

EDITORIAL.

HE DESCENDS FROM HIS TRIP TO ENJOY A VACATION.

He spends a day in discussing matters of interest to the craft, eats a square meal, and goes to the D—'s Lake Country on an excursion—A full report of the proceedings of the Sixteenth Annual Meeting of the Minnesota Editorial Association.

Never in the history of the Editorial Association of Minnesota has there been at the annual gathering of the provincial solons so large an attendance, and perhaps in the history of the capitol—assuredly of the new one—has there gathered together so much of the brain power of the state as that assembled yesterday in the senate chamber. The intellectual countenances, broad, massive brows, deep, thoughtful eyes were a study, and worthy a young, vigorous, prosperous and enterprising state like ours.

It was about 2 o'clock before the meeting was called to order by the president, Mr. Herbert, who read his annual report. He said:

The newspaper of Minnesota needs no eulogy. It speaks its own praise from 240 presses in our fair state. It reaches every village and hamlet, every city and neighborhood, every palace and cottage. In advance of the development of the state and keeping a proper leadership all along has been the newspaper. Through its persuasive words the people of other states and other lands have come hither and from a few hundreds of circulation, tens and hundreds of thousands have been reached.

He proceeded to give a history of the association showing that the first meeting was held in St. Paul, Feb. 20 and 21, 1867, when there were only fifty-four papers in the state, thirty-two of which were represented at the meeting. Some who were present on this first meeting, he said, have passed to that sanctum where the "copy book is never empty, the ink fountain is never dry, and subscribers are never in arrears and unpaid bills cease their troubling, and it is hoped politicians cease their struggling, fighting and worrying and their weary champions are at rest. These stood by their quills and cases to the last. Some have dropped into other callings, while the majority are still at their tables battling against prejudice and ignorance and self conceit, political corruption, private crimes and misdemeanors with the little weapon which is mightier than the sword, winning the laurels and wielding the power that is ever the crown of the faithful editor."

There is no other profession, he maintained, which has the charm and enchantment about it to the one who has once engaged therein as has that of the editor. He always looks back to the past and lingers there, frequently drawing him back again to the profession regardless of financial loss. He stated that there had been as much life-success among editors as any other profession and fewer failures. In continuing his inferences from records of the first meeting he stated that a community of interests tends to a community of sentiment, and the one prominent object of the first convention was the devising means for the purpose of maintaining depleted exchequers from an increased revenue from the public printing, especially for an increase in the price for publishing the delinquent tax lists—once an item worth looking after. In this good time twenty cents a description was the price; now they had to struggle to get four and one-half cents. He next alluded to the courtesy always shown by St. Paul to the association. He said the members of the '67 convention enjoyed free entertainment at the St. Paul hotels, free tickets to the grand depot, and the new Opera House. The St. Paul press presented each member with a copy of the Minnesota statutes, a free sleigh ride was given by livery firms, free tickets for the circus were provided, and a grand free banquet was provided by the St. Paul local press and Governor Marshall—now hunting down editors—not to be outdone gave a royal feast at his residence the following night. Another characteristic of the first meeting was a committee appointed to collect the names of editors and publishers with their personal characteristics, which he thought also might be imitated in these latter days. He contended that the profession was to-day the best talent, having improved presses and means of gathering news. An immense revolution, he said, has taken place the last fifty years and even in twenty-five years the editor to the top of the temple that he has to look for your kind and cordial greeting.

The president next read, with expressions of great regret, the following letter from the mayor:

MAYOR'S OFFICE, CITY OF ST. PAUL, July 18, 1883. Secretary of the Minnesota Editorial Convention:

Sir—I have the honor to acknowledge your very polite invitation to deliver an address of welcome to your convention at its meeting to-day. It is with much regret that I am deprived of that pleasure by reason of a professional engagement in the United States circuit court at the hour named. It is hardly necessary for me to say, however, that while I am deprived of the privilege of extending the city's welcome to you by word of mouth it is, by this much less satisfactory method, most sincerely and heartily tendered. Very respectfully yours, C. M. O'BRIEN, Mayor of St. Paul.

