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THE JOURNAL

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LUCIAN SWIFT, MANAGER. | J. S. McLAIN, EDITOR.

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Dollar Gas in Minneapolis.

The reduction made in the price of gas by the gaslight company is a notable tribute to the growth and stability of Minneapolis as a city. We have reached the dollar-gas status much earlier in our municipal history than almost any other city of the country which is served by a private concern. Philadelphia, which is scarcely typical, its gas matters having been very dishonestly handled, is still on the dollar basis, and New York, with its immense consumption, has only recently obtained the promise of 80-cent gas in the near future.

The Minneapolis Gas Light company is entitled to the credit for the voluntary reduction of the price of gas to $1 and the concession made to the city, notwithstanding the apparent fact that the reduction came about after negotiations with a committee of the council. As a matter of fact it was given out before there was any motion introduced in the council, that a reduction was about to be made by the company and the council's action embarrassed rather than facilitated the action which has been taken. However, no dispute as to precedence of credit has been permitted to interfere with the granting of this substantial concession to the consumers of gas.

Secretary Shaw ought to write his experiences in that Iowa earthquake of yesterday.

San Francisco Calamity in the Financial World.

Altho Wall street is still much disturbed over the possibilities of the San Francisco calamity, the idea of an immediate money stringency has been abandoned. The insurance companies will pay their losses over a period of probably sixty days, as adjustments are made, and much of the money will not leave New York, but will lie there and be checked against in payment for new material bought in the east. There is nothing encouraging from the stock market standpoint that can be figured out favorably by the most optimistic bull, yet the disaster has not seriously disturbed the financial center. There is a belief that the big men stood under the market when first news came, and that they will be getting out a little later on. This would mean slow liquidation rather than quick declines.

It has been argued that the upbuilding of the city will so strain the money resources of the country as to make a bad situation, but the street is beginning now to take another view of it. The fear is even expressed that the city may not be rebuilt on anything like its former scale. This would be a bear argument in fact.

On the whole it is quite the most unsettled, unprecedented and unsatisfactory thing Wall street has had to figure on for many years. The bears used it to break prices of securities, and the bulls used it to advance them later, on the talk of rebuilding. Today Wall street believes it a bear influence in the main, but consoles itself with the thought that the country will be able to take care of all money demands that may come and that no immediate stringency is likely.

There are 160 American women wearing foreign titles, and a few of them are wearing well.

Cannon and His Vest.

Presidential politics took on an appearance of activity yesterday. In the state of Iowa Secretary Shaw was turned down in his own congressional district and in Washington it was announced as a sure sign that Speaker Cannon is a candidate for president, that he has taken to buttoning his vest. The oldest clerk at the capitol cannot remember when Uncle Joe ever before recognized the existence of vest buttons. Heretofore they have hung loose like the ornaments upon the nose of a Fiji belle. People have commented freely and criticized gently the slackness of Joseph, but it never affected him before. That he has now adopted the custom of reefing his waistcoat is such a marked concession to finicky people on the speaker's part that none believes he is doing it without a purpose, and that purpose in the judgment of intelligent observers can be nothing but the achievement of the presidency.

On May 7 there will be a grand reception tendered Speaker Cannon in the hall of representatives. He will then be 70 years young and will appear before all his admirers clad in a frock coat and wearing a double-breasted vest closely buttoned. If this does not convince the sure enough political prophets that the speaker is right in it he will get a waistcoat with one of those rims of white ruching which only the man who ushers in church can wear without feeling that he is trenching upon woman's garb.

There can be nothing in the age objection to J. Cannon when he is young enough to bear with cheerfulness comments upon his style of dress and thereupon to go and change his mode of rigging. The man who did not want an office and want it bad would cling to his own style of get up, and if his family did not like it would stay away from church two Sundays just to cure them of impertinent interference in private affairs.

The gas company has issued a ukase announcing $1 gas on Oct. 1. June 1 would have been much earlier.

Uninstructed Delegates.

There seems to be very little difference of opinion among Hennepin county republicans on the main question of an uninstructed delegation to Duluth. The gathering last evening was large and representative, and while its vote is not binding upon any one, it is a clear indication of sentiment. A. H. Hall was the only man to raise his voice in favor of instructions, and while his argument contained some telling phrases, it did not carry conviction. Mr. Hall protested against sending a delegation "tied hand and foot" or "blindfolded." That is just what instructions mean. A delegation of ninety-nine men from Hennepin county, instructed to vote for a certain candidate for governor, would be about as tightly tied as could be.

