MR. HAWLEY ANSWERS CHARTER QUESTIONS

FRAMERS AIMED NOT TO INCREASE BONDED DEBT LIMIT.

The Only Limitation on the Bond Issues at Present Are Those of the Revised Laws of Minnesota Which Would Not Be Affected by New Charter.

To the Editor of The Journal.

Some objectors to the proposed new city charter seem to claim that its adoption will work a large increase in the limit and purposes for which city bonds can be issued and assuming that this claim is true, they prophesy disasters of many kinds to the city if the new charter is adopted.

The charter commission in framing the charter were of the opinion and still maintain that its adoption will not at all increase the power or purposes for which the city is authorized under the present laws to issue bonds.

The subject is somewhat complex. This letter is intended for those who wish to give the matter some careful and patient consideration.

The provisions of the new charter relating to the limit of bonded indebtedness are sections 22 and 23 of chapter xiii. They read as follows:

"Section 22—The city of Minneapolis may issue bonds for the purposes for which cities are authorized to issue bonds under chapter x. of the Revised Laws of Minnesota, 1905, and in the issuance of such bonds shall be governed by the provisions of said chapter and of this charter.

"Section 23—No bonds shall be issued in any manner or for any purpose so that the net indebtedness of the city as defined in chapter x. of the Revised Laws of Minnesota shall exceed 5 per cent of the assessed valuation of the taxable property of the city."

Chapter x. of the Revised Laws of Minnesota referred to in the previous sections is entitled "Public Indebtedness." It should be examined by every voter. It defines the bonded indebtedness and the net indebtedness of cities. It excepts from net indebtedness "warrants payable forthwith, certificates issued for the creation or maintenance of a permanent improvement revolving fund, obligations incurred for streets, parks and other public improvements which are payable from assessments, bonds issued for the purpose of the construction of waterworks, lighting, heating and power plants, street railways, telegraph or telephone lines and other public conveniences from which revenue may be derived and lastly sinking funds." The chapter limits the net indebtedness so defined to 5 per cent of the assessed valuation of the city. But it places no limit upon the other indebtedness of the city. It requires all bonds issues to be approved not only by the city council, but by a majority of the voters of the city.

The Revised Laws of Minnesota were enacted at the last session of the legislature and went into effect last March. They have ever since been and are now in force. They are general laws.

The legislature having authorized the issuance of city bonds and having fixed the limits of bonded indebtedness and having done this by general laws, the charter commission claims that the adoption of a new charter will not and could not affect such limit in any manner, either to increase or decrease the same, and that consequently the city could today as well as after the adoption of the charter, issue bonds for any or all of the purposes and for the amount specified in the general laws of the state as embodied in chapter 10 above referred to.

General Law Paramount.

This general law not only supersedes any provision of the former general laws of the state, but it is also paramount to any provision which might have been placed in the new charter. That it is paramount is established by the state constitutional amendment, which provides that:

"The legislature may provide general laws relating to affairs of cities * * * which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for."

With this general law in effect today, in plain terms giving the city power to issue bonds for the purposes specified in chapter 10 above referred to and limiting the net indebtedness of the city therein defined to 5 per cent, one must look under the surface to understand the motives of one opponent of the new charter, who states in the form of an editorial that "under the proposed new charter the city could sell bonds without limit, to buy out all the department stores or establish a municipal red light district." If it could do this under a new charter it can do so now. The only things today that stand in the way of the disaster portrayed are the city council and a majority of the voters of the city; either of which can be trusted, I think, to exercise bettter judgment than that displayed in the editorial.

But the reasons, if any, against giving the city council and a majority of the voters the right to issue bonds, as now provided in the general laws of the state, should have been addressed to the legislature at its last session and urged against the adoption of the revised laws. They should not now be put forward as objections to the proposed charter.

The Minneapolis Exception.