Mr. T. T. Bacheller, of Minneapolis, then read a paper on "The Editorial," showing the duties and responsibilities of the country editor. The paper was attentively listened to, and at its conclusion received the hearty plaudits of the assembly. At this point the proceedings were for a few moments suspended to give the treasurer, Mr. Ray, an opportunity to explain the sleeping arrangements for the members of the trip to the north and northwest, after which the president explained the program of the trip as already published in the GLOBE, adding that the Canadian Pacific Railroad company had offered to take the excursionists over their road to Rat Portage and return. Mr. E. R. Otis, editor of the St. Paul society journal, "At Home," read a paper in which he contended that the country editor running his own paper, even if single handed, is better off than the city local. He showed that, with the advantages of the ready print, the country editors ought to produce a much better paper than they now do. That there is not to-day in the state a country paper so good as the country editor with but a little exertion combined with method and system can produce, concluding some practical suggestions for the sleeping arrangements. Full information is preferable to criticism. Major Newson followed upon the same subject as that treated by Mr. Bacheller, "The Editorial." Space will not permit of giving the paper, as it deserves, in full, but to say that it was a bright, crisp, sparkling essay, brim full of thought

and overflowing with sound, practical, common sense views, is not saying a tithe of what might be said in its favor. The sentences were what the major stated the editorial should be—brief, clear, incisive, destitute of verbosity. Add to this the apt and pretty metaphors, the flowery similes, the polished periods, had all the weight and advantage of the major's own voice and finished elocution. In taking his seat he was greatly applauded.

Mr. F. R. Morrissy, of the Dispatch, then read a paper upon "The Personal" which that gentleman treated in a humorous vein. The paper appeared to give general satisfaction and at times awakened the merriment of the assembly. Dr. J. T. Smith, who was down in the program for a paper on "Quack Advertisements," was next called upon, and as he did not respond Mr. H. F. Hall, of the Globe, read a whimsical paper upon "Ready print, its economy, its use and abuse," which convulsed the audience with laughter. Mr. D. Ramsey next read a good practical paper upon "The use of stereotype plates and apparatus in country offices," which gave rise to some useful discussion.

The treasurer next reported as follows: Balance in hand June 18.....\$53 90 Excursion money.....\$76 90 Total June 10.....\$130 80 Amount expended.....\$71 00 Balance on hand before commencing this excursion.....\$59 80 The report on this subject was accepted. The treasurer then stated that the association had had sufficient funds for the last three years without calling upon the old members for subscriptions—the dollar paid by new members having been found, with the proceeds of the excursion, to cover all expenses.

On motion a committee of three, consisting of H. O. Bassford, H. E. Hoard and F. R. Morrissy, was appointed to nominate officers for the ensuing year.

While this committee was preparing their report a discussion took place upon the old, old theme of quack medicine advertisements, several gentlemen taking part in the debate, some of whom advocated shutting out entirely all notices and puffs of quack nostrums, others advocating the more cautious policy of excluding those only who pay well, advancing the somewhat peculiar doctrine that if the advertiser was ready with the cash and willing to "come down" handsomely with the "dust" that his medicine was sure to be a good thing and worthy public patronage.

The subject soon extended to all "foreign" advertisements, legal and state advertising and the propensity of newspaper editors to "cut each other's throats" in accepting advertisements. It was generally recommended not to accept any quack medicine advertisements unless paid for in advance, and still further that no special rates and conditions be offered such advertisers, the general experience being, as expressed, that the agents of quack nostrums round the country preying upon country editors as their nostrums do upon the public. On this subject Major Newson made a sensible and practical speech when he was requested to speak on the "Subscription Lists," which he did to the undivided attention of the house, advising all editors not to issue their paper to any who does not pay in advance, assuring his hearers that a man values that only which costs him something.

A committee consisting of Messrs. Roberts, Hoard and C. F. Case were ultimately appointed to consider the best method of treating the questions discussed and to report before the excursion terminated.

The committee on officers at this point reported as follows: For president, B. B. Herbert, Red Wing; Vice presidents, Liberty Hall, Glenocoe; Soren Listoe, Fergus Falls; C. J. Coghlan, Lac qui Parle. Secretary, T. T. Bacheller, Minneapolis. Executive committee, H. P. Hall, St. Paul; H. A. Castle, St. Paul; W. A. Nimocks, Minneapolis.

Capt. H. A. Castle was appointed toastmaster for the evening and the meeting adjourned till 7:30 o'clock at the union depot dining hall.