If any moral issue were involved in the contest, a different question would be presented; but here we have seven candidates for the nomination, all standing for practically the same thing, as far as published statements go. The choice of a candidate will be on personality rather than principle. The convention must choose deliberately the man believed to be the strongest candidate and the best material for governor. It would be the height of folly for Hennepin to invite a struggle in the caucuses and the county convention, over the relative merits of the seven. Not one voter in ten could make a choice from his personal knowledge of the men. Such a contest would touch fire to all smoldering factional feeling, and make Hennepin once more the "dark and bloody grounds." Republican interests, both local and state, would be jeopardized.

The delegation should not be named by a chairman or any set of men. Each ward should select its quota of good men and send them to Duluth to act on their best judgment.

Franklin says the most exquisite folly is made of wisdom spun too fine. This is commended to Senators Bailey and Spooner.

Increased Durum Wheat Acreage.

The old story of a remunerative price for a farm product operating to increase production, is being shown this season in the larger acreages of durum or macaroni wheat in Minnesota, North Dakota and South Dakota. Farmers who sowed it last year had good returns, and prices ranged well up to spring wheat. There was demand for it from European countries ordinarily dependent upon Russia and North Africa for supplies, but compelled to turn to America, owing to partial failures in those countries.

Another year may not see so keen a demand. There is little doubt, however, that the acreage in the northwest will be much larger than last year, and if it is as good wheat as was raised last year, it will meet favor from foreigners who bought it then, and America's place as a producer and exporter of it will be fixed, regardless of what other countries may produce.

There is one unfavorable feature about the increased acreage. It is not all in territory best adapted. The basic idea of the government in pushing the durum wheat, in the northwest, was to make it possible to utilize lands not ordinarily considered available for wheat, as lying too far west and being too dry. On such lands, for lack of sufficient moisture, spring wheat is uncertain, but durum wheat yields heavily. So marked is the present tendency, and so general the talk of big profits realized last season, that some farmers are sowing durum on heavy, wet soil. It may yield well, and probably will the first crop, but this is not what it was intended for.

It is reasonable to suppose that the increased durum acreage will cut down the spring wheat acreage northwest to some extent, for while there is more land seeded every year much of it is going into coarse grains, especially oats, barley and corn, and with durum wheat covering more ground also, it is scarcely possible the spring wheat area should be increased very much.

Chief of Police Hayes of Kansas City declares that in the year of closed Sunday saloons crime on that day has decreased 75 per cent. It is a "narrow policy" like this which tends to build up great cities.

The Charter Construed.

The supreme court of the state has upheld the decision of Judge Brown in the mandamus proceedings on the part of the Patterson Light company to compel the mayor to sign its contract with the council. The effect of the decision is to make the mayor an integral part of the city government and to put an end to the system which has prevailed of passing contracts by motion and then starting lawsuits to compel him to approve officially something which he might consider not for the best interests of the city.

The decision follows the commonsense doctrine that the mayor either is or is not a part of the city government under the charter; that if he is, his charter rights cannot be taken from him by a rule of the council. The council will undoubtedly hereafter pass all contracts by resolution, which will bring them within scope of the mayor's veto power. This is the proper construction of the charter rights of the co-ordinate branches of the city government, the council having the right to initiate and perfect legislation and the mayor the power of review.

The immediate effect of the decision is that there is no contract with the Patterson Lighting company; never was a legal contract from the day the mayor refused to sign the document presented to him. Under the resolution of the city council the arrangement for a from-day-to-day service by the Patterson Light company must terminate within ten days. It is now up to the council to readvertise for bids or to take upon itself the lighting of the streets. In either event the council is required by the decision to take the mayor into account, and no doubt the mayor will have some suggestions to offer of value to the council, he having done some investigating of the lighting question since the dispute arose over the Patterson contract.

It must be remembered that the mayor originally objected to the contract, not primarily because he had not been consulted about it, but for the broader reason that he thought it an unfair contract. The duty now resting upon the mayor and council is to jointly secure a fair arrangement. This is always the duty of administrative officers representing the people. There should be no difficulty about their getting together on this problem.

