# YERXA

Finest of fine groceries. No one has any better; few as good—certainly no one has lower prices on best quality.

## Oranges, Very Cheap.

Good California Budded Oranges, any size, full peck measure for..... 50c
Per box, only ..... $2.00
Per dozen ...12c, 14c, 16c, 18c, 20c 22c, 30c
California Navel Oranges, per box....$2.25
Same, per doz.....10c, 12c, 15c, 18c, 20c
Fancy California Navel Oranges, very large, very bright and sweet, per box ..... $2.40
Same, per dozen, (worth 60c)..... 38c

**Sierra Madra Oranges** A car load of unusually sweet, delicious flavored oranges, grown in the foot hills of the Sierra Madra. There never was finer fruit offered in this city; per box ..... **$3.00**
From 15c per dozen up.

**Florida** Russett, per box ..... Dozen 30c and 35c **$3.00**
**Grape Fruit** Each..... **5c-8c**
**Lemons** Fancy, dozen.....10c 15c and **20c**
**Eggs** Strictly fresh, dozen..... **19c**
**Potatoes** Best Burbank, full 60-lb. bushel, bu..... **48c**
**Sweet Corn** Northern grown, unlabeled (new packed) 60c dozen—per can..... **5c**
**Fresh Dairy Butter** 14c and 16c **20c**
**California Figs** In 1-lb packages..... **6c**
**Kidney Beans** French Red, 1-lb. can for..... **4c**
**Sweet Potatoes** 12 pounds for..... **25c**
**H. O. Wheat** Or Pancake Flour, 2-lb. package..... **9c**
**Star Mince Meat** Each..... **6c**
**Prunes** Good new California, lb..... **4c**
**Lard** Pure, lb..... **8½c**
**Coffee** Fine Santos and Rio, per lb..... **15c**
**Coffee** Robal—A fine Mocha and Java flavor, per lb..... **22c**
**Coffee** Hoffman House—This fine coffee will fill the bill, no matter how high a price you have been paying.

Shredded Wheat Biscuit Demonstration—You are invited to try a sample. A beautiful and useful Cook Book presented Free.

## Cigars Very Cheap.

**El Pabelon** $1.10 box of 50. 9 for.....25c
This is a gentlemen's smoke.
**Columbia Dome** $1.50 box of 50. 8 for 25c
Good size long filler.

## Peerless Market.

| | |
|---|---|
| Salmon Steak | 15c |
| Halibut Steak | 15c |
| Fresh Cod Steak | 15c |
| Crappies | 7c |
| Pike | 9c |
| Pickerel | 7c |
| White Fish | 10c |
| Smelts | 11c |
| Fresh Herring | 4c |



"What to Eat."
The Grill Dining and Lunch Room.
308-310 First Av. S.


## ROSE RAPIDLY

**Gabrilowitsch, the Pianist, Achieved Fame Rapidly.**

It is doubtful if there has ever been a pianist who has risen to the top pinnacle of fame and popularity as rapidly as has Ossip Gabrilowitsch, the young Russian who has been creating the musical sensation of the season in the east. This is his first visit to this country, and yet he could not have achieved a greater triumph if he had been a familiar visitor for many years. Return recitals are demanded in almost every case, and his audiences are only limited by the capacity of the auditoriums in which he appears. An eastern critic writes that he has never seen such a wildly enthusiastic ovation in a music hall as Gabrilowitsch received.

The Minneapolis program has been selected with care, it being the desire to make it popular, and it is the same one in many respects that has made the greatest hit in other cities. The recital will be given at the Lyceum theater Wednesday evening of next week, and seats will be placed on sale to-morrow at the store of the Metropolitan Music company.


A noted London club man once laid a wager with a friend that the latter could not sell a given number of gold guineas at a penny a piece. He won his wager. The people refused to buy. They thought he was offering too much for too little.

It may be that the claims made for Dr. Pierce's Favorite Prescription seem almost too great to women who in years of suffering have found no help in doctors or medicines. But it is to be remembered that no claim is made for "Favorite Prescription" which is not substantiated by thousands of women cured by its use. Its effects are truly wonderful. It wipes out past years of pain as a sponge wipes a slate.

Favorite Prescription is the great medicine for women. It establishes regularity, dries enfeebling drains, heals inflammation and ulceration and cures female weakness. It is the best preparative for maternity, making the baby's advent practically painless.