THE BANQUET. At the banquet given at the handsome and commodious dining hall of the union depot there were present some hundred and seventy guests, among them not a few ladies. The banquet was well served and the guests appeared to be thoroughly enjoying the good things so bountifully provided. There was not being time for speech-making, resolutions were prepared and carried by acclamation thanking the St. Paul press and the Newspaper union for the splendid entertainment, after which the guests took themselves to the three sleepers and other cars provided to take them on their trip to Devil's Lake. During the banquet each guest was presented with a copy of "Legends of the Northwest," by the author, H. L. Gordon.

ASBURNHAM, Mass., Jan. 14, 1880. I have been very sick over two years. They all gave me up as lost. I tried the most skillful physicians, but they did not reach the worst part. The lungs and heart were very bad. I was very thin and my throat was very bad. I told my children I never should die in peace until I had tried Hop Bitters. I have taken two bottles and I feel much better. I am now well. There was a lot of sick folks here who have seen how they helped me, and they used them and are cured, and feel as thankful as I do that there is so valuable a medicine made. MRS. JULIA G. CUSHING.

Fete at St. John's University. [Northwestern Chronicle.] At St. John's university, in this state, on the 17th inst., feast of St. Alexis, patron of the right reverend president of the university, Abbot Edelbrock, was celebrated with an enthusiasm indicative of the love and reverence in which the abbot is held by those subject to his authority. The eve of the festival was made brilliant by a display of fireworks and illuminations. The university band discoursed sweet music and the choir sang several pieces. On the morning of the feast a high mass was celebrated; all the inmates of the monastery were present praying God to guide and bless their beloved abbot in his many and arduous undertakings. The day passed pleasantly and oft was repeated the hearty prayer, "Thank God we have so good an abbot."

"Fools take to themselves the respect given to their office." But Kidney-Wort commands respect for its own solid merits, tested, tried and found not wanting in any essential principle required for the cure of dyspepsia, piles, malaria, and all diseases of the kidneys, bowels and liver. Prepared in dry and liquid form.

Boy Drowned. A painful accident happened at West St. Paul about 8 o'clock last night, which filled one household with misery, and by which Mrs. Mary Jordan lost her son Willie, a bright, intelligent boy of fourteen years. After supper the boy complained of his shoes hurting his feet and told his mother that he would go down to the pond, take off his shoes and bathe his feet. He departed, and being gone longer than his mother thought he ought to be, search was instituted for him. The body was finally discovered in Beck's pond, at the foot of Corey street. It seems that the boy had taken off his clothes and gone into the water for a swim and was drowned.

WELL'S "ROUGH ON CORNS." Ask for Well's "Rough on Corns." 15c. Quick, complete, permanent cure. Corns, warts, bunions.

ORDERED TO CAMP.

The First Regiment Will Go Into the Annual Camp at White Bear—The Programme of the Week—The Roster of Officers.

By the early trains of to-day the several companies of the First regiment, National Guards, state of Minnesota, will move from St. Paul, Stillwater and Minneapolis to White Bear and go into camp for one week on the grounds owned by Maurice Auerbach, near where the camp of last year was placed. Lieut. Metzger, the regimental quartermaster, was at White Bear yesterday with a detailed fatigue party and at night reported the tents pitched and the camp ready for the regiment. The company tents are on the elevation where last year the headquarters' tents were pitched and the camp will this time face the south instead of the north as last year, while the parade and drill grounds will be where the company tents were pitched last year. D company, Captain Bean, has the right of the line and Company Capt. Wright, has the left, with its tents nearest the lake. The camp will be under command of Col. W. B. Bend.

Capt. Ed. S. Bean is officer of the day for to-day. Those who wish to witness the first evening parade of the regiment should take the train leaving the union depot at 4:50 p. m.

Company D is provided with ammunition for target practice, the allowance being fifteen shots per day for each man. Scores will be kept and proficiency and improvement noted. As the state does not furnish ammunition, Company D buys its own. Adjutant General Hawley will visit the camp daily, and others of the governor's staff will be present at the review next Tuesday.

Governor and Mrs. Hubbard will go on Saturday and will remain at the lake until Wednesday. On Tuesday the governor will formally inspect the camp and review the regiment. Col. Lawler, U. S. A., has been detailed by Brigadier General Terry to attend the encampment as inspector and to report to the war department at Washington.