The later reports of the troubles in France indicate that there was more politics than revolution in it. It was the old story of Altgeld and Dunne in Chicago, the subordination by an official of his duty to preserve public order to temporize with the forces of disorder for political advantage. M. Clemenceau, who took the office of minister of the interior in the Sarrien cabinet, went into public office with the understood purpose of building up the socialistic representation in the chamber of deputies. Instead of facing the mob he dallied with it and has thrown the country into an uproar.

Thomas Dixon's sensational play, "The Clansman," did not draw in Minneapolis. It does not deserve to. Mr. Dixon's drama, as he calls it, is little short of a crime. Intended to be a problem play, its only effect is to revive animosities and hates and strife which it ought to be the work of every honest man, every patriot, to allay as far as possible. There is no excuse for this one-sided, unfair presentation of some deplorable facts in our history, the effect of which can only be to augment the difficulties which already attend the solution of the great problem with which the south has to deal.

A "theater for labor" is proposed in New York, and support has been promised by the Central Federated Union and allied organizations. The purpose is to promote the presentation of labor plays to counteract the effect of "capitalistic productions." It is pointed out that there is a play now running in New York that makes the walking delegate appear "ridiculous and tyrannical." The dramatic critics will have to form a critics' union and criticize by the scale.

The Pennsylvania railroad is building a church. This does not argue that the corporation has a soul. It simply means that the road wanted the ground now occupied by St. Michael's Catholic parish in New York, and drove the best bargain with the church it could. To get the land for a terminal station, the road erected a church, pastorate, school and convent on West Thirty-fourth street and swapped off with the church. By the deal both sides are benefited.

A discussion has arisen whether or not Shakspere invented the good Americanism "fired." In one of his sonnets the poet says:

This shall I ne'er know, but live in doubt
Till my bad angel fire my good one out.

Shakspere may have meant fire in the sense of bodily ejectment, but it is more likely he used it in the sense of burn out. The Americanism means throw, hurl or eject with violence. See the Bellamy Storer dictionary.

General Henry E. Tremain, the newly elected president of the republican club of New York city, has a splendid war record.

THE OPEN BOOK

By W. P. K.

LIFE IN A COUNTRY NEWSPAPER OFFICE.—Life, with the emphasis on life, in a country newspaper office, and consequently in a country town—for the newspaper of a place is the focus of the life of the place—such life is to be found in **In Our Town**, by William Allen White. The book is a series of papers by Mr. White which were printed in one of the weeklies, and they are more than specimens of humor and entertainment. They are sketches that as pictures of American life deserve a permanent place in literature—in American literature, of course, and, therefore, in English literature; not because American literature holds such an important place in Anglo-Saxon literature, but because American life is becoming such a predominating part of Anglo-Saxon life.

As reading, the sketches hold a high place. There is humor as well as information and entertainment in them, and there is besides a good deal of sound philosophy. We know of no place where one may find a better study of the "good fellow"; and the road he usually travels than in the story "And Yet a Fool." In "As a Breath into the Wind," there is material for the psychic researchers. And so on thruout the book; there is something specially worth while in all its stories.

McClure, Phillips & Co., New York. $1.50.

THE YOUNG WRITERS IN FICTION.—In fiction, the young writer, with spontaneous imaginative creation, whose taste relishes the concrete world of nature and humanity about him—all the beauty, mirth and pathos of it—more than the images of the world conveyed thru literary tokens, has from the first an advantage, in that he makes upon his reader's mind a wholly native impression, says H. M. Alden in the May **Harper's**. He makes himself known directly by showing us the lineaments of his spiritual face, the charm of feature, mood and temper which makes an impression, at our first reading, like that of first-seen faces in our real human contacts. Such writers are vital personalities in our literature. They do not need to wait. They may come to us as children come, as soon as they can speak, having only to break with infancy; in their books they grow up before us, giving us plain notice of their adolescence and maturity.

HISTORY OF THE SPANISH INQUISITION.—A contribution of unusual value to the literature relating to the inquisition has been made by Henry Charles Lea, LL.D., who is well-known as a writer of the history of those religious movements that have affected civilization. His new work bears the title, **A History of the Inquisition of Spain**, and is to be in four volumes, only the first of which has as yet been issued. This volume begins with the disorders at the accession of Ferdinand and Isabella, and treats of the Jews and Moors, the Jews and those "converted" by force from the Jewish to the Catholic faith, the establishment of the inquisition, the kingdoms of Aragon, relations with the crown, privileges and exemptions, conflicting jurisdictions and popular hostility.