"When I wrote to you in March, asking advice as to what to do for myself," says Mrs. Ella Reynolds, of Guffie, McLean Co., Ky., "I was expecting to become a mother in June, and was sick all of the time. Had been sick for several months. Could not get anything to stay in my stomach, not even water. Had mishaps twice in six months, and threatening all the time with this one. Had female weakness for several years. My hips, back and lower bowels hurt me all the time. Had numbness from my hips down. Had several hard cramping spells, and was not able to do any work at all. I received your answer in a few days, telling me to take Dr. Pierce's Favorite Prescription. I took three bottles, and before I had taken it a week I was better, and before I had taken it a month I was able to help do my work. On the 27th of May my baby was born, and I was only sick three hours, and had an easy time.

"We praise Dr. Pierce's medicine for it has cured me."

Dr. Pierce's Pellets cure biliousness.


# THE CITY

## TOWN TALK

American Express company's annual sale of unclaimed goods, Friday, 9 a. m., 206 Nicollet avenue.

Rev. James S. Montgomery will lecture on "One-Sided People" Friday evening at Foss M. E. church.

There will be a Christian Science meeting to-night at Mrs. Della Whitney Norton's, 1012 Nicollet avenue.

The late street cars were about half an hour behind schedule time last night on account of the snowstorm.

Dennis Delaria, convicter of the theft of a watch from T. J. Coleman, was yesterday sentenced to sixty days in the workhouse by Judge Holt.

The officers and degree team of Minneapolis Camp, No. 45, M. W. A., wil linitiate a class of twenty at Golden Valley, Minn., to-morrow evening.

C. L. Bishop, of Faribault, Minn., recently with John Grant & Co., railroad contractors, is now with H. S. Cleveland, hardware, at 505-7 Washington avenue S.

Rev. Robert Forbes, D. D., will lecture in the Forest Heights M. E. church to-morrow evening at 8 o'clock on "Mistakes of the Devil and Some Other People.'

Minneapolis lodge, No. 12, A. O. U. W., and Banner lodge, No. 22, D. of H., will give a social dance this evening in their new hall, Nicollet avenue and Eighth street.

Elizabeth S. Haight, youngest daughter of Mr. and Mrs. J. O. Haight, 3949 Blaisdell avenue, died Tuesday. The funeral was held from the family residence yesterday morning.

William McGill, who attempted suicide some time ago by firing a bullet at his head, will soon be discharged from the city hospital, where he has been under treatment.

The seventeen mills which are using waterpower in Minneapolis are compelled by the scarcity of water in the river to use steam. The Northwestern Miller estimates that there is 25 per cent less water than a year ago.

The Mississippi Valley Lumbermen's Association will meet in annual session at the West Hotel Feb. 19. William Irvine, the president, will deliver an address and the various committees and officers will present their reports.

The subject for Rev. Stanley B. Roberts' sermon to-night at the gospel meeting at the Bethlehem Presbyterian church will be "Glad Service." Miss Agnes Hammond and Everett Higgins will sing the beautiful duet, "Saved by Grace."

Fire Chief Canterbury will begin experimenting with rubber tires on fire department apparatus. A hose cart and a chemical will first be equipped, and if the results are satisfactory rubber tires will be put in general use in the department.

Judge Holt yesterday morning bound Harvey Reden over to the grand jury on a charge of assault upon Edwin Carlson. Carlson is the employe of the Andrus building who was so badly battered up a few weeks ago that for a time his life was despaired of.

The Electric Steel Elevator company filed articles of incorporation yesterday with the register of deeds. The company has a capital of $200,000, and will operate grain elevators. The incorporators are Lewis S. and George M. Gillette, Charles E. Thayer, M. B. Koon, James L. Record, James Quirk, of Minneapolis, and Edward A. Everett of Waseca.

## THE WEATHER

**The Predictions.**

Minnesota—Threatening to-night and Friday, with probable snow in east and south portions; variable winds.

Wisconsin—Snow to-night and Friday; warmer in east portion to-night; fresh to brisk easterly winds.

Iowa—Snow to-night and Friday, except possibly rain in south portion; warmer in extreme east portion to-night; increasing easterly winds.

North Dakota—Threatening to-night and Friday; northerly winds.

South Dakota—Threatening to-night and Friday, with probably snow; northerly winds.

Montana—Threatening to-night and Friday, with probably snow to-night in east and south portions; northerly winds.

For Minneapolis and vicinity: Threatening to-night and Friday, with possibly snow.

