HERE'S A HOWDY-OD

Brenton Says He Is Mayor, but Hartenbower Holds Fort.

POLICE HAVE ORDERS TO SHOOT

Big Squabble for the Des Moines Mayoralty and a Piece of Patronage.

Special to The Journal.

Des Moines, Iowa, April 4.—The burning question in Des Moines is whether "Big Jim" Brenton, the mayor-elect, shall throw Uncle Jerry Hartenbower, who weighs but slightly over 300, out of the office of chief executive of the city. Mayor Hartenbower does not propose to be ousted until he is ready and in order to keep out Brenton has posted police at the door of his office with riot guns and orders to shoot to kill if an invasion by force is attempted.

The trouble is brought about by the desire of Brenton to prevent Hartenbower from appointing a new member of the board of public works, until the mayor-elect can take office and make the appointment. The difficulty is made possible by reason of the fact that the law is not clear as to the time a newly elected mayor shall take his seat.

There has been a new appointment on the board of public works due for some time, but as the council and Mayor Hartenbower were at loggerheads, no confirmation could be secured. Brenton is said to have promised the place to W. W Wise, who is alleged to have contributed largely to the campaign on the strength of promises and expectations.

Immediately after the election, it was apparent Hartenbower was going to appoint the new member and that he would be confirmed. The Brenton men took panic and instead of waiting until next Monday, as it was expected he would, Brenton qualified as mayor Wednesday, immediately following the canvass of the vote. He informed Mayor Hartenbower he was mayor, but Hartenbower simply put guards on the door and kept on sawing wood. To add to Brenton's troubles, the council has defied Brenton and has confirmed the appointment by Hartenbower of B. O. Hanger, as a member of the board of public works.

City Solicitor Mershon says, according to supreme court decisions, the mayor should qualify the first Monday in April, or next Monday. Brenton says he is mayor, that the appointment of Hanger is invalid and will be contested in the courts, and that he will not recognize the appointment in any way whatever. In the meantime, the retiring mayor keeps his guards posted in front of his office, with the riot guns menacingly ready for business, and with the whole police force, which is expecting early discharge when Brenton comes in, ready and anxious to respond to a riot call if necessary and throw the new ruler out into the street in spite of his huskiness and avoirdupois.

MORE DOCTORS

Large Class Passed by Montana Examining Board.

Special to The Journal.

Helena, Mont., April 4.—The state board of medical examiners, after three days' session here examining applicants for medical certificates, has announced that thirteen out of twenty passed the examination and are permitted to practice in Montana, as follows: W. H. Pallister, Creswell; T. Piggot, Butte; Edward C. Anderson, Alfred Dent, F. A. Long, Helena; William J. Lakey, Gilt Edge; J. J. Mahoney, Araconda; W. Percy Swaby, Augusta; R. J. Smith, White Sulphur Springs; Winnifred B. Reynolds, Aldridge; Alfred T. Lees, Kalispell; Thomas J. Fain, Pony; W. W. Memminger, Hinsdale.

The state medical board elected Dr. F. W. McCrimmon of Butte, president; W. C. Riddell, Helena, secretary; and George H. Barbour of Helena, treasurer. The board meets in Helena again on the first Tuesday in Ovtober.

ADAMS SUMMONED

He and Hoard Will Give Expert Opinion on Oleo Amendments.

Special to The Journal.

Madison, Wis., April 4.—Dairy and Food Commissioner H. C. Adams left to-day for Washington in response to a telegram from Senator Spooner saying the presence of himself and ex-Governor Hoard was desired to give expert opinions as to some amendments which have been incorporated in the oleo bill as it finally passed.

A conference is to be held and it is possible some charges may be found essential.

Secretary Knight of the National Dairymen's association also sent a telegram requesting Mr. Adams to come to Washington at once.

ATTEMPTED ASSAULT

Tough Character at Wakonda, S. D., Given a Hearing.

Special to The Journal.

Vermillion, S. D., April 4.—State's Attorney Tilton was called to Wakonda to give Sam Rosenberg a preliminary hearing on the charge of attempted criminal assault, committed yesterday on the 8-year-old daughter of Rev. Mr. Mitchell of that place. Rosenberg is a tough character and has served a term in the penitentiary for counterfeiting. Residents of Wakonda are indignant over the affair.

GETTING THEIR WAY

Papermakers' Short-Hour Schedule Adopted by Another Mill.

Kaukauna, Wis., April 4.—The Combined Locks Paper company to-day granted the short schedule as demanded by the United Brotherhood of Papermakers and hereafter the men will be given a full Saturday night off. This makes the twentieth mill in the state to adopt the schedule.

The men at the Thilmany and the Outagamie mills will walk out to-morrow night unless the time schedule is adopted in those mills.

A PHYSICIAN HURT.

Helped Himself.

When the doctor himself brings on heart disease by the use of Coffee, it is time for ordinary people to think carefully of the effect of that beverage.