Dr. Lea's work is taken from original sources as far as possible. He says, however, that "there can be no finality in a history resting on so vast a mass of inedited documents" as are contained in the immense Spanish archives. His belief, however, is that he has presented "a fairly accurate survey" of the inquisition. Volume I. certainly shows exhaustive research, a calm and dispassionate statement of the records with careful reference to the original sources, and a survey which impresses one as accurate. The work required to produce such a volume must have been enormous, and students of history owe a debt of gratitude to the author for having sifted and presented in such readable form the material contained therein.

The Macmillan Company, New York.

"HEALTH AND THE INNER LIFE" is the title of a new book by Horatio W. Dresser, author of "The Power of Silence." Its purpose is to bring into view facts of the obscurer regions of the inner life. By the term "inner life" is meant "the mental experience of man in so far as it involves practical beliefs and active attitudes." By "health" is meant not so much the bodily condition as the accompanying mental states.

G. P. Putnam's Sons, New York.

"THE PASSENGER FROM CALAIS," by Arthur Griffiths, is an attempt to make an exciting story of a detective chase after a divorced woman who has kidnapped her own child. Much of the sought-for excitement is lost in the method of telling. The detectives are "wonders" for their profession, being just what a good detective never is, garrulous and indiscreet, and one wants to read about good detectives or none at all, even if they are on the side opposed to his interests. The romance of an army officer who assists the kidnappers, and an aunt of the stolen child, adds only slightly to the interest of the story.

L. C. Page & Co., Boston. $1.25.

THE MAGAZINES

Something Being Done in Panama.—Most notable, perhaps, among several notable articles in the May **Everybody's Magazine** is Lindsay Denison's "Making Good at Panama." Mr. Denison's is the first authoritative story of the work being done on the canal. He went to Panama armed with a letter from President Roosevelt instructing all government officers and employees to tell the bearer the whole truth "whether it hurts or not." "Making Good at Panama" will give you real impressions as if you were looking with your own eyes, and, best of all, the truth will not hurt; it will line you up enthusiastically with the President and Taft and Stevens.

Strikingly interesting also is Upton Sinclair's reply to J. Ogden Armour's denial of statements in "The Jungle" about government meat inspection.

Science's Latest Discovery.—The newspapers report the discovery by Professor Elmer Gates of Washington that certain wave-lengths of ultra-violet light and certain frequencies of electric undulations will pass thru a dead animal body more completely than thru a living one, says **Harper's Weekly**. The result is, it seems, that the living body under these rays will cast a shadow; a dead one not. The opaqueness of the living bodies Professor Gates finds to be due to the presence of electric currents in the nerves and muscles. While life exists the body is a bundle of electric currents thru which electric waves cannot pass.

An interesting article in **Pearson's** for May is "Tragedies of 'The System,'" by James Creelman, the well-known newspaper correspondent.

The **Garden Magazine** for May is out. The leading article is "All the Spireas Worth Growing." The number is one the gardener cannot well afford to be without.

Minnesota Politics

Somerville's Announcement Shows that He Must Be Reckoned With—Man with Greatest Second-Choice Strength Will Win—Lord as Much in the Race as Ever.

George W. Somerville is an active candidate for governor. He has dropped the receptive attitude and will be in the game with the rest to secure delegates. He will ask for the support of the second district, and if that is granted he will have a comfortable nucleus of strength.

Somerville will figure more as a second-choice candidate, however. With seven or eight men dividing the field, the indications are all against a nomination on the first ballot. The first rollcall will tell the relative strength of candidates, and after it is likely to come the break. Jacobson and Block will go in with a large positive strength, but if it seems evident that they cannot be nominated, the break will go to Lord, Cole, Stephens, Diment or Somerville. These five will each have a fair showing of first-choice delegates, but must depend on a break-up to win. If they can hold their own strength they will lock the convention and keep either Jacobson or Block from winning, since few Jacobson men would go to Block and few Block men would change to Jacobson.

Somerville's announcement, and his meeting in St. Paul Wednesday evening with Samuel Lord, started talk to the effect that Lord was about to withdraw in Somerville's favor. This is strenuously denied. Senator Lord says he is just as much a candidate as he ever was. He has never been a candidate in an aggressive sense, but he hopes to see the convention turn his way, and has no idea of withdrawing at this time. He and Somerville are old legislative comrades, and neither one is wishing the other any bad luck, but each is standing as a candidate sincerely on his merits. Jacobson met Somerville in St. Paul also, and so did Cole, but neither one of them is talking of withdrawing.