**Minimum Temperatures.**

| | | | |
|---|---|---|---|
| Minneapolis | 10 | La Crosse | —2 |
| Davenport | 10 | St. Louis | 28 |
| Buffalo | 12 | Port Arthur | —16 |
| Detroit | 12 | Sault Ste. Marie | 4 |
| Marquette | 8 | Escanaba | —2 |
| Milwaukee | —2 | Green Bay | 2 |
| Chicago | 10 | Duluth | 6 |
| Houghton | 2 | Calgary | 20 |
| Qu'Appelle | 0 | Winnipeg | —6 |
| Omaha | 20 | Kansas City | 22 |
| Huron | —2 | Moorhead | 6 |
| Bismarck | —8 | Williston | 4 |
| Memphis | 34 | Knoxville | 30 |
| Pittsburg | 12 | Cincinnati | 14 |
| Boston | 10 | New York | 16 |
| Washington | 16 | Charleston | 44 |
| Jacksonville | 50 | Montgomery | 40 |
| Shreveport | 40 | New Orleans | 50 |
| Galveston | 58 | Havre | 0 |
| Helena | 8 | Modena | 12 |
| Denver | 16 | North Platte | 8 |
| Abilene | 40 | El Paso | 28 |
| Spokane | 16 | San Francisco | 42 |
| Portland | 30 | Los Angeles | 40 |
| Winnemucca | 24 | | |

## WANTS OF THE GUARD

**General Lambert Will Present Them to the Legislature.**

The executive committe of the National Guard Association of Minnesota has formulated a number of requests which will be presented to the legislature in the form of bills by George C. Lambert, the retiring adjutant general. They will recommend an increase in the salary of the adjutant general, and his assistant; that regimental depots, or subarsenals, be established under the immediate supervision of the regimental quartermaster; that provision be made for an adequate water supply at the Lakeview camp grounds, and aditional ground be secured adjacent to the present grounds, and appropriation secured for improving the buildings; that an appropriation be secured permitting the holding of full ten days' encampments; that the civil war muster rolls be copied and indexed, and that steps be taken looking to the publication of a history of Minnesota in the Spanish war.

## CLARKE TO-MORROW NIGHT

**His Demonstration of Wireless Telegraphy at the Lyceum.**

There are numerous evidences that unusual popular interest has been aroused in the exhibition of wireless telegraphy, which W. J. Clarke, the famous New York electrical engineer, is to give in the Institute of Art and Letters' course at the Lyceum theater to-morrow night. People always like to see actual demonstrations of theories or principles, and this desire Mr. Clarke gratifies in the highest degree. By operating electric railroads and motors, discharging torpedoes, etc., without wire connection, he shows in a most fascinating manner how electricity can be wirelessly transmitted. An air of mystery is given to the demonstrations by the fact that the transmitting apparatus is attached to a wand in the experimenter's hand. Seats may be procured at the Metropolitan Music company's store.

JONES TURNED DOWN.

E. J. Jones, recently discharged from his position as farmer for the insane hospital at St. Peter, appeared before the trustees at their quarterly meeting in St. Paul, Jones said the reason given for his discharge was "insubordination," and that it consisted in refusing to permit another employe to take cream skimmed from milk intended for patients to the superintendent's house.

The expense of the St. Peter hospital for six months were $91,198; for Fergus Falls, $100,173; Hastings, three months, $9,766; Anoka, three months, $5,266.

ON SMITH'S TRAIL.

The St. Paul health authorities are on the trail of John Smith, the lumber jack, who wandered into the city hall bearing unmistakable traces of smallpox. Smith had been stopping at the Helping Hand mission and yesterday the building was fumigated and everyone in the place vaccinated.

# PAVE IT HIMSELF

## T. B. Walker's Notable Proposition to Paving Committee.

## COVER CENTRAL MARKET STREETS

**Says He Will Lay Brick Pavement 20 Cents Cheaper Than City Paid.**

It cost the city as high as $1.92 per square yard to lay brick pavement last year under the new day labor system inaugurated by the council a year ago under the leadership of Alderman Powers. T. B. Walker evidently believes that he can lay the same kind of paving considerably cheaper than this, and in a communication to the council yesterday he asked the privilege of doing the paving on four blocks in the vicinity of the Central market. He owns the abutting property on both sides of the street, and will, therefore, pay the bills, exclusive of the street intersections, which devolve on the city. He will lay the pavement under the supervision of the city engineer and the city may have as many inspectors at hand as it pleases to watch the character of the material and the workmanship. For the street intersection, he will ask the city to pay not to exceed $1.72 per yard, and 68 cents per lineal foot for curbing; and more than that, he will advance the money to pay for the intersections, the same to be paid back next year.

**WantsWork Done Early.**

Mr. Walker is chiefly actuated in taking this step by a desire to have the work done early in the season, before June 1, when business begins to boom at the market, and with as little inconvenience to the business interests there as possible. If necessary, he purposes to push the job day and night, and in any event finish it up in the shortest possible time. Incidentally, it is said, that he believes he will save some money for himself by having the work done other than by the city under the eight-hour system.