The testimony of Dr. O. W. Mathewson, 1354 Penn. Ave., Des Moines, Ia., is as follows. His letter is rather long and this extract is necessarily condensed.

"I am a physician of 18 years' practice. I felt the need of a stimulant and for the first five or six years of my practice used strong coffee. Eight or ten years ago I began to notice symptoms of heart disease. This seemd to be a regular organic type and year by year became aggravated. Dizziness, faintness and later, inability to walk, at times.

Physicians could find no marked symptoms of disease but thought there might be of a kind that escaped observation. Finally I became a confirmed invalid and gave up practice.

Several years elapsed with the symptoms growing worse. I was considered as marked for an early grave. It finally became impressed upon me to give up coffee. This I found easier to do when Postum Food Coffee was used in its place. I did this more to satisfy my friends than with any hope of benefit from such a simple change, especially in such an incurable case as mine. I was debilitated and very weak and about 30 pounds short of my old weight.

From the first week I noticed a marked change, and within three months I was almost fully restored to my old strength and health. These facts are known to hundreds of my friends and acquaintances."

DUNN FOR GOVERNOR

Auditor May Be the Man Chosen Two Years Hence.

RENOMINATION IN THE MEANTIME

Gist of Minnesota Political Gossip Tincturing the Air of Washington.

From The Journal Bureau, Room 45, Post Building, Washington.

Washington, April 4.—There has been a good deal of state politics in the Washington air during the past two weeks. It began with the advent of Messrs. Frank Nye and John Steele, candidates for the position of district attorney. It was quickly seen, however, that neither had come to Washington primarily in the interest of his candidacy, and that no attempts were made while they were here to solve the appointment problem. They even reached the city together by chance, coming from opposite directions, and going away in the same manner.

Then came State Senator Buckman of Little Falls, and at once the story went around that he was to be nominated for congress in the new sixth district. W. W. Rich of Ramsey county, who accompanied Mr. Buckman, told the Minnesota colony that, in his judgment, the present state ticket would be renominated without opposition, saving the lieutenant governor, it being tacitly agreed that some new man should take the place of Lyndon A. Smith. Judge Torrance, by the way, has been solicited to stand for this place, but replied that he could not accept any political office while serving as commander-in-chief of the Grand Army of the Republic.

"Bob" Dunn.

State Auditor R. C. Dunn and T. E. Byrnes, with their wives, spent almost a week in the city. Their presence set the tongues of the gossips to wagging again. Nothing clear came of it all, save the well established fact that Mr. Dunn predicts and will work, if necessary, for the renomination of Governor Van Sant, and does not want again to be a candidate for auditor.

Mr. Dunn's arguments in favor of the renomination of Van Sant coincide exactly with the views of the Washington colony. Both think that the turning down of the governor would be a mistake from which the state and the party would suffer, and that the man who accepted the nomination in the republican convention, after the defeat there of Van Sant, would make a lot of trouble for himself in the campaign, and be on the defensive from the start.

It is the general impression here, although Mr. Dunn has done nothing to create it, that Dunn will be renominated this year for a third term as state auditor, and that practically nothing can change such a result. The present flurry of other candidates, it is predicted, will quiet down as the time for the convention approaches, and Dunn will have the field all to himself, whether he wants it or not. It is also believed here that in 1904 Dunn will be the most available man in the state for the republican gubernatorial nomination, and that he will accept and make the race, withholding his resignation as auditor until after the first of the year, in the event of Van Saut being defeated this year at the polls.

Were Dunn to resign the auditorship during the campaign of 1904, under the conditions just outlined, John Lind or some other democrat, would appoint his successor, and this is something which would have to be watched closely.

Mr. Dunn was widely introduced in Washington as "the best auditor Minnesota ever has had." With his wife, he called on President Roosevelt on Wednesday morning. Representative McCleary accompanying them. The president received the party very graciously, and it is quite apparent that he has a warm spot in his heart for the people of the north star state.

Manager for Roosevelt.

The recent announcement of Thomas H. Shevlin in Minnesota, that he would not seek to become the manager of the president in Minnesota has cleared the atmosphere here. It was feared that Shevlin's ambition might lead him to seek the leadership of the Minnesota Roosevelt forces. Senator Nelson is thought the man best fitted for that task, all things considered, and it is highly pleasing to those here to have Mr. Shevlin suggest Mr. Nelson's fitness and say that he probably is to do the work. Really, however, there will not be much to do, for the state seems already to be Roosevelt's.

—W. W. Jermane.

ELKS' LODGE HOME

New Rooms at Grand Forks Opened With a Brilliant Ball.

Special to The Journal.

Grand Forks, N. D., April 4.—The grand opening ball of Grand Forks lodge of Elks was given last evening. Since the first of the year the entire fifth floor of the Security block has been in the hands of carpenters and decorators, and the finishing touches have just been completed by the furnishing men. The lodge home has no equal anywhere in this vicinity. The suite consists of a main lodgeroom, 40x50, an immense dining-room, a well-appointed kitchen, a lunch counter, smoking-room, a ladies' parlor and a gentlemen's parlor, waiting-room and a property-room. The new home will be for the exclusive use of the Elks. The furnishings are very rich.

