

Strong Testimony from Prominent Doctors.

After Years of Scientific Research and Thorough Tests, Prominent Practitioners Prescribe and Indorse DUFFY'S MALT WHISKEY for All Diseases of Throat and Lungs.

They Prescribe It Exclusively as a Tonic and Stimulant When the System is Weak and Run Down from Disease or Overwork.

The following letters from prominent physicians were taken at random from many thousands we have received from doctors, who have made their great successes with DUFFY'S PURE MALT WHISKEY:

Dr. Philip Taylor, 502 E. Grace St., Richmond, Va., on Dec. 5, 1900: "I have used Duffy's Pure Malt Whiskey in my practice and am well satisfied with its effects."

Dr. J. D. Cole, Alexandria Bay, N. Y., wrote on Dec. 5, 1900: "I have been using Duffy's Malt Whiskey in my family and practice for the past fifteen years, with very beneficial results. I often prescribe it for anemic patients and some forms of indigestion; also for convalescents after typhoid fever, and all wasting diseases. It is a good tonic for the aged."

Dr. H. Cenicola, Bridgeport, Conn., on Dec. 14, 1900, sent us the following: "I have prescribed Duffy's Pure Malt Whiskey in my practice and think it a pure and beneficial tonic and stimulant. I cheerfully recommend it."

Dr. A. Hammond, Schuylerville, N. Y., wrote us on Jan. 2, 1901: "I have used your Malt Whiskey for about seven years, with very beneficial results. I find it very beneficial in cases of debility and for old people. I have used it successfully in cases of typhoid fever after the fever had left and the patient was much debilitated. I cannot recommend it too highly where a tonic is necessary."

Dr. George S. Converse, New Haven, Conn., on Jan. 19, 1901, wrote: "I have used Duffy's Malt in my practice and always found it pure and satisfactory."

Dr. Albert C. Smith, President Suffolk Dispensary, 10 Charter St., Boston, Mass., wrote us: "In the treatment of the large number of patients who come to me for relief we find it necessary in our work to use a stimulant which, without question, is absolutely pure, and we are glad to say that in your 'Duffy's Malt' we have succeeded in obtaining what has been of great assistance in many cases of pronounced debility. We should be unwilling to be without this valuable stimulant." This dispensary registered in one year almost 37,000 patients. It is one of the largest institutions of its kind in the world.

Dr. W. F. Hooper, Newport News, Va., on Dec. 18, 1900, wrote: "I have used your Duffy's Malt in convalescents from typhoid and other febrile diseases with satisfactory results."

Dr. R. P. Oppenheimer, 405 Church Ave., Knoxville, Tenn., wrote us as recently as Jan. 19, 1901: "I have used Duffy's Malt Whiskey extensively in my practice for ten years, especially among cases requiring stimulants and tonics, and I take pleasure in stating that I find that it excels all other whiskeys."

Dr. DeWitt Brugler, of the Blue Cross Medical Aid, 1502 Marshall St., Philadelphia, Pa., on Jan. 18, 1901, wrote us the following: "Duffy's Malt is the only whiskey used and dispensed

at the Blue Cross Medical Aid Dispensary. We place no reliance upon any other for medicinal use."

During the past few years we have received hundreds of thousands of just such letters as these. There can be no more convincing proof that Duffy's Pure Malt Whiskey is the only absolutely pure, invigorating stimulant and tonic to be used exclusively in all cases where the system needs to be sustained.

The doctors, as well as the people, have learned that it does not pay to fill the system full of drugs. They realize what the system wants is a tonic and stimulant to aid the circulation and lend artificial force to throw off the disease's germs.

DUFFY'S PURE MALT WHISKEY

CURES Consumption, General Debility, La Grippe, Colds, Bronchitis, Malaria, Low Fever, Dyspepsia, Depression and weakness from whatever causes.

It builds up and nourishes the body, it invigorates the brain, tones up the heart and prolongs life.

A leading New York doctor said, "Duffy's Pure Malt Whiskey is a form of food already digested."