Now that caucuses and county conventions have been called, there is no reason why candidates should not be busy, and they all are. Cole has opened headquarters at the Ryan in St. Paul. Jacobson has been visiting other counties in the seventh district to see how he stands, and his supporters are conducting a busy letter-writing campaign. Block is holding house meetings in Minneapolis and will open in St. Paul as soon as the city election is over. Stephens is at work lining up the ninth district, and has lines out in the sixth, seventh and eighth.

Somerville's candidacy conflicts with two of the entries for treasurer—Vogel of New Ulm, in Somerville's own county, and Dinehart of Slayton. It will be interesting to see the attitude of these two toward Somerville. Governor comes first, and it will be hard to keep second-district men from voting for one of their own people. If Somerville can't win, the district will have another chance when it comes to treasurer.

D. M. Gunn of Grand Rapids, who has been an important figure in state politics for ten or fifteen years, is a prospective candidate for the state senate in the fifty-second district. He is said to have Itasca county pretty well united on him. Senator Ole Mausten of Aitkin will try for a renomination, and it is expected that if A. L. Cole of Walker does not get the nomination for governor he will run for the senate. The district is all friendly to Cole for governor.

The urbane editor of the Blue Earth Post still insists that Faribault county lost representation in the coming state convention by the "slump for Johnson." It doesn't figure out that way. Faribault's average vote on the eleven candidates for state office was 2,111, on which the county gets thirteen delegates. Dunn received 1,984 votes, and on that vote the county would also have thirteen delegates. Leaving Dunn's vote out entirely, the average for the other ten candidates in Faribault county was 2,124, which would still give the county thirteen delegates. The "slump for Johnson" only pulled Faribault's average down thirteen votes, and makes no difference in the size of the delegation. The average vote scheme just about nullifies the influence of that slump.

The Redwood Gazette reports that I. M. Olsen of Sleepy Eye, Senator Somerville's law partner, is likely to be a candidate for the judgeship in the ninth district, to succeed Judge Webber.

K. G. Oldre of Magnolia is a candidate for the house in the Rock-Pipestone district. —Charles B. Cheney.

AMUSEMENTS

Metropolitan—The Clansman.

"An American drama," that is what Thomas Dixon, Jr., styles his play, "The Clansman," which had its first production in Minneapolis at the Metropolitan last evening. The theme is the race problem, and the method of approach is clearly enunciated by the protagonist, Ben Cameron, in the first act: "Beneath prejudice lie the deep issues of racial life and death."

Prejudice is the fulcrum on which the author rests his argument. Why not? "O, stormy people unsteadfast and ever untrue," lamented Chaucer 500 years ago; says Ibsen today, "The majority is always wrong." The playwright must move the masses, and how easier than thru prejudice? Shakspere did not hesitate. With prejudice he cudgeled his audience into attention. Take the witch scenes of "Macbeth" for example, presented to a public which reveled in witch-burnings, from the new-fledged English sovereign down to the humblest dependent. Was prejudice the ultimate aim? Certainly not; the great-minded poet wove his witches into the woof of destiny, and so they are taught in our schools and read in our homes.

Prejudice is both a means and an end in "The Clansman." Admit that the plot is founded on fact, as the author asserts, and grant, as most economists do, that allowing the uneducated negro to vote was a political blunder, and grant further that intermarriage of the races is undesirable—is this merely a blatant exposition of fact? Is it an American drama? It is not drama at all—it is melodrama. One suspects this at the start, and is certain of it in the impossible "thrillers" of the last act. Without a gleam of literary merit, without the slightest nuance of thought or expression, the play is, nevertheless, rather cleverly put together, with its alternate spots of fun, sentiment and terror. The stage manager has evidently computed the number of "hands" and "laughs" on a mathematical basis, and the actors "make good."