ROBERTS SAYS NO

Denies the Report He Would Purchase the Register.

Special to The Journal.

Sioux City, Iowa, April 4.—George S. Roberts, director of the mint, was the guest of George D. Perkins, ex-congressman from this district yesterday. Mr. Roberts flatly denies the reports from Des Moines that he is negotiating for the purchase of the Daily Register. He is on his way to San Francisco to attend the trial of Walter N. Dimmick, formerly chief clerk of the San Francisco mint, under indictment for the $30,000 robbery committed last year.

ROBBERS GET NOTHING

Burlington Train Held Up in Missouri by Masked Men.

St. Joseph, Mo., April 4.—A train on the Burlington road which left St. Joseph for the north at 11:40 o'clock last night was held up three miles north of the city limits by four masked men. Railroad authorities assert that the robbers got nothing, although on this point there are conflicting reports.

The attempted robbery occurred fifteen minutes after the train had pulled out of the Francis street station in this city. The scene is very near the place where, on the night of September 24, 1893, four young men made a futile attempt to rob a Burlington train, two being shot down. On that occasion the railroad authorities under the leadership of W. C. Brown, then general manager of the Burlington's Missouri line, run a dummy train loaded with policemen and deputy sheriffs and the robbers were taken by surprise, their plans having been "tipped off" by a confederate.

In the attempted robbery of last night no violence was offered to the trainmen and after holding the train thirty-five minutes it was allowed to proceed. No tangible clue has been found.

The railroad officials say the men compelled the engineer and fireman to attempt to cut off the baggage car. The attempt to uncouple the baggage car was unsuccessful. Thereupon the baggageman was ordered to open the door. This was done. The interior of the car was looked over, no valuables of any description were discovered, and the engineer was ordered to go on with his train. No passengers were disturbed nor was any railroad or express property taken.

SHAW DUMFOUNDED

Prestidigitator Plays With the Secretary of the Treasury.

MADE TO APPEAR A CARD SHARP

Dignified Member of the Cabinet Takes Involuntarily to Shakespearean Quotation.

New York Sun Special Service

Washington, April 4.—Malini, the magician who some time ago removed eggs and things from the mouth of Wu Ting fang, the Chinese minister, during "an evening of ledgerdemain" at the home of Alexander Graham Bell, to-day invaded the sanctum sanctorum of the head of the treasury department and spirited a $10 "buffalo note" from within the clenched hand of Secretary Shaw. Mr. Shaw had a party of friends in his office whom he had been showing around the department, and Malini was there to entertain them. The magician handed the "buffalo" note to the secretary.

"Clench it in your hand," he said. "Hold it tightly."

The secretary clenched, according to instructions.

"It is there now, is it not?" the magician asked.

"Certainly," replied the secretary, confidently. "Open your hand," commanded the magician.

The secretary opened his tightly closed fist and the bill was gone.

"I could have sworn," said Mr. Shaw, thoughtfully, "that I felt that bill in my hand."

After demonstrating to the secretary that it would not be safe to allow him near the vault, the magician pulled cards out of the pockets of the secretary, from down the back of his neck, from up his sleeves and from under his coat, and completed his course of mystification by asking the secretary to arise from his chair. Then he pointed reproachfully to a dozen cards scattered on the seat and said, sorrowfully:

"I didn't think you'd do it, Mr. Shaw. No wonder I had no success with my tricks."

The secretary looked his bewilderment, as he had not been out of his chair since the magician entered the room. The secretary looked thoughtfully for a long time after Malini had gone, and during the afternoon as he pored over official documents or signed business communications, he was several times seen to sigh and shake his head, and once he quoted slowly and half aloud: "There are more things in heaven and earth, Horatio, than are dreamed of in your philosophy."

FIVE YEAR TAX LEVIES

IOWA SOLONS PASS THE BILLS

Funds to Be Created for New Buildings at the Several State Institutions.

Special to The Journal.

Des Moines, Iowa, April 4.—The bill requiring unincorporated building and loan companies to deposit $50,000 in first-class mortgage securities with the state auditor before transacting business in Iowa passed the senate. The senate adopted resolutions in honor of Senator Gear, already passed by the house. It recommended the pardon of Theodore Bushick of Mills county, already recommended by the house.

The tax levy bills for the three state educational institutions passed the house with little opposition and unimportant amendments. The bills provide one-fifth mill levies for the state university and state agricultural college and a one-tenth mill levy for the state normal. The levies are to run five years and are for building purposes. They will raise about $1,375,000 in the five-year period. The bills for Iowa City and Ames had already passed the senate.

The senate took up the state normal bill at once and also passed it. The Animosa Woman's Industrial reformatory bill passed. It provides increased support for the reformatory and increases the age limits, making them between 16 and 26.