CAUTION—Our patrons are cautioned against so-called Duffy's Malt Whiskey offered for sale in bulk or in flasks and packages, other than our patent bottle. Duffy's Pure Malt Whiskey is sold in sealed bottles only. Offered in any other form it is not the genuine. There is none "just as good as" Duffy's. The dealer who says so is thinking of his profits only. Ask for Duffy's, insist on getting it. Look for the trademark on the bottle.

FREE ADVICE—If you are sick and run down write our doctor for free advice. It will cost you nothing to learn how to regain health, strength, vitality, medical booklet containing symptoms, treatment and testimonials sent free. All correspondence relative to our product is strictly confidential and no testimonials are used without permission. All druggists and grocers, or direct, \$1.00 a bottle.

DUFFY MALT WHISKEY CO., Rochester, N. Y.

A LUCKY DECISION

Supreme Court Hands Down One That Pleases Liquor Dealers.

THE NATURE OF A SALOON BOND It Cannot Be Treated as Liquidated Damages—Brown and Start Dissent.

A majority of the supreme court, by a decision handed down this morning, establishes the rule that a bond given by a liquor dealer is not in the nature of liquidated damages, and that actual damages must be proved in order to recover the amount of the bond or any part of it.

The opinion is written by Judge Collins, and concurred in by Judges Lewis and Lovely.

A strong dissenting opinion is filed by Judge Brown, who is supported by Chief Justice Start. The dissenting opinion holds that the bond is in the nature of liquidated damages, and may be recovered as an entire sum in case any of the provisions are violated.

The case was brought in Renville county as a civil action against Martin J. Larson, a liquor dealer of Sacred Heart. The complaint was that Larson had sold liquors to a minor. He was convicted in the justice court and fined \$25, and the district court held that he was liable to the full amount of his bond, \$2,000.

The majority of the court in the memorandum court held that the bond must be treated as a penalty to be enforced to the amount of actual damages and no further. The decision is a victory for the liquor dealers, as it practically limits their cases to a fine in justice's court. Penalties where actual damages can be shown are very few. They fought the case hard from the beginning, and the county commissioners of Renville county ordered the county attorney to dismiss it. He refused to do so and carried the case into the district court.

The decision will have the effect of stopping prosecutions against the bonds of liquor dealers unless, as in rare cases actual damages can be proven by private parties.

The syllabus is as follows: State of Minnesota, respondent, vs. Martin J. Larson, Hans Gunderson and I. J. Hartig, appellants.

The bond to be executed by a person making application for a license to sell intoxicating liquors, in accordance with general statute 1898, c. 20, is one of indemnity, given to protect the state as well as such private parties as are authorized to maintain actions under the provisions of section 192. The amount thereof, fixed by statute at \$2,000, is not a penalty, but a measure of liquidated damages to be recovered as an entire sum in case any of the conditions of the bond are violated. Order reversed. Collins, J.

Twelve Decisions in All. Twelve decisions in all were handed down, and three were reversals of the lower courts.

One of the reversals was in the famous Merriam will case. In line with the decision of last year, the court holds that the estate is to be divided equally between Carrie C. Eggleston a net annual income of \$600.

An opinion by Judge Collins grants a new trial in a damage case against the Great Northern and the county commissioners. The facts show a case of contributory negligence.

The syllabus are as follows: James Palmer, respondent, vs. Winona Railway company, appellant.

First—Under a general allegation of damages in an action for personal injuries, evidence of the amount of wages received by plaintiff before the accident is admissible, and received after, and that he received no more before and no less after than he was able to earn, is competent and proper as tending to prove the diminution in his earning capacity, and as bearing upon the question of general damages, following Palmer vs. Railway Company, 78 Minn. 141.

Second—Damages held not so excessive as to justify the court in ordering a new trial. Order affirmed. Brown, J.

George D. Hamilton, John X. West, John A. Taggart, F. H. Harris, appellants, vs. Village of Detroit, E. W. Davis, O. Thompson, A. K. Bailey et al., respondents.