Superintendent Breed, of the St. Paul & Duluth railway, has facilitated the reaching of the camp at White Bear by such regulations of train service as will greatly accommodate officers and men. Special extra trains are run on Sundays, when religious services in camp will be conducted by Rev. Dr. Carroll of Stillwater, who was during the late war chaplain of the Thirtieth New York volunteers.

The sutler's store for the camp will be kept by Bowden & Bagley, who are required to keep a restaurant and sell provisions, temperance beverages, fruit, etc., at St. Paul prices. The camp barber shop will be in charge of Mr. Miller of the Metropolitan.

The three companies in St. Paul, one company from Red Wing and one company from Fergus Falls will leave this city for the camp about 9 a. m. At about the same time the Litchfield company and three companies of Minneapolis will leave the latter city, so that all the ten companies will arrive in camp about 10 o'clock. The total strength of the regiment at last reports was 632. The number reported for the week in camp is 476. The First Regiment band will be in camp every day and evening. The following is the full roster of field, staff and company officers and of the non-commissioned staff:

FIELD AND STAFF. Colonel—W. B. Bend, St. Paul. Lieutenant Colonel—C. W. Johnson, Minneapolis.

Major—George M. Naylor, Minneapolis. Surgeon—Maj. James Davenport, St. Paul. Quartermaster—Lieut. J. K. Metzger, St. Paul.

Adjutant—Lieut. W. J. Sonnen, St. Paul. Chaplain—Rev. M. N. Gilbert, St. Paul, rank of captain.

Assistant Quartermaster—Lieut. R. S. Fitzgerald, Minneapolis. Judge Advocate—Lieut. H. H. Horton, St. Paul.

NON-COM. STAFF. Sergeant Major—J. S. Robertson, St. Paul.

Quartermaster Sergeant—C. M. Palmer, Minneapolis. Hospital Steward—J. Neal Dow, Minneapolis.

Commanding Sergeant—Frank Keogh, St. Paul. Color Sergeant—C. E. Austin, Minneapolis. Color Sergeant—W. C. Gregg, St. Paul.

Company Commanders. A COMPANY—MINNEAPOLIS. Captain—Perry Harrison.

First Lieut.—Frank S. Barnard. Second Lieut.—R. W. Hatch. B COMPANY—MINNEAPOLIS. Captain—Victor J. Welch.

First Lieut.—Robert D. Brown. Second Lieut.—G. F. Williams. C COMPANY—ST. PAUL. Captain—F. P. Wright.

First Lieut.—F. C. Sibley. Second Lieut.—W. M. Becker. D COMPANY—ST. PAUL. Captain—Fred S. Bean.

First Lieutenant—Chas. F. Pasch. Second Lieutenant—George J. Mitsch. E COMPANY—ST. PAUL. Captain—Wm. Blakely.

First Lieutenant—Wescott Price. Second Lieutenant—L. S. Quince. F COMPANY—FERGUS FALLS. Captain—M. E. Clapp.

First Lieut.—F. B. Ertes. Second Lieut.—E. G. Davis. G COMPANY—RED WING. Captain—A. P. Pierce.

First Lieut.—E. A. Kempe. Second Lieut.—G. C. Davis. H COMPANY—LITCHFIELD. Captain—Chas. W. Leavitt.

First Lieutenant—Jas. H. Morris. Second Lieutenant—A. T. Koernan. I COMPANY—MINNEAPOLIS. Captain—C. McReeve.

First Lieut.—I. D. Osgood. Second Lieut.—F. B. Kidder. K COMPANY—STILLWATER. Captain—B. G. Merry.

First Lieut.—Elbert Nixon. Second Lieut.—W. F. Barstow. "Lydia E. Finkham, whose benevolent face is shadowed in almost every paper we pick up, appears to have discovered what Addison calls "The grand elixir, to support the spirits of human nature." It is quite evident that she has the patent and has secured the contract for making over and improving the invalid corps of American Womanhood.—Globe.

A Pleasure and Success Excursion. J. C. Stevens, Esq., of Saginaw, Michigan, writes Mr. H. H. Young, secretary of the state board of immigration, that a party of about twenty gentlemen of that city propose to take a sixty days' excursion into Minnesota this season, with a view to shooting, fishing and prospecting. Among these excursionists will be Hon. H. O. Potter, president, and Sanford S. Keeler, superintendent of the Flint & Pere Marquette Railroad, Hon. D. H. Jerome, ex-governor of Michigan, and

THE COURTS.

