VERXA.

For quantity, for variety, for quality, for lowness of price we lead.

Coffees.

Finest, freshest, richest flavor; warm from the blue flame roaster.
The Hoffman House at, lb 30c
is the wonder of the coffee trade.
Robal blend, lb 22c
Much interior Coffee than this is sold by many dealers for Mocha and Java.
Queen blend, lb 15c
We have lower prices if you desire them.

Teas.

Headquarters for all fine brands of Teas, English Breakfast, Ceylon, Oolong, Hyson, Indian, Gunpowder, Japan.
Minarda, a special blend, lb 60c
Light of Asia and Star of India Teas. We are agents for Lipton's Teas.

Strawberries

We expect a large lot for Saturday. Prices will be right.

Fancy Separator	Butter 5-lb. jars	$1.20
Potatoes	Full 60-lb. bushels	90c
Pie Plant	Per pound	1c
Spinach	Home grown, per peck, 3 pounds to peck	15c
Tomatoes	Florida, 5-lb. basket	50c
Cotton Clothes Lines	50 feet, each	6c
German Rice Starch	1-lb. pack'ge	5c
Washburn's Rolled Oats	2-pound packages, each	8c
Parlor Matches	Per package	9c
Lemons	Good, smooth, dozen	10c
Eggs	Fresh from the country; dozen	15c
Zula Stove Polish	Per pkg	3c & 6c
Shelf Paper	Per sheet	1c
Salt	5-pound sack, each	3c
Honey	Drip Syrup, per gallon	30c
Molasses	Fancy New Orleans, per gallon	40c
Crackers	Soda and Oyster, per pound	5½c
Ginger Snaps	Per pound	5c

Bakery

Fine, light, clean, wholesome Bread, baked in the day time, loaf 4c
Assorted Rolls, dozen 6c
Monarch Mince Pies, each 12c
(Large and Fancy.

Canned Goods

Clearance Sale.

California lemon cling Peaches, yellow, free stone and Fancy Apricots, can 18c

Standard California Apricots, can	16c
California Asparagus, large 2½-lb can	20c
Maine Baby tooth Corn	10c
Telephone Peas, can	9c
Barron Marrowfat Peas	8c
Northern-grown Sweet Corn, can	6c
3-lb. can Nantucket Baked Beans	8c
1-lb. can Nantucket Baked Beans	4c
1-lb. can King Bird Salmon	8c
3-lb can Apples	8c
3-lb can Pears	10c
3-lb can Muscat Grapes	12½c
10-lb bag Pure Buckwheat	25c
1-lb can French ePas	16c
California Prunes, lb	3½c
Extra large California Prunes, lb	8c
Evaporated Peaches, bright, lb	9c
Evaporated Apples, lb	10c
Golden Wax Beans, can	11c
Fine String Beans, can	10c
Sally Gibson Pancake Flour, makes delicious pancakes, package	5c

Saturday's Specials in the Cigar Dept.

The regular 3 for 25c Concha Especial size in a large line of clear Havana, 4 for	25c
John Sherman, large size, 4 for	25c
Geo. W. Childs, Cremo and various other standard nickel goods, 7 for	25c
Per box	$1.60
Extra value in fine Havana, 3 for	25c

MARKET

1902 Milk Lambs,
1902 Broilers.

Fresh dressed Chickens	16c
Choice Porterhouse Steak	18c
Choice Sirloin Steak	12½c-15c
Choice Round Steak	12½c
Choice Shoulder Steak	11c
Choice Hamburger Steak	8c
Choice Rib Roast, rolled	12½c-15c
Choice Pot Roast	10c
Choice Chuck Roast	8c-9c
Choice Rib Boiling Beef	5c-6c
Choice Small Leg of Lamb	15c
Choice Small Leg of Mutton	14c
Choice Pork Chops	11c
Choice Pork Loin Roast	11c
Choice Pork Shoulder Roast	9½c
No. 1 Ham	14c
No. 1 Bacon	14c
No. 1 California Ham	10c

Trusses, Elastic Stockings, Braces. Buying from us you get perfect fit, fresh, unequalled goods at manufacturer's prices. Satisfaction guaranteed. Sundays, open from 11 to 1 o'clock.