The house concurred in the senate amendments to the Donahue bill exempting from taxation $800 worth of property of honorably discharged union soldiers and sailors or their widows.

FATHER FINDS DAUGHTER

GAVE HER AWAY WHEN A BABE

After the Lapse of Sixteen Years a Plankinton, S. D., Man Is Made Happy.

Special to The Journal.

Sioux City, Iowa, April 4. — Sixteen years after his 8-months-old baby daughter was taken from him, J. J. Carvel, of Sioux City, introduced himself to her, and received the long-craved filial greeting. The story is odd and romantic. Carvel lived in Plankinton, S. D., and his wife died, leaving him two young children. He consented to having the baby adopted by Mr. and Mrs. A. O. Tillman who immediately moved away. They refused to allow the father to see his daughter, wishing to bring her up as their own child.

But the father's love grew constantly stronger until last week he went to her. By means of detectives he has always kept track of the Tillmans and subscribed for a newspaper in the town in which they lived. The father went to Warrensburg, Mo., and disguised himself so the Tillmans would not know him should they met him. He went to the high school and called for Miss Tillman. She came, a handsome, bright-looking young woman.

The father was almost overcome with emotion but managed to tell the girl the strange story of her parentage, which she said her mother would never impart to her. With newspaper clippings from the Plankinton papers telling of the mother's death and the girl's adoption by the Tillmans, the father made it plain she was his daughter and the girl was overjoyed.

AN ACID THROWNER

Frank Grey Sentenced at Butte to Ten Years.

Special to The Journal.

Butte, Mont., April 4.—Frank Grey was convicted of assault with corrosive acid upon Agnes Downing last evening, and the jury fixed his punishment at ten years' imprisonment. Grey threw acid into the woman's face, scarring her for life and blinding one eye. The woman had refused to live with him. The defense was insanity.

RULE IS OUT

Friends of Mason City Lawyer Say He'll Oppose Haugen.

Special to The Journal.

Mason City, Iowa, April 4.—Friends of Duncan Rule, attorney for the North-Western road here, announced to-day his candidacy for congress to succeed Congressman Haugan. Mr. Rule is the attorney for the W. E. Brice syndicate in Texas, and is at Beaumont, preparatory to going to London to meet English capitalists and cannot be reached to confirm his candidacy.

Big Term of U. S. Court.

Special to The Journal.

Sioux Falls, S. D., April 4.—To judge by the number of witnesses who are being subpoenaed for the approaching term of United States court in this city, it will be one of the most prolonged for several years. Between 150 and 200 witnesses will be present. Several important criminal and civil cases are to be disposed of. The grand jury will convene on the morning of the 22d and the petit jury on the 25th. Among the witnesses will be a score or more of Indians.

IRELAND DEEDS O. K.

Supreme Court Passes on Traverse County Land Cases.

SOME 60,000 ACRES INVOLVED

The Trouble Was Caused by the Interior Department Reversing Itself.

Five decisions were handed down by the supreme court this morning. They were cases heard at the October term, whose settlement has been delayed.

The most important case involves the title to 60,000 acres in Traverse and adjoining counties, originally taken by Archbishop Ireland from the Manitoba's land grant. The settlers lose and title is confirmed in those who bought the land from the archbishop.

The trouble was caused by the interior department's reversing itself. The land was originally granted to the railroad company and withdrawn from settlement. In 1891 the secretary of the interior issued an order restoring the lands to the public domain, and this was held to apply to all. The order directed to the St. Cloud land office, however, excepted lands embraced in "selections heretofore made or applied for by said railroad company." This, the court holds, reserved the lands in question, which had been selected.

Archbishop Ireland contracted for the tract from the railroad company, but, meanwhile, squatters filed claims.

In 1896 all indemnity selections were cancelled except those under dispute. The claim of the settlers was rejected by the commission, and by the interior department. The present suit was brought as a test case. The decision of the interior department was sustained by the district court, and is also upheld in the opinion handed down to-day by Judge Collins.

The syllabus follows:

John P. O'Connor, respondent, vs. Jacob Gertgens, appellant.

First—The secretary of the interior possesses full power to withdraw public lands from settlement and market at will, and when he acts in this respect it is deemed an act of the president. It seems to be quite immaterial what may be the basis of the order of withdrawal, or what public land it affects.

Second—By the congressional land grant act of March 3, 1865 (13 stats. 526) it was made the duty of the secretary of the interior—section 7—to withdraw lands in aid of the grant therein provided for. Subsequently, by section 5 of the act of congress of Sept. 29, 1890 (26 stats. 496), section 7 was repealed. Held, that this repeal did not revoke or annul an executive order, previously made, whereby certain lands had been withdrawn from the public domain for the benefit of the grant.