But in fairness it should be stated that it is claimed that chapter 10 above referred to itself excepts Minneapolis from the effect of its provisions and that consequently if the new charter had not given the increased authority to issue bonds, chapter 10 would not have applied to Minneapolis. If Minneapolis is excepted from the provisions of chapter 10 it can be only by virtue of one of two sections, one of which is section 779 of this chapter 10, which reads as follows:

779—Charter Powers Not Modified—Nothing herein shall be construed as abrogating any restriction imposed, or as modifying or extending any power conferred, upon a city, village or borough, by any provision of its charter relating to corporate indebtedness. Except as so limited, all municipal corporations shall be governed in respect thereto by the provisions of this chapter. (2224).

Please note that according to this section, if our old or present charter does not limit the bonded indebtedness, then the city is governed by chapter 10 in respect to issuing bonds. I know of no limit in our present charter to the issuance of bonds. I challenge anyone to point any such limitation. On the contrary the truth is there isn't even a power to issue any bonds in the old charter—say nothing about a limitation. In fact one of the faults of the old charter is its failure to contain such power and consequently the city has been compelled year after year to go to the legislature and get power to issue bonds for schools, bridges and various other city purposes, formerly by special laws and latterly under the guise of general laws.

If then there is no limitation in our present old charter upon the issue of bonds, then it follows inevitably that chapter 10 of the revised laws applies to this city and the adoption of a new charter does not vary that limitation one way or the other.

An Ingenious Sophistry.

But again, it is claimed that by indirection our charter has been amended and that it does, as a result of such amendment, contain a limitation upon bonded indebtedness which would be removed by the adoption of a new charter. This claim is put forth with an ingenuity that should command our admiration. The claim is this:

The legislature in 1893 (chapter 204 Laws 1893) attempted to pass a general law giving to cities power to issue bonds for permanent improvements, bridges, water and light, schools and general purposes and limiting the issue to 5 per cent of the assessed value of the city when authorized by the city council only and to 10 per cent also approved by a two-thirds vote of all the voters. The law, altho in form a general law, further provides in effect that when a city council of a city has accepted the law, then and not until then the law becomes effective in such city. Our city council accepted the law. Presto, the law became a part of our city charter, it is claimed, and therefore our old or present charter contains 5 per cent and 10 per cent limitations which would be removed by the adoption of a new charter.

There is at least one little trouble with this ingenious theory, namely, that the law of 1893 happens to be unconstitutional and void. The authority for this statement is a decision of the supreme court of our state which is directly in point entitled State Ex. rel. Copeland, reported in 66 Minn. Reports, page 315.

The Copeland case arose in St. Paul. The act of the legislature passed upon is Chap. 228, Laws 1895. It attempted to provide for various departments in cities of over 100,000 inhabitants, and contained a clause to the effect that the act shall be in force in a city whenever the common council of such city shall adopt the same, a provision in substance the same as in Chap. 204, Laws 1893, above referred to, which it is claimed amends our old charter. In the Copeland case the supreme court held that,

A local option law granting charter powers to all cities of a certain class to take effect in each city only upon the adoption of the same by such city, contravenes sections 33 and 34 of article 4 of the constitution prohibiting special legislation as to cities and requiring all laws as to the same to be uniform in their operation thruout the state.

I think any candid man will admit that if the law involved in the Copeland case is void, then the law of 1893 is likewise void. If it is, then the suggestion that the old charter of Minneapolis has been amended so as to limit the city's bonded indebtedness is without merit. Consequently there is no such limit in the old charter, and chapter 10 of the revised laws is today in force.

But even if the law of 1893 were valid, it could be so only as a general law. As a general law, however, it has been superseded and in effect repealed by the revised laws which were adopted in 1906, thirteen years after the law of 1893.

Present Bond Limit.

I understand, however, that the claim that chapter 10, altho a general law, does not apply to Minneapolis, is also based upon the language of still another section. Under this other section it is claimed that until a new charter is adopted all cities existing at the time of the taking effect of the revised laws shall continue to be governed by the laws then in force; that chapter 204 of laws of 1893, above referred to, limiting bonded indebtedness, is now in force, and consequently the adoption of a new charter would remove such limitation. The section referred to is as follows:

747—Existing Charters Preserved.—Until otherwise provided in accordance with this subdivision, all cities existing at the time of the taking effect of the revised laws shall continue to be governed by the laws then applicable thereto.