F. BUCHSTEIN Co
608 1st Ave. South, Minneapolis.

IN A TACOMA HOSPITAL

Frank C. Whitcomb, Once of Minneapolis, Killed by Spotted Fever.

Special to The Journal.

Tacoma, Wash., May 9.—Frank C. Whitcomb, a druggist, at one time a well known resident of Minneapolis, is dead at one of the hospitals of spotted fever.

Physicians say this is the first case of spotted fever that has developed in Tacoma for a long time. Although it sometimes appears epidemic, at other times sporadic cases are developed.

BABE'S BODY IN A BOX.

The body of a full-grown infant was found on the porch in the rear of Coroner A. W. Miller's office at Seventh and Sibley streets, yesterday afternoon. The body was in a small wooden box and a note left with it read as follows: "It looks like the original. Don't give it a pauper's burial. Remember the Golden Rule." The matter is being investigated.

THE CITY

TOWN TALK

Saturday, tulips, 25c dozen; carnations, 35c dozen. Nagel's, 818 Nicollet.

Fresh Flower, Vegetable, Lawn Grass Seed. Miss Emma V. White, 818 Nicollet.

Flowers for funerals and all other purposes shipped to all parts of the northwest. Mendenhall, florist, 37 Sixth street S.

Subscribe for all magazines, papers, etc., and get your binding done at Century News Store, 8 Third street S. near Hennepin av.

Proof of "forcible entrance" not required under our residence burglary and theft policy. Fred L. Gray company, Guaranty Loan building.

The Lion Shoe and Clothing Store, 121 and 123 Washington avenue S, are cutting prices pretty low on clothing, shoes, gents' furnishings, etc.

Capital Shoe Co. stock, from St. Paul, now being sold at half price in the great shoe salesroom at the "Plymouth Corner." Fine shoes. Saturday, last day.

William Leishman pleaded guilty in police court this morning to the charge of selling intoxicating liquor to minors, and was fined $40 by Judge Dickinson.

McKinley tent, Knights of the Maccabees, will initiate a clas of candidates to-night at its hall, 2413 Bloomington avenue. Major General Scott, of the uniform rank, will be present.

Journal Telephone—Call No. 9, which connects you with The Journal switchboard and ask for the department or person you wish to communicate with. If you do not know, state your business and the operator will inform you.

A horse owned by George Colbath, 3436 Marshall street NE, was killed on the steel arch bridge this morning by a street car. The driver attempted to cross in front of the car, but was unable to do so, and the horse was so badly injured that it had to be killed. The car was not damaged.

John Doyle, 1324 Marshall street NE; Charles Marin, 224 Humboldt avenue N, and Steven Tokay, 505 Marshall street NE, all under 14 years of age, were arrested last night at the Penny Arcade, on Washington avenue, and are being held until their parents call for them. The police declare that all boys found on the streets at a late hour will be arrested.

The forty-fifth annual diocesan council of the diocese of Minnesota will be held June 4, at Faribault. Bishop S. C. Edsall will preside. The clergy delegates will be guests of the cathedral parish and will be entertained at luncheon by the women of the parish. It is expected that over 100 delegates will be present.

The police have just learned that Louis King, who is serving a sentence in the workhouse for disorderly conduct, is wanted in Wisconsin to complete a term in the state prison for forgery. He was sentenced to two years at Waupun for forgery, and three months before the completion of his sentence escaped. He will be returned to Wisconsin as soon as he has completed his term at the workhouse.