The council paving committee thought favorably of Mr. Walker's plan at yesterday's meeting, and gave it their indorsement. It is very doubtful, however, if it runs the gauntlet of the council tomorrow night. Alderman Powers, the champion of day labor, was present yesterday, and at the conclusion of the meeting declared vehemently that he would never consent to any such arrangement. It was plainly a scheme to evade the council resolution requiring city work to be done by day labor, inasmuch as Mr. Walker would presumably have the paving done by contract. He promises to fight the matter at every step.

The blocks that Mr. Walker desires to pave are the two between First and Second avenues N on Sixth street, Third avenue N from Fifth street to Sixth street, and Second avenue N from Sixth street to Seventh street.

**Principle Not Different.**

While it is a new proposition in Minneapolis for a taxpayer to pave in front of his own premises, it is plainly no different in principle than for property owners to lay their own curb and gutter, which has been done more than once.

The city attorney rules that under the charter the council may grant the privilege if it sees fit.

The committee did not get very far yesterday in its consideration of paving affairs. But three of the five members were present, and it was decided to put the final selection of the streets to be paved over to another meeting. Mayor Ames was present and spoke emphatically his sentiments of the council's duty in the matter of paving this year. He thought the aldermen should be more concerned to provide good roads entering the city than in getting all possible for their own wards, irrespective of the general interests of the city. Marshall street and Central avenue northeast, Bloomington avenue on the south, and Western, Twentieth avenue and Washington avenue N were all in deplorable condition, he said, and the general business interests of the city demanded improvements there.

## NO REPRESENTATION

**Game and Fish Commission Will Not Exhibit at Chicago.**

Minnesota will not be represented at the exposition to be held at Chicago, under the auspices of the International Forest, Fish and Game association. The promoters of this exposition are anxious to have the collection now at the state hatchery taken to Chicago. It is a valuable showing of rare fish specimens and attracted considerable attention at the world's fair, but it would require an appropriation from the state to move the collection, and Executive Agent Fullerton finds that this cannot be secured without endangering the desired increase in appropriation for the department. Everything will be sacrificed to the cause of law enforcement.

Mr. Fullerton will probably attend the national game protective association convention as a delegate from Minnesota, and other gentlemen interested will probably volunteer as delegates, and be commissioned on behalf of the state by Governor Van Sant.

## "JAP ROSE" SOAP

**"Kirk's" Interesting Exhibit at the Glass Block.**

One of the prettiest exhibits of soap ever shown in the city is that of James S. Kirk & Co.'s "Jap Rose" product in Donaldson's Glass Block. It is at the entrance on the Nicollet avenue side, and is in the form of a Japanese pagoda, done in salmon, green and red. It is handsomely trimmed with artificial roses, Japanese fans and dolls and many lighted Japanese lanterns shed their soft light. Besides, there is a most attractive display of Jap Rose in all sizes, and this clear golden soap in the show cases adds to the pretty picture immensely. Altogether the whole display is very attractive and novel and reflects great credit on Donaldson's and the Kirk Soap company.

**Insurance Against Being "Plucked."**

A novel form of insurance has been established by a student in the University of Illinois. By paying 25 cents a student can insure himself against failure to pass in any study. If the student fails he receives $2 for each failure. The plan has been tried and is entirely successful. It is hardly to be commended, however, for it does not help the student in his work. "Golden Grain Belt" beer will help one to do good work, for it strengthens the body and rests the brain. Brewed from the purest barley malt and hops, it is as delicious as healthful, and should be in every home. Telephone "The Brewery," 486 Main.

**Homeseekers' Rates via Soo Line.**

Tuesday, Feb. 12 and each Tuesday following until April 30, the Soo Line will sell one-way settlers' tickets to points in Minnesota, North Dakota, Canadian northwest, Kootenay and Pacific coast points. Round trip tickets to above-mentioned points on sale first and third Tuesdays of each month until and including June. Rates very low. Ticket office, 119 3d st S.

"We challenge 500 physicians of the best standing in their profession to find any impurities in Solon Spring Water (Aqua Pura Naturalis), to note the character of the soil from which it comes (see page 307 Geology of Wisconsin), and know that its unique and positive assistance as a diuretic and preventative is at their command. Solon Spring Water Co., office Nicollet Hotel block."

All disorders caused by a bilious state of the system can be cured by using Carter's Little Liver Pills. No pain, griping or discomfort attending their use. Try them.

**Prevent Colds and La Grippe**

Take Cascarine, the Grip preventative.