First—The village council of the village of Detroit, upon petition duly presented under chapter 290 of the laws of 1892, passed a special election pursuant to the provisions of sections 1216 and 1217, general statutes, for the purpose of voting upon the proposition contained in the petition for the construction and equipment by the village of an electric light plant. The resolution calling the election provided that ten days' notice of the same should be given to the voters in three of the most populous places of the village, and also by publishing the resolution. The notices were duly posted as required, but the resolution was not published ten days before the election.

That the failure to publish the resolution ten days before the date set for the election was not fatal to the validity thereof, inasmuch as the statutes are fully complied with and the proper posting of the notices.

Second—The statutes referred to do not require both a posting and publishing of the notice of election. The village council could publish the notice and dispense with or dispense with the posting, and a notice of election given either by publishing or posting was a sufficient compliance with the law. The court cannot surmise that the notices to be posted and published, and there was a failure to publish.

Third—Other assignments of error considered and held to be unavailing and reversible error. Order affirmed. Brown, J.

John T. Armstead, respondent, vs. Luther Mendeshall, as receiver of the Duluth Street Railway company, appellant.

First—A street car company operating cars upon public streets and other persons lawfully occupying such streets have rights alike in the same. The car cannot turn out as can persons driving or walking, so that in this respect it may be said that the company has a paramount right over its tracks.

Second—Such memorandum, whether it consists of the substantial terms of the contract and its subject matter with reasonable certainty.

It is not, however, essential that the land be described with precision if the writing on its face is an adequate guide to find it.

Third—Lies applied and letters between the parties as to the sale of pine timber were generally understood, because the confidence that is reposed in it makes people careless of other and proper precautions.

Fourth—The findings of fact and decision of the trial court to the effect that the defendant made a contract to sell the timber to the plaintiffs, or in case he sold it upon an outstanding option, to pay them a stipulated sum, are sustained by the evidence. Judgment affirmed. Start, C. J.

Jonas Levine, respondent, vs. Barrett & Barrett, corporation, appellant.

Section 2138, General Statutes 1894, limiting the time for taking an appeal from an order, construed and held, that it is only after written notice of the entry of the order to the adverse party that the limitation begins to run as to him. The fact that the latter

save such notice to his adversary does not take the case out of the rule. Motion denied. Start, C. J.

Anton Schmidt, respondent, vs. Great Northern Railway company, appellant.

Held, in an action brought to recover for injuries received by plaintiff in a collision with one of defendant's trains that it was conclusively shown that the former was guilty of contributory negligence, and that the latter prevent him from recovering thereon, order reversed and a new trial granted. Collins, J.

Michael Kommer and Anna Kommer, respondents, vs. William C. Harrington and John J. Rue, appellants.

First—Under the provisions of G. S. 1894, section 616, an action to cancel a mortgage upon real property and to expunge the record therefrom must be brought in the county in which such property is situated and is to be tried therein, subject to the power of the court to change the place of trial as provided in said section.

Second—If a debtor applies to his creditor for an extension of time in which to pay his debt, and as a condition for the extension the creditor sells to the former property at an exorbitant price, which he knows he does not want, and makes such a sale a condition for the extension, the transaction cannot be construed as a bona fide sale and is nothing more nor less than a fraudulent loan.

Third—Held, in an action to cancel, instituted upon the ground of usury in the notes involved, that the evidence was sufficient to sustain the verdict of the jury upon the material questions specially submitted, and also a general verdict in favor of the plaintiff mortgagees.

Fourth—Held, also, that there was no reversible error in the rulings of the trial court upon the introduction of testimony. Order affirmed. Collins, J.

David Webb, respondent, vs. School District No. 3, County of Lac qui Parle, et al., appellants.

In 1881 the officers of appellant school district purchased a site for a schoolhouse, and the district has ever since continued to use and occupy the same for educational and school purposes. All the records of the district relating to the selection and designation of such site by the voters have been lost. Held: That in view of such facts, it must be presumed that the site for the schoolhouse was selected and designated by the voters in purchasing the same and in erecting the schoolhouse thereon, acted within the scope of their authority. The burden to show that the site was not designated by such voters was upon the defendant. Judgment affirmed. Brown, J.