Third—By the 5th section of an act of March 3, 1887 (25 stats. 656) it was provided that when railroad companies had sold lands, as parts of their grants, co-terminus with their constructed lines of road, to citizens, or to persons who had declared their intention to become citizens, but for some reason these lands were excepted from the operation of the grants and could not be conveyed to the companies, these citizens, or persons, if "bona fide purchasers," should have the right to buy of the government, and should thereupon be entitled to patents. Held, that this section must be construed liberally with a design to effectuate its object, and that citizenship, or declaration of intention to become a citizen, and a bona fide purchase are the essentials required by its terms. Held further, that the right of one who purchased land from a railroad company, prior to the passage of the act of March 3, 1887, to perfect title under section 5 of that act, is superior to the settlement right of another person acquired after the passage of said act.

Fourth—Where one has been a long and uniform course of erecting a statue in a tribunal charged with the duty of executing it, such construction is always entitled to the most respectful consideration by the courts and ought not to be overruled without cogent reasons.

Fifth—The expression "bona fide purchaser" is oftentimes used ambiguously and is construed in various ways. The context must be examined and the expression considered with reference to its use and the connection in which it is found. It may mean without fraud or deception; it may mean without notice of others' rights; it sometimes signifies honesty of purpose as distinguished from bad faith. To be a bona fide purchaser may, under some circumstances, require the payment of the consideration, or purchase price, but not always. In the statute in question the term "bona fide" was used as the opposition of "mala fide." Held, in the case at bar, following the rulings of the appropriate officers of the land department, that the plaintiff's grantor, to whom the patent was issued, was a bona fide purchaser of the land in dispute within the meaning of said section 5.

Sixth—It is well settled that authority to hear and determine all questions of fact arising in the land department of the general government is exclusively within the control of the appropriate officers of that department. The jurisdiction thus conferred is judicial in its nature and the decisions of the department officers, when acting within their jurisdiction, are final and conclusive, in the absence of fraud, or imposition, or mistake.

Seventh—The same rule applies where the question presented to the department officials is one of mixed law and fact. Their decision is equally as conclusive as to the fact involved. Order affirmed.

—Collins, J.

terior Department's Revers-

Cemetery associations which take advantage of the incorporation laws of the state are obliged to treat the property as a public trust, and must account to owners of lots for the proper use of the money paid in. This decision is reached in a case appealed from Luverne, Rock county. It was brought by a district judege, P. E. Brown, and others, against the Maplewood Cemetery association. Judge Loren Cray of Mankato decided a demurrer in favor of the defendants, holding that there was no cause of action, but this is overruled and the case will be tried upon its merits.

The syllabus:

Philip E. Brown et al., appellants, vs. The Maplewood Cemetery Association et al., respondents.

First—Title 5, chapter 34, G. S. 1878, ib. G. S. 1894, relates to "corporations other than those for pecuniary profit," and the inclusion of cemetery associations therein by the amendment to such title, chapter 52, G. L. 1872, does not authorize the incorporation in this state of burial places as a scheme for private speculation and profit.

Second—In view of the public nature of the use of cemetery grounds, a corporation organized for the avowed purpose of establishing a public cemetery without capital stock or contributions from the members cannot in this state be adapted to the acquisition of profits and emoluments by the directors and incorporators.

Third—A cemetery association so organized having sold lots as burial places which have been appropriated for that purpose, is a trustee for the benefits of those who lawfully make proper use of such lots, and is in duty bound to account to its beneficiaries—the lot owners—for moneys received for the sale of such lots and the manner in which it has disbursed the same.

Fourth—The directors of such a cemetery association are not authorized to withhold money received for lots from the treasury of the corporation or treat it as their private property; it is subjected to a public use in which the lot owners have a private and personal interest not common to the general public.

Fifth—The denial by the members of such organization of any trust relation to the lot owners who have buried their dead in the cemetery and a refusal to account for moneys received and appropriated by them authorizes judicial interference to compel the restoration of the trust relations and the restoration of such funds to the treasury for the proper improvement and maintenance of the burial grounds.

Sixth—Upon demurrer to a complaint it is held to show a cause of action arising from the illegal conversion of trust funds of a cemetery association by its directors and to justify an examination into the use of its funds to establish the trust which is denied, with power in the court to grant such further equitable relief as the nature of facts disclosed requires.

Order reversed.

—Lovely, J.

Other syllabi are as as follows:

Lake County.

Sophia J. Hoyt, appellant, vs. Arthur H. Chapin et al., respondents.

First—The provision of section 1616, G. S. 1894, requiring the payment of current taxes due upon lands forfeited to the state at a tax sale under that section is mandatory, and the issuance of a tax deed conveying title by the state through the county auditor without the payment of taxes due, though not delinquent, at the time it is executed, conveys no title to the purchaser; following Security Trust company vs. Von Heydersteadt, 64 Minn., 409.

Second—Security Trust company vs. Von Heydersteadt distinguished from London and Northwestern, etc., company vs. Gibson, 77 Minn., 394, and held, that the former case was not overruled or modified by the latter.

Order affirmed.

—Lovely, J.

Ramsey County.

