means fish, but if it means whales, then an immense national flag is pulled to the staff's head as a signal to the population of fishermen.

Intelligence was received here yesterday of the sudden death at south St. Louis, the 19th inst., of Mrs. Francis Vincent, sister of Joseph and Frederick Guion, of this city.

COMMUNICATIONS, ETC.

Transmitting charges against Police Officer John Casey for assaulting John Egan on the 8th inst.

Stating that a prior engagement called him from the city, and that John B. Brislin, Esq., would act for him.

On motion of Ald. Sanborn, the Council dissolved itself into a Court of Inquiry, and the Mayor presided and had a vote, and all questions at issue to be decided by a majority vote of said court.

Mayor Dawson then took the chair and the Court of Inquiry was opened.

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