Thieves looted the residence of M. H. White, 1215 Harmon place, last night, and secured about $400 worth of jewelry. Mrs. White and her daughter went out for a ride in the evening and when they returned at 10 o'clock they found the front door standing open. An examination revealed the fact that the house had been ransacked and every article of value removed. Neighbors saw two men near the house about 8 o'clock in the evening, but thought nothing of the matter.

The body of the man found yesterday in the river, near the government dam, was identified last evening as that of Michael Zaruba, 1022 Sixth street S. He was identified by his son, who heard of the body and suspected it to be that of his father, who had been missing for several days. The dead man was 76 years of age and was employed in the Co-operative Barrel company's plant, on Sixth street. He is survived by his wife and three sons, all of whom reside in the city.

AROUND THEIR END

Employing Bakers Work a Football Ruse on Strikers.

LATTER WATCHED THE DEPOTS

But the Train Stopped in the Suburbs and 25 St. Louis Bakers Alighted Unobserved.

It was a cruel bit of deception which the big boss bakers of Minneapolis practiced on their striking employes.

Expecting that the employers would undertake to import bakers from other cities to take the place of the strikers, word having already reached here of attempts to employ help in Baltimore and other southern cities, the strikers stationed pickets at the different depots to head off any prospective substitutes and induce them not to go to work.

When the strikers succeeded yesterday in persuading three outsiders—two from Milwaukee and one from Chicago—who came in at the union station, to turn and go the other way, the former believed their protective measures were succeeding admirably.

But they reckoned without their host. While the pickets were zealously guarding the down-town stations of the different roads, a delegation of twenty-five St. Louis bakers stole a march on them. These bakers left a train at a point in Southeast Minneapolis, where they were met by an enthusiastic committee on reception from the boss bakers. Two big covered carryalls were awaiting the distinguished visitors. Into the vehicles they were loaded with much pomp and circumstance and were driven leisurely across town to one of the large bakeries, where most of them immediately went to work. A few more were apportioned to other large bakeries which have managed to muster an emergency force, and they are now contentedly taking the place of the strikers.

The employers, while they deny all knowledge of the ruse resorted to, are confident that by continued importations on the quiet they will be able to win out without additional trouble.

William Regan, of the firm of Regan Brothers, which has declined to recognize the union, refused to discuss the situation when asked if men had been imported.

"We are getting along all right, and are managing to do business on a small force," he explained.

THE WEATHER

The Predictions.

Minnesota—Partly cloudy to-night and Saturday, with possibly showers, slightly warmer; brisk northeast winds. Upper Michigan—Partly cloudy to-night and Saturday; frost to-night; warmer Saturday; brisk northeast winds. Wisconsin—Partly cloudy and slightly warmer to-night and Saturday; frost in northeast portion to-night; northeast winds. Iowa—Partly cloudy to-night and Saturday with possibly showers in west portions; slightly warmer Saturday; easterly winds. North and South Dakota—Probably showers and warmer to-night and Saturday; southeast winds. Montana—Partly cloudy with possibly showers to-night or Saturday; variable winds.

For Minneapolis and Vicinity—Unsettled and probably showers to-night and Saturday; slightly warmer.

Weather Conditions.

It is decidedly colder than it was yesterday morning in the lake region, eastern Minnesota and South Dakota, the fall in temperature in the lake region and eastern Minnesota being from 20 to 24 degrees, with this morning's temperatures below freezing in the northern parts of Michigan and Minnesota. Snow was falling this morning at Houghton and Qu' Appelle, and it was raining in central South Dakota and northwestern Montana, and at Charleston. An area of high pressure covers the lake region and Minnesota; the pressure is low off the New England coast and in the extreme southwest.

—T. S. Outram, Section Director.

Gordon Panamas. Gordon Panamas.

THE NEW GOPHER OUT

The Publication This Year Most Ornate and Interesting.

IT IS FULL OF 'VARSITY "GRINDS"

Portraits and Biographies of Each Member of the Class Form a Unique Feature.