The company is capable. They all play up to their melodramatic roles. Lynch (mark the name), impersonated by James Ryan, is not an educated negro—he is the typical villain of melodrama, cool, calculating, damnable, up to the final moment of his overthrow. Mr. Ryan makes everything possible of the part. Franklin Ritchie as Cameron looks and acts the hero. Mabel Brownell does some skilful emotional acting as the heroine. Charles Mailes makes a physical and vocal success of the blackguard Gus. Maud Durend's Eve has a necessary note of farcical exaggeration. Her work, however, like her figure, is a little too broad to be convincing. Theodore Kehrwald makes a hit as Nelse. The scenes between Nelse and Eve are side-splitting. Eve's laugh is an item in the ensemble effect. By all odds, the most charming bit in the whole piece is the child Flora. Violet Merserean gives an exquisite picture of the pretty little girl with her sweet southern drawl. She is the embodiment of innocence and naivete. Charles Avery as Governor Shrimp struts and declaims with melodramatic abandon. He is a favorite with the gallery.

When all is said, the production is worthless artistically and ethically. The small size of last night's audience shows that the press's almost national condemnation of the play is not an advertisement in our city. This production is a naked appeal to the lowest passions of white and black, thru the medium of tawdry and sensational melodrama. Melodrama spells exaggeration, and therefore, when it touches a vital problem, as it does here, it is an abhorrent desecration not only of art, but also of truth. —M. LeR. Arnold.

Foyer Chat.

Henrietta Crosman, who is coming to the Metropolitan the first half of next week in the modern comedy, "Mary, Mary, Quite Contrary," selects her companies with especial care, for her artistic sense is so high as always to aim at perfection. She properly maintains that a stage presentation, like a painted canvas, should be finished and harmonious in each detail, and that a single blemish mars the whole picture. Thus the members of her cast are chosen with an especial view to the portrayal of the characters they are to play.

With the enthusiastic approval of large audiences for a beautiful production of "Men and Women" this week, Ralph Stuart and his excellent company are making great preparations for the presentation of "Young Mrs. Winthrop," the delightful little domestic drama by Bronson Howard. This is one of the sweetest plays ever written, and will engage the abilities of Mr. Stuart's full company all of next week.

Tonight will be amateur night at the Unique theater, and an exceptionally good bill is promised. There will be new faces, new acts and some of the best singing acts of the season. Interest in the Friday night shows, when the amateurs hold the boards, increases with every performance. Immense audiences attend the amateur shows.

Ernest Hogan and his big aggregation of colored dancers, comedians and singers, appearing in the musical farce, "Rufus Rastus," at the Bijou, continues to do excellent business. Tonight the prize dancing contest will take place between members of the company and some of the expert local dancers. The performances of tonight, tomorrow afternoon and evening will close the engagement here.

The advance sale of seats for the engagement of Lillian Mortimer in "No Mother to Guide Her," at the Bijou next week, commencing Sunday afternoon, indicates a prosperous week. Miss Mortimer, who in the past has won recognition as an emotional actress, can also claim some distinction as a comedienne. In her new play she will appear in a character comedy role, which is said to offer her abundant opportunity to display her versatility.

Something new to the local public, and artistically superior to the familiar style of "living pictures," is being presented at the Orpheum theater this week by the three Seldoms, beautifully proportioned young Germans, whose training in the art of plastic statuary posing was received in the Berlin academy of art. The Seldoms (the English form of the name is used in this country) differ from others presenting living pictures in that they get the effect of white marble by enameling the skin, making the illusion almost perfect and causing every line of every muscle to be as clearly drawn as in the original statue or bas relief. Among the familiar marble statues and groups reproduced by this trio of models are: "The Discus Thrower," "Call to Battle," "The Fencer," "Battle Scene" (bas relief) "Antique Wrestling Group," "Prometheus Bound," "The Rescue," "Modern Wrestling Group," "The Ball Player," "Youth at Prayer," "At the Spring," "Quarrelsome Brothers," "The Last Drop," "Herculean Group" and "At the Finish."

Among the features of the Orpheum bill next week will be Caprice, Lynn and Fay, "the daintiest girl act in vaudeville."

OBSERVE FOUNDERS' DAY

Augustana Lutheran Churches Prepare Special Program for Occasion.

Next Sunday will be observed as Founders' day by all the Swedish Lutheran churches in America. The Lutheran Augustana synod was organized in 1860 and in that year Augustana college and theological seminary at Rock Island, Ill., was established.

In 1860 the synod numbered seventeen ministers and thirty-six congregations. Today, after forty-six years of work, the synod has 1,025 churches and 547 ministers, and a total membership of 230,678.