Supreme Court.

Henry F. Tarbox, respondent, vs. Michael Gorman, John Gorman and Maria Gorman, appellants. Syllabus—By force of statute, in an action upon a promissory note, by one claiming as endorsee, the possessor of a note purporting to be endorsed by the payee in blank is prima facie evidence that it was so endorsed, and hence evidence of title in the plaintiff. Where the endorser purports to be that of an agent, it is not necessary to prove the authority of the agent.

Such prima facie proof of title in plaintiff is rebutted by proof that plaintiff acquired the note, with knowledge of the facts, from one to whom it had been endorsed by the payee as collateral security merely, and that after the transfer to plaintiff the obligation for which it had been held as collateral had been discharged.

An answer denying that the note was ever transferred to the plaintiff, and alleging that it is still the owner of it, puts in issue an alleged sale and endorsement to the plaintiff. The fact that one is a stockholder and attorney of a corporation does not charge him with notice of the contracts made by the corporation, and of their breach. A defendant waives any objection for non joinder of parties, and plaintiff by not availing himself of it by demurrer or answer. DICKINSON, J.

Louis W. Johnson, respondent, vs. the Chicago, Milwaukee & St. Paul Railway company, appellant. Syllabus—The fact, unexplained, that a very unusual volume of sparks was thrown from a railroad engine, whereby fire was set to adjacent property, held to be evidence of negligence, it appearing also that the management of an engine has much to do with the throwing of sparks.

The assumption of evidence arising under the statute, and the burden being upon the defendant to show carelessness in the management of the engine, the testimony alone of the engineer that he "handled the engine very carefully," but "not any differently from what I (he) generally did," held not such proof of carelessness, under the circumstances, as to compel a conclusion by the jury that there was no negligence.

The fire was first set to the property by the negligence of the defendant, and thence to the property of plaintiff, about sixty feet from the point where the fire was first set. Held, that the injury was not remote as a matter of law. Held, also, that the negligence of Niskern, in leaving combustible matter exposed to the danger of fire from the railroad, was not an intervening cause, interrupting the logical relation of cause and effect, as between the negligence of the defendant and the burning of the plaintiff's property, but rather that Niskern's negligence was concurrent with that of the defendant, either one of the wrong doers being answerable for the consequences.

Refusal of court to grant a continuance and rulings upon the reception of evidence sustained. Rule applied that irrelevant evidence which could not have affected the result furnishes no ground for a new trial. Order affirmed. DICKINSON, J.

Nelson L. Dutton, appellant, vs. J. A. McReynolds, respondent. Syllabus—A judgment docketed against one who had been seized of real estate and in whom the title still appears of record becomes a lien upon the property notwithstanding a prior unrecorded conveyance of it by the debtor, the judgement creditor having no notice of such conveyance.

Where one gives notice to the world of his estate in land by proper record of a conveyance to himself, possession by him which is justified by the record, title is presumptively referable to it and is not notice of any other and unrecorded title which he may have subsequently acquired. An unexcused delay of more than two years after knowledge of the facts in seeking relief on the ground of mistake from (plaintiff's own negligence) held to justify a refusal of relief, the adverse and innocent party having in the meantime come to occupy a portion from which he might be prejudiced if the relief sought should be granted.

The order refusing a new trial is affirmed. DICKINSON, J. Probate Court. [Before Judge McGorty.] Estate of Emily Cariveau, deceased. Bond filed and approval letters issued. Estate of William Medill. Same as above.

Estate of Sarah A. Tenney, deceased. Same as above. Estate of Henry Steffens, deceased. Account filed, hearing August 13, 10 a. m. Estate of Frank Hall, deceased. Same as above.