Edward J. Doherty, appellant, vs. The Real Estate Title Insurance and Trust Company of Philadelphia, as administrator of the estate of Augustus Boyd, deceased, et al., respondents.

First—The description of land in the published notice of sale for delinquent taxes is sufficient if it is calculated to enable a person of ordinary intelligence to identify such land with reasonable certainty, following decisions of this court referred to in the opinion.

Second—The rule above stated applied in the construction of characters claimed to be similar to abbreviations and symbols provided for in section 1627, G. S. 1894, and held that certain dots or periods were not essential parts of the description in a published tax list nor used in compliance with the statute referred to, for the reason that the entire description including the cross heading immediately preceding such characters and other uses of the same therein forbids their significance as descriptive of the property.

Third—Held further, that within the facts in this case, a statement in the sixty-day redemption notice provided for in section 1654, G. S. 1894, to the effect that the sheriff's fees for the service of the notice would be returned with proof of service did not invalidate the notice.

Fourth—The payment of taxes delinquent at the time of the issuance of the certificate of sale is essential to its validity, following Security Trust company v. Von Heyderstadt, 64 Minn. 409. Order reversed; new trial granted.

—Lovely, J.

Hennepin County.

Minnesota Debenture company, a corporation, appellant, vs. Elmira D. Dean et al., defendants; Agnes L. Dean et al., respondents.

First—Under section 1603, G. S. 1894, providing that minors, insane persons and others under disability having an estate in or lien on land sold for taxes, may redeem the same within two years after such disability shall cease, held that such right of redemption is given thereby to a minor who has either a vested or contingent remainder in lands sold for taxes, and that his right to redeem may be asserted in an action against him to determine adverse claims.

Second—The rule above stated in favor of minors under disability applied to the facts in this case, wherein an intermediate life estate was vested in the life tenant, with remainder to his heirs, and upon the failure of such heirs, then to the heirs of a third person then living; held, that the remainder to the heirs of the life tenant was vested, while the remainder over to the heirs of the third person was contingent under section 4374, G. S. 1894, and that both classes of heirs have a present estate in the lands, which may be adjudged in an action against them by the owner of a tax title to determine adverse claims.

Judgment affirmed.

—Lovely, J.

Blood Poisoned by Bite.

Special to The Journal.

Tyndall, S. D., April 4.—E. Sunderlin was taken this week to the hospital at Yankton. Several weeks ago he was bitten on the leg by a hog. Blood poisoning set in and an abscess gathered behind his ear.—The city school closed this week for a vacation of one week.—Mrs. Selinke died at her home, four miles north of Springfield. The funeral took place Tuesday and was conducted by Rev. D. J. Perrin of the Congregational church at Springfield.

Jefferson Birthday Meeting.

Special to The Journal.

Winona, Minn., April 4.—A meeting of democrats of Winona was held last evening to arrange for the observance of Jefferson's birthday.—A Winona firm has been asked to prepare plans for a new Bohemian Catholic churches will be erected, the Bohemians and that place, used by both Bohemians and Poles, was burned last December. In its place two churches will be erected, the Bohemians and Poles separating.—Winonans who hold Grand Encampment mining stock are interested in the visit here of Leo Davis, a prominent mine promoter. He reports that the two Winona mines, the Winona Rex and Constantine, are good properties.

EAR, NOSE, LIP GONE

S. Dakota Farmer Thrown by a Runaway Team Into Wire Fence.

Special to The Journal.

Elk Point, S. D., April 4.—A. Chausse and wife and D. Flannery, wealthy farmers living two miles west, were in a runaway while returning home last evening. The pole straps broke and Chausse and Flannery were thrown into a barbed wire fence. Chausse's ear was cut off and he received a gaping wound in the neck. His face was also lacerated. Flannery's upper lip and nose were almost cut away. Mrs. Chausse was badly bruised and the carriage was wrecked.

GOPHER STATE TEACHERS

Northwestern Association Begins Its Semiannual at Moorhead.

Special to The Journal.

Moorhead, Minn., April 4.—The fourteenth semiannual meeting of the Northwestern Minnesota Educational association begun this afternoon. This morning the members of the association, and others who will take part in the proceedings visited the normal school and observed the work of the several departments. The sessions will be held at the high school. A business session and the election of officers will close the meeting, which promises to be the best attended and most interesting in the history of the association.

WESTERN NORTH DAKOTA LANDS

Cannonball Company Purchases 44,000 Acres for Speculation.

Special to The Journal.

Bismarck, N. D., April 4.—The Cannonball River Land company is the latest company to engage in the extensive purchase and sale of western North Dakota lands. J. T. Standring of Corwith, Iowa; M. W. Hutchinson, John Satterlund and E. F. Allen of Bismarck have purchased 44,000 acres of land from the Northern Pacific, and will engage in the general business of selling and disposing of the land to settlers. The land lies in the vicinity of the Rainy Buttes country, about the headwaters of the Cannonball river.