The progressive spirit that has been so much in evidence among the students of the state university, again manifested itself in the last edition of the Gopher, the annual volume issued to-day by the junior class. The 1903 Gopher is greatly the superior of any book yet issued by Minnesota university students and in point of artistic and literary excellence is the equal of the annual of any institution in the land. Printed in excellent style and compiled with taste and care, it is a volume of which the editors may well feel proud.

The volume is bound in vellum with a green ooze leather back, while the illuminated title is embossed upon the cover in the class colors. The general outward appearance of the book is such as would cause one to expect good things within and upon a closer examination one will not be disappointed, for within the beautiful covers are many things to admire and amuse.

The frontispiece is an excellent pen picture of the late Governor J. S. Pillsbury, founder of the institution. This is followed by a well-written, illuminated article in memory of Mr. Pillsbury, in which is given a short review of his life and many feeling tributes paid.

Perhaps the most unique feature of the entire volume is the class roster, which is complete with the names and photographs of the 400 members of the clags. These pictures take up 100 pages of the volume and each portrait is accompanied by a jocular biography of the original.

Another interesting and amusing feature is the "Alphabet of Celebrities." In these few pages members of the faculty are taken up under their respective initials and a short grind perpetrated on each of them. Here are two of them:

J is for Jones,
Whose melodious tones
Make the rooters feel happy clear into their bones.
He looks very sad,
And pretends to be bad,
But take him all in, he's a nice little lad.

P is for Pattee, rather Portly of Person,
Prosperous, Placid, Polite.
He Poundeth and Preacheth and Proveth and Pumpeth,
Making lawyers by day and by night.

Several amusing events that occurred within the last school year are told, either in prose or verse and in such a manner as to make them even more amusing than they were in real life. Among these is the painting of the fence by four freshmen who were later expelled from the institution.

The art work of the volume is one of the features that will attract a great deal of attention. Most of the work was done by J. MacMartin and is deserving of a high commendation. Pictures representing the senior girl, the junior girl, the sophomore girl and the freshman girl are well executed and show Mr. Martin to be an artist of ability both in originating and executing. His work adds a great deal to the real merit of the volume and is one of its distinctive characteristcs. Fred D. Calboun's signature on fifteen of the society and chapter headings augurs well for the Gopher of '04.

Considerable space is devoted to athletics and in this connection some good stories are told. Especially is this true of the football game between Iowa and Minnesota last year, which is told as an old Indian legend of a battle between two tribes known as the Igh-Ogh-Aghs and the Skigh-Ugh-Maghs.

Many pages of the volume are devoted to the fraternities and a complete roster of each one is given, along with a picture of the members. This department alone takes up 123 pages of the bok oand will prove an interesting feature to members of the university.

The volume contains 420 pages, nearly 100 more than any previous edition of the book.

The new Gopher was printed, bound and published by Kimball & Storer, and reflects great credit on this firm. Typographically and in every other way the book is far supsrior to any other Gopher ever published. The Gopher board and university students in general are much pleased with the artistic make-up of the new volume.

The staff editors are as follows: Allan R. Brown, managing editor; Royal Shumway, editor-in-chief. Frank C. Hughes, business manager; J. von Williams, assistant business manager; Malcolm MacLean, second assistant business manager; J. MacMartin, artist; Inez Helen Lord, Gertrude Ballard, Irene P. McKeehan, Robert W. Putnam, Mary Louise Ray, Ruth E. Babcock, Augusta Baker, Franklin W. Smith and Arthur Upson, associate editors. The department representatives are Harry Dibble, engineering; Kelsey S. Chase and Harry L. Berry, law; F. W. Davis, medical; C. McK. Thorpe, pharmacy; George J. Pattison, dentistry and Francis E. Guthrie, agriculture.

DR. HEARD'S NEW WORK

Northwestern Secy. of American Society of Religious Education.