In order to understand this section it should be explained that it is a part of the enabling act authorizing cities to frame their own charters. If common sense is applied to this section, it can only mean that until a city shall adopt a new home rule charter it shall be governed by the provisions of its old charter and by the laws then in force. Chapter 204 of the laws of 1893 is not in force, but is void under the decision of the supreme court above referred to, and consequently there is no limitation upon our bonded indebtedness. On the other hand the revised laws are in force and would supercede the law of 1893 even if it had been valid.

The sum of the whole matter then is simply this: The revised laws of the state of Minnesota are general laws. They now give to the city of Minneapolis authority to issue bonds and fix the only limitation upon such issue, and the new charter, if adopted, will neither increase nor decrease that limitation and could not affect the same even if it had attempted to do so.

—N. F. Hawley.

Nov. 3, 1906.

Moving pictures of original execution and conception will be among the various features of the amusement program given incidental to the election returns under the auspices of The Journal at the Auditorium Tuesday evening.

J. T. Thompson, a Minneapolis locomotive fireman, was knocked from his engine at Hastings yesterday and sustained a broken wrist.

Stove Store Popular.

One of the busiest places in the city during the past few weeks has been the stove store of the Brand Stove Co., corner 4th ave S and 4th st. This company has inaugurated new stove selling methods in the northwest. Their factory at Milwaukee is one of the largest in the country and for years has been selling its stoves through dealers only. Two years ago they decided to sell direct to the public in the cities, Chicago, Milwaukee, St. Paul and Minneapolis, thus giving their customers the benefit of the dealers' profit. They opened an exclusive stove store in Minneapolis at the above location, where a complete selection of stoves is always maintained. A shopper may visit this store and find any size or style stove they may desire. Owing to their enormous business the company has also installed a warehouse in this city, where a complete stock of stoves of each style are kept, thus being continually able to supply an order for any particular stove, no matter how much in demand it may be.

The advantage of purchasing a stove from a manufacturer may easily be seen when one considers that they are dealing with experienced stove people, those who have practically devoted their entire lines to that particular business and feel the importance of every sale being absolutely satisfactory to their customer.

The Brand Stove Co. are the first manufacturers of stoves to establish exclusive stores for the merchandizing of their wares and find it an exceedingly popular method. The public appreciate the saving they gain.

$6 to Chicago and Return,

Via Chicago Great Western railway. Tickets on sale Nov. 9, good to return Nov. 11. Ask R. H. Heard, general agent, corner Nicollet avenue and Fifth street, Minneapolis, for full information.

The most marvelous and mystifying mimicry of musical sound will be heard from the auxetophone, for the first time in the northwest, at the Auditorium Tuesday evening, incidental to the election returns given under the auspices of The Journal.

WOMEN'S BUILDING, SOLDIERS' HOME

Planned to accommodate 125 persons and erected at a cost of $75,000, the building at the Minnesota Soldiers' home for wives, widows and mothers of soldiers, authorized at the last session of the legislature, is nearly completed and will be ready for occupancy by Dec. 1. Inquiry after inquiry from the women who will be eligible for admittance have been coming in to the trustees and not only will many soldiers' widows be given a comfortable home, but many old soldiers and their wives who have been separated will be able to spend the remaining days of their lives together.

The building is of light-colored brick, three-stories in height with a spacious basement. A dining hall large enough to accommodate all the inmates has been provided in the basement, and the three stories above ground will be given over to living rooms, parlors, a library, offices, living rooms, and a completely equipped hospital. The hospital will be under the supervision of the surgeon of the soldiers' home and will be equipped with operating room and other conveniences. In no case will it be necessary for inmates of the home to go outside the building for medical service.

There are 56 living rooms in the new building and when completed there will be sixty-seven rooms. The rooms, with the exception of the library and the main parlor, have been furnished by the Woman's Relief corps. The library has been furnished by the Daughters of the Revolution and the woman's club of Rawlins post has furnished the main parlor on the second floor.

Four requirements have been laid down by the legislature for admission to the home. The applicant must be at least 55 years in age and must have been married to a soldier prior to 1890. She must have resided in Minnesota for the five years immediately preceding her application and she must be dependent or disabled in the sense that the men are who are admitted to the home.