William O'Hara has resigned his position as city assessor and Thomas Sanders has been appointed as his successor. The work of the assessment of city property has begun.

James Smith, arrested for the murder of Anton Hylinger near Washburn, has not yet had a preliminary examination, being ill from the results of exposure in his attempts to escape. There is no direct evidence against him yet.

KANABEC COUNTY FAIR

Officers Elected at Mora and Dates of Exhibit Fixed.

Special to The Journal.

Mora, Minn., April 4.—At the annual meeting of the Kanabec County Agricultural society the following officers were elected for the ensuing year: Hans Peterson, president; O. Struble, vice president; Charles F. Gerline, secretary; R. M. Pope, assistant secretary; George H. Newbert, treasurer. Sept. 11, 12 and 13 are the dates.

Negotiations have been closed for the sale of the Bronsan farm proper, including the improved portion and all the buildings, the transfer being for a trifle less than 2,000 acres. The purchaser is H. R. Elliott of West Superior, a stock dealer.

B&K Co

Our Hat Department

Is something more than a mere department. It is a complete Hat Store, and more than that, for it combines the opportunities of all the hat stores. Our stock is not confined to one particular agency, but contains the best of every good make, shape and style of hat. We fit the hat to you. You are not obliged to fit yourself to the hat.

New Spring Styles. New Colors.

Fine Derby Stiff Hats..... $1.50, $2, $2.50 and $3.00
New Novelties in Soft Hats..... $2.50, $3 and $3.50
Staple Soft Hats..... $1, $1.50 and $2

Browning·King·&·Co

415 to 419 Nicollet Avenue. C. J. GUTGESELL, Manager.

HE BELONGS TO WISCONSIN

RELIEF FOR GATES AND N. DAK.

Helseth, Innocent Cause of an Interstate Jar, Will Be Sent to Eau Claire.

Special to The Journal.

Fargo, N. D., April 4.—The Ole Helseth case has at last been decided and there is no longer any danger that State Agent Gates of Minnesota will raid North Dakota with a regiment or two of Minnesota soldiers. After a thorough investigation, the local authorities have demonstrated beyond doubt that Helseth really belongs in Eau Claire, Wis., and the sheriff has been ordered to send the unfortunate man to that town.

When Helseth was first corralled by local officers he had walked in from Georgetown, Minn., and stated that he had a brother-in-law near Rothsay, Minn. He was sent there, but became so troublesome that he was confined in the Fergus Falls asylum. That is where State Agent Gates got into the game.

Gates brought Helseth back to Fargo and read the riot act to local officials. He then returned into Minnesota, and, it is asserted, a warrant was issued here for his arrest on the charge of turning out an insane person, but he did not return to this side of the river and no further action was taken.

MYSTERIOUS EXPLOSION

Milwaukee Road Machinist Killed at Perry, Iowa.

Special to The Journal.

Perry, Iowa, April 4.—A strange and fatal accident occurred in the Milwaukee shops here yesterday. John Lessel, an old machinest, was the victim. A new apparatus for drying and handling the sand for engines has just been put in the shops. A large steel reservoir is sunk in the ground and a manhole at the top admits the sand, which, after being dried, is forced by heavy air pressure into the sand towers outside of the roundhouse. Mr. Lessel found the air gauge in the reservoir did not show any pressure, though the air pump worked. He also discovered a small leak at the manhole. He was at work repairing the leak when, without a moment's warning, there was a terrific explosion. He was taken home as quickly as possible and a physician summoned, but he only lived a few hours. The cover of the manhole was blown through the roof of the building and the sand scattered in every direction. The cause of the explosion seems to be a mystery.

DID HE USE "KNUCKS?"

President of Spearfish Normal Assaulted by a Lad of 19.

Special to The Journal.

Deadwood, S. D., April 4.—Charles M. Giddings of Spearfish, the 19-year-old son of Rev. Charles E. Giddings, has been bound over to the next grand jury for making an assault upon Professor F. L. Cook, president of the state normal school at Spearfish. The assault occurred in the president's office, and Professor Cook alleges that Giddings wore metallic knuckles, with which he struck him several times. Professor Cook sustained several deep cuts about the face and head, and attending physicians testified they could not have been inflicted with the bare fists.

Reduced Rates for Oratorio.

Special to The Journal.

Fargo, N. D., April 4.—The management of the chorus to present the "Messiah" here April 9 and 10 has been fortunate enough to secure a rate of a fare and a third over all the railroads for that occasion. Tickets have been asked for from a dozen or more towns, some of which are more than 200 miles away. The chorus has been rehearsing for several weeks and the solo parts are to be taken by the best singers in the state, with the leading tenor from Chicago.

Alleges Double Assessment.

Special to The Journal.

Fargo, N. D., April 4.—The supreme court has heard the arguments of the case of the Gaar-Scott Threshing Machine company vs. Traill county, an action to test the law regarding assessment of property not in the State April 1. The company had planned several buildings in the state to be used for the storage of threshing machines, but with the liability to assessment here and in the state from which the machines were shipped as well, the company has called a halt.