Rev. C. M. Heard, D. D., has been appointed northwestern secretary of the American Society of Religious Education, which has headquarters at Washington. With Dr. J. E. Gilbert, general secretary, he will publish in Minneapolis the magazine, Religious Education, as organ of the society. It will also have a Washington imprint.

Dr. Heard has stopped the publication of the Christian Examiner, but Religious Education will be its pedagogical feature.

Chief Justice Harlan is president of this interdenominational society, which has already had thirteen years of work. It has a college of fellows of scholars who have won a fellowship by theses on some subject relating to Christian education.

Other departments are: Bible college at home; Sunday school teachers' normal college; Christian mothers' union; college Bible union.

WILL IT BE WRECKED?

The Fate of the Old Expo Building Problematical.

The future of the Exposition building as a result of the confirmation by the supreme court of the title in T. B. Janney, B. F. Nelson, Lucian Swift, F. B. Semple and John Donaldson, is problematical.

The owners say that if at the expiration of the lease with the Commercial club, Nov. 1, the building is not sold or some plan presented for putting it on a paying basis—and such plan is not now known to the owners—the only thing for them to do is to wreck it. In this way, the taxes will be cut down and the insurance expense done away with.

WHOLESALERS BACK GUION.

The case of the state dairy food commission against V. A. Guion, the St. Paul saloonkeeper accused of selling adulterated whisky, will prove to be one of the most interesting cases tried in the state for some time. The defense has been taken up by the wholesale liquor dealers, and M. D. Munn has been retained. An analysis of the whisky is being made and experts will be called to testify in the case.

The Colonials.

THE BLIND PIG LAW

'Twas Not Repealed by the Liquor Law of 1901.

LIABILITY OF PUBLIC OFFICERS

They Are Held for Moneys Received No Matter How They May Lose It.

Sixteen decisions were handed down by the supreme court this morning.

The state wins two blind pig cases, one of which decides an important point. The defendant was convicted of illegal liquor selling under the statute of 1894, which provides fine and imprisonment as a penalty. He was fined $50 and sentenced to thirty days in jail. His attorneys appealed and claimed that the blind big act of 1901 repealed the penalty clause of the old liquor law. The 1901 act provides "fine or imprisonment." C. W. Somerby, for the state, contended that the blind pig act was drawn to reach a separate class of offenses and the law of 1894 was still intact. Chief Justice Start sustains this in his decision. He says it is evident that the later law is directed against blind pigs and "clubs" conducted for evading the liquor laws in the prohibition districts of the state, and reaches a class of offenses not included in the prior law. The syllabus says:

State of Minnesota, respondent, vs. Hugh McCoy, appellant.

Chapter 252 of laws of 1901 prohibiting and punishing the maintaining of blind pigs or places or devices for the unlawful sale of intoxicating liquors does not repeal any part of general statues 1894, section 2929, providing for the punishment of the sale of such liquors without a license. Judgment affirmed.

—Start, C. J.

The other case, which came up from Yellow Medicine county, is decided as follows:

State of Minnesota, respondent, vs. Ole H. Lewis, appellant.

Certain rulings of the court upon the admissibility of evidence, and certain statements of the court made when instructing the jury, considered, and found not to constitute prejudicial error. Order affirmed.

—Lewis, J.

The Kipps of St. Paul are turned down in another tax case, in which they attempted to redeem lands from tax sale without paying delinquent taxes for previous years. The syllabus in the case says:

State of Minnesota ex rel. Sylvester Kipp and Orrin Kipp, respondents, vs. Walter Peltier, county attorney of Todd county, Minnesota, appellant.

To redeem from a sale made in May, 1900, under the forfeiture tax law of 1899, the owner is required to pay, not only the amount for which the land was sold, but also the taxes delinquent for the years 1896, 1897 and 1898. Order reversed.

—Lewis, J.