TO THE GREAT FATHER. The Petition of the Mills Lacs Indians for a Redress of Their Grievances. The Mills Lacs Indians who are here for the purpose of asking protection from the government against people who are endeavoring to gain possession of their lands, desired yesterday to make a statement over their own signature, and so, through the kindness of Alderman Robert, communicated with the Globe office. A representative of this paper, in company with Mr. Robert, called on the Indians, when they gave him through Ald. Robert, as interpreter, the following statement of their grievances:

"We don't come here to complain of those making claim upon our land, but of those who interfere on our reserve either by making title houses, or those that have within the last two years tried to steal our land in a sneaking way by putting additional soldier homesteads, so called, on our land and we understand. Those additional soldier homesteads have now taken over 20,000 acres of our best pine land. Those are the greatest causes for our complaint. It is about ten years ago that they tried to steal our homes by putting half-breed scrip on this same land, which is now entered under those soldier homesteads, and they have been canceled. After that there was another move which has excited us a good deal. The land office called at Taylors Falls, six or seven years ago had allowed preemptions and homesteads made on our land, which is the same land, entered by those additional soldier homesteads. We then made a complaint to our Indian Commissioner and secretary of their doings. After finding out what was wanted the Indian commissioner sent a special commissioner to our land by the name of Stokes. We went around with him and showed him the little shanties built by the claimants, which satisfied him, and he expressed to us while he was with us that the acts of these people amounted to nothing but a steal. He could not see the shape of a shanty, or a few logs put together any other way, except where there was good pine and he then told us we had to make his report to Washington of just what he found, and give us satisfaction and that all those pre-emptions and homesteads would be canceled, and that has been proved to us to be true. His report

THE COURTS.

Supreme Court.

Henry F. Tarbox, respondent, vs. Michael Gorman, John Gorman and Maria Gorman, appellants. Syllabus—By force of statute, in an action upon a promissory note, by one claiming as endorsee, the possessor of a note purporting to be endorsed by the payee in blank is prima facie evidence that it was so endorsed, and hence evidence of title in the plaintiff. Where the endorser purports to be that of an agent, it is not necessary to prove the authority of the agent.

Such prima facie proof of title in plaintiff is rebutted by proof that plaintiff acquired the note, with knowledge of the facts, from one to whom it had been endorsed by the payee as collateral security merely, and that after the transfer to plaintiff the obligation for which it had been held as collateral had been discharged.

An answer denying that the note was ever transferred to the plaintiff, and alleging that it is still the owner of it, puts in issue an alleged sale and endorsement to the plaintiff. The fact that one is a stockholder and attorney of a corporation does not charge him with notice of the contracts made by the corporation, and of their breach. A defendant waives any objection for non joinder of parties, and plaintiff by not availing himself of it by demurrer or answer. DICKINSON, J.

Louis W. Johnson, respondent, vs. the Chicago, Milwaukee & St. Paul Railway company, appellant. Syllabus—The fact, unexplained, that a very unusual volume of sparks was thrown from a railroad engine, whereby fire was set to adjacent property, held to be evidence of negligence, it appearing also that the management of an engine has much to do with the throwing of sparks.

The assumption of evidence arising under the statute, and the burden being upon the defendant to show carelessness in the management of the engine, the testimony alone of the engineer that he "handled the engine very carefully," but "not any differently from what I (he) generally did," held not such proof of carelessness, under the circumstances, as to compel a conclusion by the jury that there was no negligence.

The fire was first set to the property by the negligence of the defendant, and thence to the property of plaintiff, about sixty feet from the point where the fire was first set. Held, that the injury was not remote as a matter of law. Held, also, that the negligence of Niskern, in leaving combustible matter exposed to the danger of fire from the railroad, was not an intervening cause, interrupting the logical relation of cause and effect, as between the negligence of the defendant and the burning of the plaintiff's property, but rather that Niskern's negligence was concurrent with that of the defendant, either one of the wrong doers being answerable for the consequences.

Refusal of court to grant a continuance and rulings upon the reception of evidence sustained. Rule applied that irrelevant evidence which could not have affected the result furnishes no ground for a new trial. Order affirmed. DICKINSON, J.

Nelson L. Dutton, appellant, vs. J. A. McReynolds, respondent. Syllabus—A judgment docketed against one who had been seized of real estate and in whom the title still appears of record becomes a lien upon the property notwithstanding a prior unrecorded conveyance of it by the debtor, the judgement creditor having no notice of such conveyance.