The Augustana Lutheran church will observe Founders' day and make an offering for the endowment fund of the theological seminary at Rock Island. In the evening Dr. C. J. Petri will deliver an address on "The Distinctive Features of the Work and Mission of the Swedish Lutheran Church in America."

The Young People's society of the First Lutheran church, St. Paul, held a joint meeting with the Young People's society of the Augustana church last Wednesday evening. The program was furnished by the St. Paul society and was well received by the large gathering of young people which filled the church. On the evening of May 23 the Minneapolis society will go to St. Paul and render the program.

The action of Carter's Little Liver Pills is pleasant, mild and natural. They gently stimulate the liver and regulate the bowels, but do not purge. They are sure to please. Try them.

THIS DATE IN HISTORY

APRIL 27

This is Arbor Day.

1610—Patent for Newfoundland granted to Earl Northampton.

1667—Milton sold the copyright to "Paradise Lost" for $25.

1686—New York charter granted by Governor Dongan.

1777—British raided Danbury, Conn.

1791—Morse, inventor of the telegraph, born.

1802—Kossuth, Hungarian patriot, born.

1813—Capture of York (Toronto) Canada.

1862—Farragut's fleet anchored off New Orleans.

1882—Ralph Waldo Emerson died.

1892—Cornerstone of Grant monument laid.

1893—Great naval review at New York.

1898—Matanzas bombarded by Admiral Sampson.

1905—Carnegie gives $10,000,000 to aged teachers.

SUPREME COURT

Mary V. Roche, appellant, vs. M. B. Dunn, respondent.

Syllabus: In summary proceedings against the respondent under the provision of R. L. 1905, section 551, held, that the facts found by the trial court do not justify the conclusion that he unlawfully failed to pay over money in his hands as sheriff on the demand of appellant without any reasonable excuse. Hull vs. Chapel, 71 Minn., 496, followed.

Order affirmed. —Start, C. J.

The Farmers' United Township Mutual Hail association of Minnesota, respondent, vs. Edward Dally, appellant.

Syllabus: A policy in a mutual hail association, organized under sections 3333 to 3360, G. S. 1894, and acts amendatory thereto, which was issued in 1901, is subject to an annual assessment of 5 per cent of its face at a date subsequent to the amendment made by section 9, chapter 271, laws of 1903.

The holder of such a policy is not entitled to set off against an assessment of a particular year, in an action brought to enforce it, a balance of a loss in a prior year remaining unpaid, after the insured had received on that loss a proper proportion of funds available for that purpose under his agreement with the association.

It is held, that the association, under the policy, application and by-laws appearing in this record, is entitled to recover a reasonable attorney's fee for collecting the assessment, and that the fee allowed by the court was in fact proper.

Judgment affirmed. —Jaggard, J.

State ex-rel. William Erb, appellant, vs. Alex A. Swesas et al., interveners-respondents, Ole J. Johnson et al., defendants, James Sutor et al., defendants-respondents.

Syllabus: An appeal from a judgment against a board of county commissioners rendered in an action involving its official powers and duties can only be taken or authorized by the action of the board. Individual members thereof cannot appeal.

Appeal dismissed. —Brown, J.

Leroy Stegner, as administrator of the estate of Jasper T. Stegner, deceased, respondent, vs. Chicago, Milwaukee & St. Paul Railway company et al., defendants; Chicago, Milwaukee & St. Paul Railway company, appellant.

Syllabus: The facts in this case are not essentially different from the facts before the court upon the former appeal (102 N. W. R., 205), and it does not conclusively appear from the evidence that deceased was guilty of contributory negligence.

Judgment affirmed. —Lewis, J.

O. H. Bjoin, appellant, vs. William Anglim and C. D. Billings, respondents.

Syllabus: A bond, which upon its face purports to be an obligation of a principal and his sureties to indemnify a third party from loss under a contract with the principal, is void as to the sureties unless executed by the principal.

In this action by the obligee to enforce the obligation against the sureties on such bond the complaint should have set out the fact that the sureties waived its execution by the principal and authorized its delivery to the obligee, as a valid obligation. In the absence of such allegations the complaint did not state facts sufficient to constitute a cause of action, and upon the trial the sureties were entitled to judgment upon the pleadings.

Order affirmed. —Lewis, J.

International Boom company et al., respondents, vs. Rainy Lake River Boom corporation, appellant.