# BLAMES THE WOMAN

## Maj. Pitkin Lays All His Troubles to Mrs. Van Slingerland.

## SHE ONCE LIVED IN MINNEAPOLIS

**A Former New Orleans Postmaster Charges Blackmail and Conspiracy.**

***New York Sun Special Service***

New York, Feb. 7.—Major John R. C. Pitkin, former postmaster of New Orleans, whose alleged authorship of "Love and Politics," the novel that caused a social sensation in Washington resulted in the major's resigning his federal office, and later in the arrest and the charge of attempted blackmail against Mrs. Helen Van Slingerland, his private secretary, is now in the city in consultation with his attorney, J. H. Kennard. Major Pitkin says:

In the first place, I want to charge that I have been the victim of a conspiracy. I will admit that a part of the book which I am accused of writing was written by me, but I am not the author of "Love and Politics." Mrs. Van Slingerland sent my manuscript to New York. There it was taken up by some person, who padded it outrageously, making reflections op men in public life and changing the story into a novel of passion.

I gave Mrs. Van Slingerland the story because she said she could sell one, requesting that she have it copied and return to me my manuscript.

In July, 1899, Mrs. Van Slingerland wrote to me from Jersey City that she was almost destitute. She begged for work, threatening suicide unless something was done for her. I needed a private secretary and appointed her.

Not until October last did I know that Mrs. Van Slingerland had procured papers belonging to me and was trying to dispose of them to politicians and newspapers. On Oct. 1 she demanded $3,000 from me for certain papers of mine which she said she held. I dismissed her at once. Then came the publication of the book. I wrote to Washington that I would resign my office because of the notoriety into which I had been brought. Then came other charges against me by Mrs. Van Slingerland. Then I insisted that my resignation be accepted.

My next step was to begin proceedings against Mrs. Van Slingerland, charging her with attempted blackmail. I will prosecute Mrs. Van Slingerland to the end.

Mrs. Van Slingerland has employed James T. Nix of New Orleans to defend her; Major Pitkin's attorney is Leonard Adams. When Mrs. Van Slingerland lived in Jersey City in 1897 she came into some prominence as a member of the Holland dames, and was a close friend and companion of "Queen" Lavinia Dempsey.

Mrs. Helen Van Slingerland is well known in Minneapolis where she had an extended career. She first came into notice as Mrs. Nellie Mead, a widow engaged in the real estate business. She became involved in financial difficulties after erecting an apartment building on Fourth avenue S, and lost control of her properties. Later she married W. H. Lynn, a well known real estate operator, who is now a leading citizen of Nicaragua, where he has married the president's sister. The two had a disagreement and a divorce followed. Mrs. Lynn then disappeared from Minneapolis and was not heard of until the breaking out of the New Orleans matter. She was a handsome woman of good address and at one time moved in the best society.

## TALES OF TRAVELERS

"Talk about county seat fights," said A. S. Bratsch of Renville. "Renville county has one on its hands. Olivia won at the last poll. I believe that if it gets away from Olivia again, Hector will stand a good show. The taxpayers of the county would like to see the row ended, and a compromise ought to be easy after twenty years of wrangling."

"Watertown would be our choice of locations for a state capitol were Pierre to lose it," said Mr. Halvorsen of Revillo, S. D.; "but the impression prevails in our section of the state that if Pierre's grasp does get weak, Sioux Falls or Huron will win. I was for Pettigrew in the last campaign, and although we failed to elect many members of the legislature, I want want to tell you that Pettigrew has a lot of friends in his home state. There are more fights coming."

F. A. Blethen of Tracy, Minn., is at the Nicollet. Mr. Blethen says that a canning factory somewhere in that section of the country is a possibility. Creameries are generally successful.

W. O. Brunskill, who has lately returned from a tour of the northwest in the interest of a Buffalo linseed oil company, is at the West. Mr. Brunskill buys flax. He believes that the flax acreage during the coming year will be larger than last.

G. M. Davis of Huntington, Iowa, who is at the West, believes that northern Iowa is to be one of the wealthiest agricultural sections in the United States. "There is not a year," said Mr. Davis, "that does not see the farmers make some progress in methods.

"The legislature in those states which are considering legislation against the cigarette will probably have the influence of the American Tobacco company to go against," says H. M. Smith of Detroit. "The big trust is very jealous of its cigarette traffic. It is one of the profitable items of the American company's business. Iowa some time ago passed a law prohibiting or limiting the sale of cigarettes, and the American company turned its men loose in that state to fight the law. I believe it offered to stand the expense of the trial of any merchant called to account. When the statute was finally tested in the supreme court the company won. I see the legislature of North Dakota is considering another cigarette bill, and public sentiment is warming up to it, while the trust is preparing to fight it."