Where one gives notice to the world of his estate in land by proper record of a conveyance to himself, possession by him which is justified by the record, title is presumptively referable to it and is not notice of any other and unrecorded title which he may have subsequently acquired. An unexcused delay of more than two years after knowledge of the facts in seeking relief on the ground of mistake from (plaintiff's own negligence) held to justify a refusal of relief, the adverse and innocent party having in the meantime come to occupy a portion from which he might be prejudiced if the relief sought should be granted.

The order refusing a new trial is affirmed. DICKINSON, J. Probate Court. [Before Judge McGorty.] Estate of Emily Cariveau, deceased. Bond filed and approval letters issued. Estate of William Medill. Same as above.

Estate of Sarah A. Tenney, deceased. Same as above. Estate of Henry Steffens, deceased. Account filed, hearing August 13, 10 a. m. Estate of Frank Hall, deceased. Same as above.

TO THE GREAT FATHER. The Petition of the Mills Lacs Indians for a Redress of Their Grievances. The Mills Lacs Indians who are here for the purpose of asking protection from the government against people who are endeavoring to gain possession of their lands, desired yesterday to make a statement over their own signature, and so, through the kindness of Alderman Robert, communicated with the Globe office. A representative of this paper, in company with Mr. Robert, called on the Indians, when they gave him through Ald. Robert, as interpreter, the following statement of their grievances:

"We don't come here to complain of those making claim upon our land, but of those who interfere on our reserve either by making title houses, or those that have within the last two years tried to steal our land in a sneaking way by putting additional soldier homesteads, so called, on our land and we understand. Those additional soldier homesteads have now taken over 20,000 acres of our best pine land. Those are the greatest causes for our complaint. It is about ten years ago that they tried to steal our homes by putting half-breed scrip on this same land, which is now entered under those soldier homesteads, and they have been canceled. After that there was another move which has excited us a good deal. The land office called at Taylors Falls, six or seven years ago had allowed preemptions and homesteads made on our land, which is the same land, entered by those additional soldier homesteads. We then made a complaint to our Indian Commissioner and secretary of their doings. After finding out what was wanted the Indian commissioner sent a special commissioner to our land by the name of Stokes. We went around with him and showed him the little shanties built by the claimants, which satisfied him, and he expressed to us while he was with us that the acts of these people amounted to nothing but a steal. He could not see the shape of a shanty, or a few logs put together any other way, except where there was good pine and he then told us we had to make his report to Washington of just what he found, and give us satisfaction and that all those pre-emptions and homesteads would be canceled, and that has been proved to us to be true. His report

THE COURTS.

Supreme Court.

Henry F. Tarbox, respondent, vs. Michael Gorman, John Gorman and Maria Gorman, appellants. Syllabus—By force of statute, in an action upon a promissory note, by one claiming as endorsee, the possessor of a note purporting to be endorsed by the payee in blank is prima facie evidence that it was so endorsed, and hence evidence of title in the plaintiff. Where the endorser purports to be that of an agent, it is not necessary to prove the authority of the agent.

Such prima facie proof of title in plaintiff is rebutted by proof that plaintiff acquired the note, with knowledge of the facts, from one to whom it had been endorsed by the payee as collateral security merely, and that after the transfer to plaintiff the obligation for which it had been held as collateral had been discharged.

An answer denying that the note was ever transferred to the plaintiff, and alleging that it is still the owner of it, puts in issue an alleged sale and endorsement to the plaintiff. The fact that one is a stockholder and attorney of a corporation does not charge him with notice of the contracts made by the corporation, and of their breach. A defendant waives any objection for non joinder of parties, and plaintiff by not availing himself of it by demurrer or answer. DICKINSON, J.

Louis W. Johnson, respondent, vs. the Chicago, Milwaukee & St. Paul Railway company, appellant. Syllabus—The fact, unexplained, that a very unusual volume of sparks was thrown from a railroad engine, whereby fire was set to adjacent property, held to be evidence of negligence, it appearing also that the management of an engine has much to do with the throwing of sparks.

The assumption of evidence arising under the statute, and the burden being upon the defendant to show carelessness in the management of the engine, the testimony alone of the engineer that he "handled the engine very carefully," but "not any differently from what I (he) generally did," held not such proof of carelessness, under the circumstances, as to compel a conclusion by the jury that there was no negligence.