August Geromils, respondent, vs. Peter Sausage, appellant.

In a civil action for an assault and battery it is held:

First—To justify the use of force on the ground of self-defense it is not essential to the selection and designation of such site by the voters have been lost. Held: That in view of such facts, it must be presumed that the site for the schoolhouse was selected and designated by the voters in purchasing the same and in erecting the schoolhouse thereon, acted within the scope of their authority. The burden to show that the site was not designated by such voters was upon the defendant. Judgment affirmed. Brown, J.

Second—But the mere belief of the defendant that it is necessary to use force is not alone sufficient to make out a case of self-defense, for the facts as they appear to him at the time must be such as to reasonably justify the belief.

Third—Upon the defendant's own testimony he was not, as a matter of law, justified in striking the plaintiff, hence it was incumbent upon the plaintiff to show that he was instructed the jury as to the law of self-defense.

Fourth—The court did not err in its instruction as to exemplary damages, as the defendant is not liable therefor unless it appears that the necessity was real or apparent.

Carrie C. Eggleston, appellant, vs. William R. Merriam, Helen M. Merriam, Charles H. Eggleston, Theodor Borup, et al., respondents.

First—The bequest in the will of John L. Merriam for the benefit of his sister Mrs. Eggleston contained in the second paragraph of that instrument is so similar in material and essential respects to the provision for his wife contained in the will of Theodor Borup, et al., 82 N. W. 182, that such decision controls and rules this case.

Second—Upon further examination of the decision in Merriam vs. Merriam et al., supra, the court is of the opinion that the effect that the bequest therein for plaintiff in paragraph 2 of the will is a demonstration and not a specific legacy, and held, following the decision in Theodor Borup, et al., that a net annual income from his estate under the will of \$600 annually during life. Order reversed. Lovely, J.

Thomas H. Riley, respondent, vs. the Minneapolis Street Railway company, appellant.

The question of the plaintiff's contributory negligence in this, a personal injury action, upon the whole evidence a question of fact. Order affirmed. Start, C. J.

EDWARD VII'S CLUB

It Was the Marborough, Which He Founded as Prince of Wales.

New York Sun.

King Edward VII may like being a king; but he must sigh secretly over some of the good things from which his added duties cut him off.

Some unwritten law makes a combination king and clubman an offense against the proprieties, but in the good days when King Edward was Prince of Wales he was not by any means averse to the London, and no ordinary man was more devoted than he to his clubs.

The royal yacht club, the Jockey club, the club and several others had the prince among their members, but of late years he has been seen most often at the Marlborough club, of which he was the instigator and in which he was prime mover.

Some of the club members, however, and as the prince himself was chairman of the executive committee, and always presided, and one blackball would exclude there was absolutely no chance of a member when the Prince of Wales did not like the membership was not controlled by snobbishness. Monarchs and royal personages like Oscar II, King George of Greece, Leopold of Belgium, the Duke of York, and the Duke of Connaught are among the members; but popular soldiers, sailors, diplomats, and professional men have been welcomed quite as warmly as the club members.

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NICKEL PLATE

307 Nicollet

Service Shoes

For Children

Made of Strong Vici Kid

Solid Leather soles and counters, kid tip, good fitting shapes, children's sizes, 8 1/2 to 10 1/2. **98c**

Misses, sizes 11 to 2. **\$1.25**

Ladies, sizes 2 1/2 to 6. **\$1.48**

Misses' new 9-inch Cycle Boots, sole, vici kid, good weight sole, sizes 11 to 2, only. **\$2**

Oxfords in fine vici kid with new patent tips, all solid leather, sizes 8 1/2 to 10 1/2. **90c**

Misses, sizes 11 to 2. **98c**

Ladies, sizes 2 1/2 to 6. **\$1.25**

Boys' "Never Rip" school shoes, cut out of one piece of seal calf and can't rip, we warrant them not to rip, sizes 13 to 5 1/2, no less than \$1.50, our special. **\$1.25**

Boys' Kangaroo calf cycle shoes, all sizes. **\$1.25**

Boys' tennis Oxfords, all sizes, only. **50c**

Boys' "Gorham" tennis Oxfords, very best goods made, all sizes, only. **75c**

WINDUP AT WINONA

Tax Commission Completes Its First Series of Meetings.