A public officer who receives money in trust is liable for its loss, no matter how the loss occurs. This is decided in a case brought by the Northern Pacific against John Owens, clerk of the district court of St. Louis county, who lost money deposited with him in condemnation proceedings by the failure of a bank. The syllabus:

Northern Pacific Ratiway company, appellant, vs. John Owens, David T. Adams and Robert T. Owens, respondents.

First—Where a statute either in direct terms or from its general tenor imposes the duty upon a public officer to pay over moneys received and held by him in his official capacity, the obligation thus imposed is an absolute one, unless it is limited by the statute imposing the duty, or by the conditions of his official bond. In respect to such liability there is no distinction between public and private funds.

Second—The defendant herein received in his official capacity as clerk of the district court money paid into court in condemnation proceedings which he deposited in his name as clerk in a solvent bank which afterwards failed, whereby the money was lost without his fault. Held, that he and the sureties on his official bond are liable for such loss. Order reversed.

—Start, C. J.

Other decisions filed to-day were as follows:

Houston County.

Helen J. McArthur, appellant, vs. Frederick W. Clark et al., respondents.

First—The rules of pleading, practice and evidence applicable to civil actions generally apply to an action for partition, under chapter 74, G. S. 1894.

Second—A general allegation in a pleading of ownership of real property, in either a legal or equitable action, is sufficient to admit proof of any legal title held br the party so pleading.

Third—The complaint in this action, one for the partition of real property, alleged in general terms plaintiff's ownership of an undivided portion of the land sought to have partitioned, and defendant's interest therein; defendants answered, (a) by general denial; and, (b) alleging in general terms that defendants were the owners of the property. Held, that evidence of title by adverse possession was admissible under the answer; the effect of such evidence was more to effect a bar to plaintiff's right of action, for it established a legal title in defendants and was competent under the general allegation of ownership.

Order affirmed.

—Brown, J.

Clay County.

George Jenkinson, appellant, vs. John Koester, respondent.

First—Order granting a new trial, after verdict for plaintiff, on the ground that the evidence is insufficient to sustain the verdict, sustained under the rule laid down in Hicks vs. Stone, 13 Minn., 398.

Second—Memorandum of the trial court assigning reason for an order granting or refusing a new trial which is not made a part of such order cannot be considered on appeal in determining upon what ground the trial court based its order. Brown, J., dissenting.

Order affirmed.

—Brown, J.

Nicollet County.

William Deering, Charles Deering et al., appellants, vs. John N. Johnson, respondent.

First—Complaint upon an action for breach of a contract to give a promissory note upon the delivery of a machine considered and held to state a cause of action.

Second—For the breach of an agreement to execute a promissory note payable in the future, damages may be recovered presently, and the amount for which the note was to be given will be prima facie the measure of damages, following Amer. Mfg. Co. vs. Klarquist, 47 Minn., 344.

Order reversed.

—Lovely, J.

Polk County.

In re estate of Hannah B. Reed, William Reed, Joseph Reed and Emeline Cheney, appellants, vs. Abraham McIntyre, respondent.

A will was contested on the ground that it was not properly executed, and that the testatrix was insane, or improperly influenced.

Held, evidence justified the judgment sustaining the will.

Certain remarks and instructions of the trial court in charging the jury considered and held not prejudicial.

Judgment affirmed.

—Lewis, J.

Washington County.

Dennis Boyle, Respondent, vs Musser-Saunitry Land Logging & Manufacturing company, Appellant.

A logging contract provided that the contractor should have the option of adopting the official scale at Lake St. Croix as the final basis for settlement, instead of the scale where the logs were banked—a place distant more than 100 miles up the St. Croix river and its tributaries. Held: Euch option could be exercised each year with reference to the work annually accomplished.

For the first three years' operations the contractor accepted the bank scale as the basis of settlement, and during those years the bank scale exceeded the official scale by 1,796,400 feet. During operations for each of the subsequent years the contractor adopted the official scale. Held: From the terms of the contract, in view of the nature of the business, the parties contemplated not only that some of the logs cut and banked each year would fail to arrive in time for the annual official scaling, and would come in during subsequent drives, but also that some of them might be lost, stolen or detained and never reach their destination.