The fire was first set to the property by the negligence of the defendant, and thence to the property of plaintiff, about sixty feet from the point where the fire was first set. Held, that the injury was not remote as a matter of law. Held, also, that the negligence of Niskern, in leaving combustible matter exposed to the danger of fire from the railroad, was not an intervening cause, interrupting the logical relation of cause and effect, as between the negligence of the defendant and the burning of the plaintiff's property, but rather that Niskern's negligence was concurrent with that of the defendant, either one of the wrong doers being answerable for the consequences.

Refusal of court to grant a continuance and rulings upon the reception of evidence sustained. Rule applied that irrelevant evidence which could not have affected the result furnishes no ground for a new trial. Order affirmed. DICKINSON, J.

Nelson L. Dutton, appellant, vs. J. A. McReynolds, respondent. Syllabus—A judgment docketed against one who had been seized of real estate and in whom the title still appears of record becomes a lien upon the property notwithstanding a prior unrecorded conveyance of it by the debtor, the judgement creditor having no notice of such conveyance.

Where one gives notice to the world of his estate in land by proper record of a conveyance to himself, possession by him which is justified by the record, title is presumptively referable to it and is not notice of any other and unrecorded title which he may have subsequently acquired. An unexcused delay of more than two years after knowledge of the facts in seeking relief on the ground of mistake from (plaintiff's own negligence) held to justify a refusal of relief, the adverse and innocent party having in the meantime come to occupy a portion from which he might be prejudiced if the relief sought should be granted.

The order refusing a new trial is affirmed. DICKINSON, J. Probate Court. [Before Judge McGorty.] Estate of Emily Cariveau, deceased. Bond filed and approval letters issued. Estate of William Medill. Same as above.

Estate of Sarah A. Tenney, deceased. Same as above. Estate of Henry Steffens, deceased. Account filed, hearing August 13, 10 a. m. Estate of Frank Hall, deceased. Same as above.

TO THE GREAT FATHER. The Petition of the Mills Lacs Indians for a Redress of Their Grievances. The Mills Lacs Indians who are here for the purpose of asking protection from the government against people who are endeavoring to gain possession of their lands, desired yesterday to make a statement over their own signature, and so, through the kindness of Alderman Robert, communicated with the Globe office. A representative of this paper, in company with Mr. Robert, called on the Indians, when they gave him through Ald. Robert, as interpreter, the following statement of their grievances:

"We don't come here to complain of those making claim upon our land, but of those who interfere on our reserve either by making title houses, or those that have within the last two years tried to steal our land in a sneaking way by putting additional soldier homesteads, so called, on our land and we understand. Those additional soldier homesteads have now taken over 20,000 acres of our best pine land. Those are the greatest causes for our complaint. It is about ten years ago that they tried to steal our homes by putting half-breed scrip on this same land, which is now entered under those soldier homesteads, and they have been canceled. After that there was another move which has excited us a good deal. The land office called at Taylors Falls, six or seven years ago had allowed preemptions and homesteads made on our land, which is the same land, entered by those additional soldier homesteads. We then made a complaint to our Indian Commissioner and secretary of their doings. After finding out what was wanted the Indian commissioner sent a special commissioner to our land by the name of Stokes. We went around with him and showed him the little shanties built by the claimants, which satisfied him, and he expressed to us while he was with us that the acts of these people amounted to nothing but a steal. He could not see the shape of a shanty, or a few logs put together any other way, except where there was good pine and he then told us we had to make his report to Washington of just what he found, and give us satisfaction and that all those pre-emptions and homesteads would be canceled, and that has been proved to us to be true. His report

to Washington has canceled all those entries. Now we understand those additional soldier homesteads, so called, have also been so complained to the secretary of those additional soldier homesteads, that they were once more trying to steal our lands. Then the commissioners, as we found, ordered all those entries canceled on the 21st of May, 1879. We do not complain only on account of the little shanties that have been put on our lands, but we complain of the manner in which they try to steal our little houses. If it was not that we have some good pine on our lands and plenty of it we would not be annoyed as much as we are. We are in hopes that we shall be called to Washington, and that we can have an opportunity to settle our matter there. We would be glad to shake hands with our Great Father. We would feel that he would give us justice. MAZOWNE, JOHN W. MOORE, SHARON KENT, NEWBURN, BRO NEWBURN, M'INTYRE, The six principal Chiefs of the Mills Lacs. WINSTON, FORSYTH CO., N. C