Syllabus: First—In determining the character of a corporation reference must be had to that portion of its articles of association expressing the nature and scope of its business.

Second—It cannot be made one kind of corporation merely by being labeled as such, if its declared objects show it to be something else.

Third—Defendant in this action, tho its articles of association state that it was incorporated under title 2, chapter 34, G. S. 1894, was in fact, as shown by its declared objects, organized for the purpose of improving Rainy Lake river to facilitate and render the driving of logs thereon practicable, by locating therein booms and sorting works, and for conducting and carrying on the business of storing, sorting, booming and handling logs thereon—the business contemplated by chapter 221, G. L. 1889, amendatory of title 1 of chapter 34, G. S. 1894. As such it is entitled to all the benefits of that statute.

Fourth—Northwestern Improvement & Boom company vs. O'Brien, 75 Minn. 335, distinguished.

Fifth—Evidence held to show a contract pursuant to which defendant collected, sorted and handled plaintiff's logs as they were driven down the Rainy Lake river past its sorting works during the season of 1904, and that it is entitled to reasonable compensation therefor.

Sixth—To enforce payment of which it possesses a lien upon the logs in controversy in this action by virtue of the statute above referred to, and is entitled to retain possession of the same until the same is paid and discharged.

Seventh—There was no waiver of defendant's lien by the surrender and delivery of part of the logs handled during the season. The lien created by the statute extends to all logs with reference to which labor and services are performed by corporations of this character, and may be enforced as an entirety against any portion of the logs.

Order reversed and new trial granted. —Brown, J.

James Costello, respondent, vs. John Frankman et al., copartners as Frankman Brothers & Morris, appellants.

Syllabus: Appliances and implements may be suitable and safe when used in the performance of certain work under certain conditions, but utterly unsafe when employed in similar work under other conditions. If the master furnishes appliances under conditions when from the nature of the work they are liable to become unfastened and thus subject employees to injury, the master is open to the charge of having furnished unsafe and unsuitable appliances. The rule is not changed in this case by the fact that the hooks and hingegate in the pulley block might have been rendered safe by proper tying or mousing.

As respects an unskilled workman, having no knowledge of the facts, such mousing was not a duty to be performed by the employees.

Damages assessed by the jury not excessive. No errors.

Order affirmed. —Lewis, J.

John Olson, appellant, vs. D. G. Cash, respondent.

Syllabus: Payment of current due taxes is mandatory when a deed is executed under the provisions of sections 1616-1617, G. S. 1894, and when omitted such deed is void. Hoyt vs. Chapin, 85 Minn., 524, and chapter 360, laws of 1903, being an act to legalize such deeds where the current taxes were not included in the amount of the purchase price, is unconstitutional.

Judgment affirmed. —Lewis, J.

William Tweedle, appellant, vs. P. E. Olson Hardware & Furniture company et al., respondents.

Syllabus: Former decision (104 N. W., 895) adhered to, and held, that it was necessary for both tenants to exercise the option to continue the lease upon the expiration of the original term. The evidence was sufficient to sustain the finding of the jury for respondents, and the trial court did not commit error in instructing the jury to determine from the evidence whether one of the joint tenants acted in good faith in giving notice to the owner that it would not exercise the option to renew the lease, nor in instructing the jury to determine whether or not the rent paid subsequent to the commencement of the action was paid and received with the intention of recognizing the existence of the lease.

Judgment affirmed. —Lewis, J.

State ex rel. P. F. Gergen, relator, vs. S. A. Flaherty, judge of the district court, sixteenth judicial district, respondent.

Per Curiam—Let the writ issue as prayed for directing the respondent to settle the proposed case in accordance with the facts and sign it.

Hans Larson, respondent, vs. N. J. Brockman, appellant.

Per Curiam—Order affirmed.

DEFERS HEARING

Supreme Court Will Take Up Holland Contempt Case Monday.

The supreme court today postponed the hearing in the Holland habeas corpus case till Monday at 9:30 a.m. Holland was sentenced by Judge Kelly of St. Paul to five months in jail for constructive contempt. His offense was in offering a bribe of $50 to a juror in the damage case of Thomas Hartman against the Soo road. Holland's attorneys claim that the judge had no jurisdiction to impose such punishment. The statutes limit the punishment for constructive contempt to $50, unless it is shown that the interests of either party to the case were defeated or prejudiced by the act. It is this question applied to the Holland case that will be argued Monday.

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