George C. Carpenter of Buffalo, who is at the St. James, says The Journal's figures on the election results of Wright county at the last election were incorrect. Two years ago Lind had 619 majority. Last November it was 121 for Van Sant.

W. J. Hartman of Corinth Iowa, is the steering committee of a party of land-seekers who have been doing the northwest very thoroughly during the past few weeks. Iowa people, and especially the farmers, have money to invest, and they are sizing up the farm lands of northern Minnesota and the Dakotas. Mr. Hartman believes that an advance in Minnesota and Dakota lands is due. Several Iowa prospecting parties will visit the lignite coal fields of western Dakota early in April. It is also the intention of prominent cattlemen of Iowa to invest in tracts of land in South Dakota for ranch purposes. A railroad beyond the Missouri river would lead to many purchases of that kind.

H. F. Arnold of Larimore is at the Hyser. The legislature of North Dakota, he says, will discuss the subject of grain taxation again this year.

**In Town To-day.**

Mr. and Mrs. A. W. Farnesworth of Wahpeton are at the St. James.

George D. Reed of Faribault is spending the day in Minneapolis.

Dr. I. T. Burnside of West Duluth is here.

P. M. Lockerby of Valley City is at the Nicollet. Valley City is not talking capital removal, but would willingly relieve Bismarck of the state offices if the opportunity came.

S. Friedman, interested in the fur trade in North Dakota, arrived this morning from Grand Forks.

T. F. Kelley, merchant, of Waverly, Minn., is interviewing hardware jobbers.

D. H. Lord, the Northfield contractor who has recently finished several contracts in North Dakota, is in the city.

F. L. Marvin, the Zumbrota egg merchant, is in Minneapolis, sizing up the local market.

Luther Otis, the Chicago newspaper artist, who has been attending the Hamilton trial, was called home last evening.

Mr. and Mrs. N. M. Muus of Velva, N. D., are at the Beaufort.

Wm. Egeland of Webster, S. D., is in the city on business.

Millions of people use De Witt's Little Early Risers and find them to be famous little liver pills. They never gripe.

# JUDGE POND SUSTAINED

## FULL TEXT OF THE DECISION

**System of Special Assessments in Minneapolis Illegal—Other Supreme Court Decisions.**

Below will be found the full text of the decision handed down by Judge Collins yesterday, in which the opinion of Judge Pond is sustained, in holding that the system of special, or double assessments, for the construction of sewers in the city of Minneapolis is illegal, an abstract of the decision having appeared in yesterday's Journal.

The suit was brought by Governor J. S. Pillsbury against the city, whose contention was that the city had not the right, under the charter, to make arbitrary assessments against property, the owner of which received no adequate benefit.

The decision, together with other opinions handed down yesterday, follow:

Syllabus: By the charter of the city of Minneapolis, section 8, subchapter 10, relating to special improvements and assessments therefor, it is provided that when the city council shall determine to make a certain improvement and shall designate in a general way the character and extent thereof and the material to be used, the city engineer shall make and report to the council an estimate of the cost and various other matters and that a brief minute of the reception of such report shall be made and published in the record of the proceedings of the city council, which publication shall be held to be sufficient notice to all persons concerned. Held, that the publication provided for is sufficient notice to the property owner of the instituting of the proceedings in question, and held, also, that under other provisions of the same section he is given an opportunity to be herd before the is given an opportunity to be heard before the the proposed improvements.

Second—The manner and method provided in the charter, section 8, subchapter 10, for assessing and apportioning taxes upon abutting property where a sewer has been constructed in the street upon which such property fronts, known as the "second plan," cannot be sustained. The assessment and apportionment under this plan is arbitrary and unlawful. The basis which must govern in such cases, viz., that the abutting property is peculiarly and specially benefited by the improvement and therefore benefits must be considered, is wholly ignored. These provisions are repugnant to section 13, article 1, and section 1 of article 1, state constitution, and also to section 1 of the fourteenth amendment to the constitution of the United States.

Third—Under the allegations of the answer and a stipulation of facts made by the parties, it is held, that the court below was in error when it ordered, in effect, that a certain part of the assessment for the sewer in question equal to the cost and also equal to the benefits to the property, should be excluded from the judgment. —Collins, J.

In the matter of the estate of George W. Billings, deceased, George Griggs, as administrator, appellant, vs. Virginia King, respondent.

Syllabus: First—When the party giving notice of the dishonor of an inland bill of exchange is ignorant of the place of residence or place of business of the party to be notified, he must exercise due diligence in inquiring for the same. Such diligence must be ordinary and reasonable, such as men of business usually exercise when their interest depends upon correct information.