SUGGESTIONS ALONG ALL LINES

New York Law for Taxing Mortgages Considered—As to Bank Deposits.

Special to The Journal.

Winona, Minn., May 3.—The tax commission opened its session here this morning. Commissioner Childs had to be in St. Paul to-day to argue a case, and he was left at Austin yesterday to finish the hearing there while Messrs. Hahn and Eves came to Winona. Many suggestions were received here. In addition to voluntary information, many questions were asked by the commissioners of those appearing.

Forbate Judge Vance favored assessing property at half its full valuation. He would retain the \$100 exemption, but have this apply only to the head of a household. He favored a real estate assessment only once in four years, and would make it more thorough than at present. He favored the Indiana plan of a supervisor of township assessors, the supervisors to visit every town but to do so actual work.

E. W. Rebstock, Winona's veteran assessor, said at least a month more of time was needed in cities to make the real estate assessment. He listed property at 60 per cent of its value and favored making the husband list the property of the wife and family. There should be some plan to assess money withheld from taxation. He approved of the plan of having a county tax commissioner elected by the popular vote, he to name his deputies. He objected to double taxation, and that the popular vote on the farm should be divided proportionately between the mortgagor and mortgagee. He approved of the plan to furnish taxpayers with a complete list of assessments in the county before the equalization board meets.

Ex-Frobrate Judge Buck favored having banks disclose the amounts on deposit. Commissioner Childs said a provision would be objectionable, as it would bankrupt the banks, the depositors being sure to withdraw their money before the date of assessment. Mr. Buck favored more formality in assessments. The examining officer should have more power.

Commissioner Hahn here pointed out the advantages of the New York bill for relief thereon. It estimated this will relieve municipalities of a \$2 state tax for every dollar now collected from mortgages in such municipalities. If adopted in Minnesota it would save people the opportunity to loan money from the tax. Under the present system not one-tenth of the mortgages are taxed.

County Auditor Welch favored the township assessors' plan, they to work under the supervisor. It is a good plan to give details as to character of the soil, etc., in farm assessments, and that the board of review could act more intelligently. He would pay assessors better. At present they get no remuneration for agricultural statistics and they slight this work. He would give the equalization board power to equalize individual assessments as well as equalizing for whole towns. The county as well as the city should be represented on the equalizing board. Auditor Jones of Fillmore county gave many practical suggestions this afternoon.

THE LAST HORSE CAR.

Boston Post.

With the passing of the solitary Back Bay horse car but one species of that style of conveyance remains in Massachusetts, and indeed, in New England.

To Boston a century ago travelers came on a stage coach and walked when they got here. Later, in 1835, an omnibus line was installed to accommodate travel between Charlestown, Cambridge, and Boston.

The first horse railroad in the vicinity of Boston was a line from Harvard Square in Cambridge to the Fitchburg railroad station at Union Square, Somerville. It was a unique affair—a steam passenger coach which had seen better days and which had been relegated to this service long after it had passed the period of its usefulness behind the iron horse.

It was not a chartered institution, but the enterprise of one man, and history fails to reveal whether he owned the rolling stock and the one pair of horses used as motive power in conveying passengers. The first street railway corporation to receive a charter from the Massachusetts legislature was the Dorchester and Roxbury. This was in 1852.

One of the first things considered by the directors of the West End company was the adoption of some new motor power in order to gain room on the street by the disuse of horses. Nearly 12,000 horses were required at that time.

Electricity became a possible factor in transportation. The West End was not slow to recognize its power. In 1888 the overhead system of electric propulsion was inaugurated by the Back Bay cars. From its inception electricity spread over the lines of the West End company almost too rapidly for people to understand its merit.

With the inception of electricity the horse as a motive power was a mark for relegation. So rapid has been the pace of electrical progress that the Back Bay cars, on Cape Cod, stands alone as a horse-propelled corporation.