Held: The annual official scale established prima facie the number of feet cut per annum, and was the proper basis upon which to estimate compensation. Held: That the contract provided for annual settlements, and interest upon unpaid balances to be computed from the date fixed in each year for final settlement.

Order affirmed.

—Lewis, J.

Ramsey County.

A. E. Katz, Respondent, vs. the American Bonding & Trust Company of Baltimore City, Baltimore, Maryland, Appellant.

First—The plaintiff in an action in claim and delivery executed the usual bond, which was conditioned that he would prosecute the action with effect and pay to defendants any sum that might for any cause be recovered against him. Defendants rebonded the property; the cause proceeded to trial and resulted in a judgment that plaintiff take nothing by the action and awarding to defendant the costs and disbursements of the action, but there was no formal adjudication that the property be returned to him. In this action, one to recover upon the bond for the failure of plaintiff to pay the judgment for costs, it is held, (1) that the condition of the bond, "that plaintiff will pay to defendants any sum that shall for any cause be recovered against him," sovers the costs and disbursements of the action, and the surety on the bond is liable therefor; and, (2) the fact that the judgment did not formally adjudge a return of the property to defendant in no way affected his right of recovery upon the bond for the costs and disbursements awarded by the judgment.

Second—The fact that a third person intervened in the claim and delivery action, making claim to the property involved therein, did not enlarge, diminish or in any way change the obligations or liability of the surety on the bond.

Order affirmed.

—Brown, J.

Pine County.

Bernard X. Fitzpatrick, Respondent, vs. Simonson Brothers, Manufacturing Company, Appellant.

First—An allegation in the reply denying each and every matter and thing in an answer contained, save as the same may have been heretofore stated in the complaint, is sufficient to put in issue the traversable facts of the answer, and is not vitiated by the addition of unnecessary conclusions of law not inconsistent with such general denial.

Second—C. 157, S. L. 1897, authorizes a decree of heirship upon the petition of an heir to an estate where the same has not been administered for five years after the death of an intestate and provides for a final judgment that is conclusive upon all parties interested.

Third—The decree of heirship provided for in such act is within the exercise of the authority delegated to probate courts by Sec. 7, Art. 5 of the state constitution, which limits their jurisdiction to the "estates of deceased persons and of persons under guardianship."

Fourth—The words "when any person shall die intestate" in Sec. 5, Chap. 157, G. L., 1897, are to be construed liberally, and the act hold to apply to estates where the decedent may have died before as well as after its enactment.

Fifth—The clerk of the probate court of Ramsey county is authorized to authenticate and certify copies of the records of such court and the use of its seal upon a certificate in proper form for that purpose entitled the same to use as evidence.

Judgment affirmed.

—Lovely, J.

St. Louis County.

William Kelso, appellant, vs. Oscar Younggren, respondent.

1. Property, in custody of the law, when not exempt from execution, and taken by an officer under a writ in due form, issued by a court of competent jurisdiction, cannot be replevied from such officer by the defendant, or any one claiming title under him, subsequent to the levy of the execution.

2. A referee appointed under section 5391, general statues 1894, to report judgment, does not lose jurisdiction of the case by the mere fact of filing his findings of fact and conclusions of law, with order for judgment, and he had authority to revise and amend his findings of fact and conclusions of law, possessed by a trial court, until judgment has been entered, or until he has been removed as such referee by the court. Order affirmed.

—Lewis, J.

Ramsey County.

Charles Wilderman, respondent, vs. James S. Donnelly, appellant.

1. That a note or other written promise to pay is given in settlement of a balance mistakenly supposed to exist in favor of the payee when, in truth, nothing is due, is always a defence in an action brought by the original payee of the promise or by an indorsee with notice of the alleged infirmity.