Second—In the case at bar such party failed to make any inquiry whatever as to the place of business or place of residence of an indorser. Held, as a matter of law that he failed to exercise due diligence.

Third—To render notice, served upon an agent valid and binding as notice to the principal, it is not essential that the agency should be created by letter of attorney. The authority of the agent may be implied as well as expressed. And if the circumstances are such as to warrant the implication that the relation of principal and agent subsists between the party entitled to notice, and the one to whom it is given, it will operate as effectually to charge the principal as though the agent had been expressly authorized.

Fourth—Held, under the circumstances appearing in this case that one G. had implied authority to receive notice of dishonor of the bill in question as the indorser's agent.

Order affirmed. —Collins, J.

David T. Calhoun and James R. Bennett, Jr., respondents, vs. H. C. Akeley, appellant.

Syllabus: First—In an action to recover for legal services rendered by plaintiffs to defendant in preparing for trial and trying a law suit, it appeared that plaintiffs and R., another attorney, having another case of the same general character and arising out of the same transaction, agreed that there should be an exchange of services, plaintiffs to assist R. in his case and he to assist them in the one in which this defendant was their client. This agreement was communicated to defendant and he acquiesced in it, was present at the trial, knew that R. aided in preparing his case for trial and in trying it, and consulted with him in reference thereto. Held, under these circumstances, that the court below did not err when it charged the jury that in determining the value of plaintiff's services they would have a right to take into consideration the services rendered by R.

Second—Held, that, notwithstanding the bill of particulars furnished by plaintiffs, upon demand, to defendant, it was not error to allow practicing attorneys, properly informed as to the details of the suit in question, to give their opinions as to the total value of the services rendered.

Order affirmed. —Collins, J.

Amalia Cutting, appellant, vs. Peter Patterson, respondent.

Syllabus: Held, on the facts appearing in this case, that the mortgagor as the person actually occupying the mortgaged premises, was entitled to a notice of foreclosure under a power prescribed in General Statutes 1894, section 6032.

Order reversed. —Collins, J.

Frank Bartley, respondent, vs. Robert R. Howell and David R. Howell, partners as R. R. Howell & Co., appellants.

Syllabus: Held, in a personal injury action, that from the testimony presented by plaintiff it clearly appeared that the defect in the machine which caused the injury and that the risks incident to its condition were known and appreciated by plaintiff and that he had assumed the risks.

Order reversed and a new trial granted. —Collins, J.

Jacob Schmidt, respondent, vs. William Constans et al., defendants; William Constans and Bertha Constans, appellants.

First—One co-tenant may lease his moiety to the other, and upon such leasing the parties bear to each other the relations, are subject to the obligations, and are entitled to the rights of landlord and tenant.

Second—The tenant under the lease cannot, in an action for partition, charge his landlord for repairs made during the tenancy, upon the property, in the absence of a special agreement for compensation.

Order reversed. —Collins, J.

**$5,000 for Alleged Slander.**

Judge Pond and a jury yesterday took up the slander case of Sommerfield against Sommerfield, in which action is brought for $5,000 damages for alleged defamation of character. The case is a peculiar one, inasmuch as the unique spectacle is presented of a house divided against itself, the defendant being a brother of the plaintiff's husband, and the courtroom was crowded with a large portion of the German population of Northeast Minneapolis.

**AS TO TITLE**

**Possession of Property Under Forfeited Tax Law.**

The question as to whether the purchaser of property coming under the forfeited-tax law, is entitled to immediate possession, or whether he must wait until after the expiration of the period of redemption, came up before Judge McGee yesterday afternoon in the case of William B. Tuttle against Helen F. Moody. The law seems to clash at several points, Attorney Choate, who represents Tuttle, contending that his client was entitled to immediate possession. The case was submitted.

**Suit for Alimony.**

Attorney Russell R. Farrell, before Judge Pond, yesterday, pressed the claim of Sylvia Fitzgibbons against John Fitzgibbons, in connection with which action is brought for a limited divorce, for alimony.

Attorney Chris Gallagher, who appeared for the defendant, stated that the possessions of his client consisted of two suits of clothing and a trunk, while Attorney Farrell insisted that at the time of the marriage Fitzgibbons represented that he was worth $20,000 to $25,000.

**Jury Couldn't Agree.**

The jury in the case of F. D. Seager against the Guaranty Saving and Loan Association, which was tried before Judge Elliott, was discharged yesterday, after being out since Tuesday afternoon, as they could not agree upon a verdict.

**Barber College Case.**

Judge Elliott and a jury are engaged in trying the case of Christ Hitz against Arthur B. Moler, of barber college fame, in which action is brought to recover $107, alleged to have been obtained by the defendant under false representations.