Jamestown Teachers Protest.

Special to The Journal.

Jamestown, N. D., April 4.—Teachers in the city schools have protested against the action of the board of education in counting the first week the city schools were closed because of diphtheria as vacation, with the result that the teachers will receive no pay for that week. They have petitioned the board to reconsider its action. The teachers say the unavoidable loss due to the prevalence of disease belongs to the city rather than to the teachers.—A telegram was received from Spokane yesterday announcing the death of M. Lynch, chief dispatcher for the Great Northern. He was dispatcher in Jamestown for ten years.

LIBEL SUIT NUMBER 3

ARGUS-LEADER MEN KEPT BUSY

Mrs. Kimball, Whose Name Was Linked With Colonel Chase's Wants $20,000.

Special to The Journal.

Sioux Falls, S. D., April 4.—Papers in a third suit growing out of the trouble between Colonel W. H. Chase, the electric railroad promoter, and Messrs. Tomlinson & Day, publishers and proprietors of the Sioux Falls Daily Argus Leader, were served on two newspaper men this forenoon.

The latest case is instituted by Mrs. Frances Kimball, who asks that she be awarded the sum of $20,000 damages for alleged libelous connection of her name with that of Colonel Chase, who boarded with her.

The plaintiff came here a few months ago from Atlanta, Ga. Her suit is instituted in the state circuit court, and will come up for trial during the term which commences on the 2nd inst.

A WOMAN'S TRIALS

She Charges Them to the G. N. and Sues for $10,000.

Special to The Journal.

Fargo, N. D., April 4.—The Great Northern has been sued for $10,000 damages in a peculiar case. Margaret Nelson of Moorhead asserts she started to Argusville, N. D., from Moorhead and her ticket was taken up by the conductor. At Harwood, she alleges, the brakeman informed her she had reached the point to which she wished to go. She demurred, but asserts force was used to get her off the train, and in the scuffle she was thrown into a pool of water. The station agent secured a handcar, on which she was sent a part of the way to Argusville and compelled to walk the remainder with frozen underclothing and skirts to impede her progress.

FERGUS FALLS-GLENWOOD

Inter-District High School Debate to Be Held at St. Cloud.

Fergus Falls, Minn., April 4.—The inter-district high school debate between the teams of this city and Glenwood will be held at St. Cloud this evening. Superintendent Vandyke left last night and the debaters and about thirty of their friends went down on to-day's train.

The formal opening of the Chippewa club was attended by about 200 members and ladies. A reception took place from 9 to 10 p. m. and the remainder of the evening was spent in dancing.

News has been received from the town of Dunn of the death of Mrs. Mary McDonnell, mother of D. J. McDonnell, of this city and one of the early settlers of this section.

Goes Into Banking.

Special to The Journal.

Huron, S. D., April 4.—The Standard Savings bank has a new assistant cashier in the person of Fred Gellerman of Wahpeton, N. D. Mr. Gellerman was connected with the Northern Pacific Railway company for some years and has also had experience in the wholesale mercantile business.

His Farewell Sermon

Special to The Journal.

Sioux Falls, S. D., April 4.—Next Sunday Rev. O. A. Phillips, pastor of the Jordan Methodist Episcopal church, will preach his farewell sermon, he having, upon his own petition, been transferred to the pastorate of the Methodist church at DeSmet, to fill a vacancy.

Petitions in Bankruptcy

Special to The Journal.

Sioux Falls, S. D., April 4.—There is no apparent decrease in the number of voluntary bankruptcy cases. Among the latest to file are Charles A. Sells and James M. Lowe. The former is a Sioux Falls traveling man, who places his liabilities at $1,932 and his assets at $2,709. Lowe is a farmer who lives near Sisseton, in Roberts county. He schedules his liabilities at $4,118 and assets at $2,920.

Woman Slander Case.

Special to The Journal.

Howard, S. D., April 4.—Mrs. H. M. Rogers has brought a suit for $10,000 against Mrs. Miller, landlady at the Canova house; Mrs. Lawyer and Mrs. Podley, prominent society women of Canova, because of alleged utterances when they were circulating a certain famous petition. The three promise to contest the case, and if carried into court, it will make as racy an affair as the most morbid of Miner county could wish for.

Sane, but Angry.

Special to The Journal.

Jamestown, N. D., April 4.—Louis Johnson of Kensal demonstrated to the satisfaction of the board of insanity that he was not a fit subject for the asylum. He was brought before the board on complaint of J. J. Wright, a neighbor, who testified that Johnson had threatened to kill him and his family and poison his horses. It developed it was simply a quarrel in which Johnson had made unnecessary threats. Wright says he will swear out a warrant and have Johnson bound over to keep the peace.

Extra Shoe Values.

Girls' Shoes. Samples of a dozen different kinds of girls' shoes; values $1.25 to $1.75; in lot sizes