2. In an action brought upon a written instrument for the payment of money, the defense was want of consideration. Held, that the court below was in error when it ruled, in effect, that it was necessary for the defendant to show that he was not guilty of laches in making this defense. Order reversed and new trial granted.

—Collins, J.

Sibley County.

August Lindgren, respondent, vs. The Minneapolis & St. Louis Railroad Company, appellant.

In an action brought to recover for personal injuries it is held that a cause of action is stated in the complaint, in which it is alleged that while plaintiff was in defendant's employ as a section hand, he was injured by the carelessness and negligence of fellow servants, also section men, while they were engaged with plaintiff in removing a handcar from defendants railway track to make way for an approaching freight train. Order affirmed.

—Collins, J.

Houston County.

John A. Collins et al., respondents, vs. Thomas Colleran et al., defendants; Thomas Colleran, appellant.

First—The quo animo a possession of real property is taken or held furnishes the true test of its character. The possession to be adverse must be shown to have been hostile in its inception, or that, having been begun in consistency with the rightful title, its character has changed; but there must be adequate cause for the change, or for imputing it. When it commenced under acknowledgment of the right owner's estate, the possession will retain its original quality and will be presumed to be in subservience to the rightful interest.

Second—Where the relationship of father and son exists between the parties it is held, following O'Boyle vs. McHugh, 56 Minn., 390, that the possession of the land of the one by the other is presumed to be permissive and not adverse. To make such possession adverse there must be some open assertion of hostile title other than mere possession, and knowledge thereof must be brought home to the one who owns the land. This doctrine is not affected by the fact that the occupant has paid all taxes for a number of years, has made valuable improvements and apparently is exercising complete dominion over the property.

Third—That the conveyance of the property by the one to the other was fraudulent as to a certain creditor of the granter and wholly without consideration, has no bearing upon a claim of title by adverse possession. Such a conveyance is valid as between the parties thereto, and the heirs of the granter are in no better position to take advantage of the want of actual consideration or the fraud than was their ancestor when living.

Fourth—The granter of real property who has conveyed the legal title thereto in fraud of his creditors, remaining in possession himself, cannot again become the owner and assert an adverse and hostile title against his grantee based wholly upon a lapse of time. In such a case the presumption must be that the granter intends that his possession should be in subordination to the grantee's title, and this presumption remains until there is brought home to the grantee notice of a change of this intent by an express disclaimer of the presumed subordinate possession.

Fifth—Held, in the case at bar, that the testimony was insufficient to sustain a finding of title by adverse possession to the land in controversy as against this appellant, who held the paper title.

Reversed, and new trial granted.

—Collins, J.

Clay County.

William Cappin, respondent, vs. Ann Piedemann, appellant.

First—Where exceptions to the rulings of the court during the progress of the trial are not reserved, it is imperative upon the aggrieved party desiring to avail himself of the benefits of chapter 113, G. L. 1891, dispensing with exceptions, to distinctively and specifically designate the errors to be reviewed in his motion for a new trial; a failure to do so deprives him of the right to assign and contest such alleged errors upon appeal unless he has excepted to the same at the trial.

Second—Evidence considered and held to have justified the trial court in submitting the cause to the jury upon the issued litigated under the pleadings and that the verdict is not so palpably against the weight of the evidence as to have required a directed verdict for defendant.

Order affirmed.

—Lovely, J.

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Crop reports of the Van Dusen-Harrington company estimate that the decrease in wheat acreage in the northwest will be fully 10 per cent; the increase in corn about 15 per cent; oats, 10 per cent; flax, 10 per cent, and barley, 20 per cent. G. F. Ewe, secretary of the company, says 80 per cent of the wheat acreage in North Dakota and northern Minnesota has been seeded with the exception of the Red River Valley, where conditions are serious.

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REGULAR 35c ROSE JARS, Saturday 20c
REGULAR 15c LUNCH BOX JARS, Saturday 10c
REGULAR 15c MEASURING GLASSES, Saturday 10c

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