The suit is one of several brought recently by the Barbers' Union, and it is being vigorously prosecuted by Erwin, Ferree & Mead, the defendant, who arrived to-day from Chicago, being represented by Attorney Robert Kolliner.

**Court Notes.**

An action for divorce has been instituted by Isaac Abrahamson, a wealthy farmer of Dassel, against his wife, on the grounds of desertion. In her answer, Mrs. Abrahamson makes a counter charge of cruelty, and alleges that she was sometimes driven into the kitchen, where she was compelled to sleep on the floor.

In the divorce suit of Mary Mulcahy against John F. Mulcahy, an order has been made out by the court to the effect that the latter must remain out of the house and leave his wife and children alone pending the settlement of the suit, and he must pay $5 a week temporary alimony.

An order has been made requiring Ingebret Aas to appear before the court and show cause why he should not be punished for contempt in not paying his former wife alimony. He is behind in his payments to the extent of $844.38.

## STAND BY LABEL

**Trades and Labor Council Denounce County Commissioners.**

A regular meeting of the Trades and Labor Council was held last night at Alexander hall, at which a set of resolutions were passed denouncing in vigorous terms the action of the board of county commissioners in selecting the Tribune as official paper, it not being eligible to carry the union label. Commisisoners Sweet and Ryberg were tendered a vote of thanks for having voted for the label. The action of the board is regarded as antagonistic to the interests of union labor and all of the labor organiaztions in the city will be asked to take similar action.

The duties of presiding officers will hereafter be performed by Mr. Hanson, who succeeds John O'Donnell as president.


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COME TO HEADQUARTERS,
THE LEADING MEAT HOUSE, 9 and 11 So. 3d S.
Sirloins at 10c lb. Rounds at 6c and 7c lb.
If you contemplate putting up any lard for summer use, now is the time to buy FRESH LEAF LARD.

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AMUSEMENTS


LYCEUM Friday Eve. Feb. 8.
The Institute of Arts and Letters presents a Lecture upon and experiments in
Wireless Telegraphy
—BY—
Mr. W. J. CLARKE
OF NEW YORK.
"MAGIC THAT HERRMANN NEVER DREAMED OF."
Among the experiments Mr. Clarke will perform are:
Operating a Stock Ticker.
Ringing Bells.
Operating an Electric Motor.
Lighting and Extinguishing Gas Jets.
Lighting and Extinguishing Electric Lamps.
Firing Cannon.
Operating a Miniature Electric Railroad.
Prices 50c, 75c and $1. Seats now selling at Metropolitan Music Company's Store.

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Gabrilowitsch
"Of the Royal Line of Rubinstein,"
—IN—
A Grand Piano Recital
—AT—
Lyceum Theater, Wednesday Eve. Feb. 13
Prices, $1.50, $1.00, 75c.
Seat sale commences Friday, Feb. 8, at Metropolitan Music Store. Everett Piano used.

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A Story of Western Mining Camp Life.
Bret Harte's Charming Story of the Sierras,
Matinee Saturday. M'LISS
Next Week—
Mr. Frederick Warde.....In Repertoire.

METROPOLITAN L. N. Scott, Manager.
Tonight Saturday Matinee 25c and 50c
DANIEL SULLY
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Bicknell Young,
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"Ballads and Ballad Singing."
Unitarian Church TO-NIGHT February 7th.

DEWEY THEATER. MATINEE DAILY. EVENINGS AT 8:15.
HURTIG & SEAMON'S "BOWERY" BURLESQUERS
Including Fine Vaudeville Bill.
Next Week—20th Centry Maids
PRICES: 10c 20c 30c



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We have 700 squares of 26-in. Painted Corrugated Iron Roofing to sell at $2.50 per square (100 sq. ft). This is the regular 28-gauge roofing, the same as we have always handled, but to move the stock promptly we name this very low price. Size of sheet 26x96 inches. 6 sheets equal 104 feet. The above price is for quantities of not less than 5 squares. For less quantities than 5 squares the price is $3.00 per square. This price is only good until the 700 squares are sold and we reserve the right to limit the quantity to each customer. As this is an exceedingly low price we advise you to order at once, as this price is not guaranteed. We have all kinds of Steel and Iron Roofings and Sidings. Pressed Brick, $2.70 per square; Rock Faced Stone, $2.90 per square; Standing Seam Roofing, $2.70 per square; Roll and Cap Roofing, $2.95 per square. The above prices are in lots of five squares or more. Less quantities 10 cents per square more. Send for free samples of Building or Roofing Papers. We have all grades at wholesale prices. Doors, Wind