Wives with their husbands will be given quarters in the new building and the remainder of the building will be occupied by women alone. A matron will be provided, but the building will be under the jurisdiction of the commandant of the soldiers' home.

MORRILL IN AUDITORIUM

Services in Great Hall Will Be Held Every Sunday Evening.

G. L. Morrill will preach on "A Branded Conscience," at the People's church, Unique theater, this morning at 11 o'clock. Miss Ruth Beecher will sing a solo entitled, "Answer," and J. Goodyear will play a trumpet solo. "Love's Old Sweet Song." Stereopticon views and appropriate music by the Unique orchestra will be features. Doors open at 10:30.

Tonight at the Auditorium, Mr. Morrill will give his initial evening service for the winter, and will preach on "After Dark," contrasting the home circle at night to the carousing and dissipated mass of humans who seek consolation abroad, but never find it.

One of the innovations this year at the Auditorium will be eight-minute talks by prominent men representing different professions. Frank M. Nye will lead off Sunday night with "The Law and the Gospel."

The music will be a different nature from that heretofore given. Each Sunday will witness a contribution of local musical talent. For instance, at this service, Mr. and Mrs. Carlyle Scott and Professor Carlo Fischer will render a piano, violin and cello trio, "Romance," by Schuett. Miss Eulalie Chenevert, the organist, has arranged an attractive program consisting of classic and popular music. The recital will last for twenty minutes, beginning at 7:40.

A silver offering will be expected from every person on entering, thereby saving time taken by a regular collection. The service lasts from 8 to 9:15; doors open at 7, and special cars will be in waiting at the close. Strangers, transients and the general public are invited.

Dundee, Mich., Nov. 3.—James Chase and De Witt Van Wormer were burned to death last night when the residence of Mr. Chase was destroyed by fire. The two men were asleep on the second floor of the house. Mrs. Chase was rescued by the town watchman.

This Proposition Worth Considering

Contract with us now for your lot on regular monthly payments. Should death of purchaser occur before full payment is made, we cancel contract and issue deed. Crystal Lake Cemetery company, Thirty-eighth avenue N and Humboldt. Both phones.

GARSIDE MUST RETURN

Fight on Technicality Fails to Turn Governor Johnson.

Altho Governor John A. Johnson yesterday honored the requisition by the governor of Montana for F. E. Garside, accused of embezzling $4,064 from the Aetna Banking and Trust company of Butte, Mont., the extradition will be fought to the last ditch.

M. C. Brady has decided to take the case into the district court and compel Deputy Sheriff Burke of Butte and others interested in the matter to show that there is a case against Garside. Superintendent Doyle and the detectives who arrested Garside on Hennepin avenue last Sunday have been summoned to appear before Judge David F. Simpson next Tuesday.

This is the somewhat sensational case in which the attorney genral of Montana superseded the county attorney of Silver Bow county in bringing the prosecution. The Montana sheriff to whom the prisoner is given in charge by the order of Governor Johnson, is Frank D. Burke.

A determined effort to overthrow the request for requisition by the governor of Montana, was made by M. C. Brady of Minneapolis, attorney for the prisoner, who argued at length over a technicality before George T. Simpson, first assistant attorney general. In the requisition was a statement that the alleged embezzlement was "money to the amount of $4,064." The question was, whether the word "amount" was the equivalent of the word "value" which the law holds should be used in this exact connection. The technical error, if error it might be called, was such a fine point, however, that Mr. Simpson overruled it and recommended to the governor the granting of the request for the requisition of Garside, which recommendation the governor followed.

ELECTION NIGHT AT BIJOU

Midnight Performance and Announcement of Results.

Manager Theodore L. Hays of the Bijou has arranged for a double header on election night that will include the regular performance of Rose Melville in "Sis Hopkins," opening as usual at 8:15. At the conclusion of this performance the audience will be dismissed, but the doors will be again opened and the second performance will be given, presenting an excellent program of high-class vaudeville.

Plans provide for service by both telephone and telegraph, with ample provision for quick and comprehensive reports on the city election.

WOMAN CURED BY PRAYER

Entreaties of Friends Said to Have Brought Long Suffering to End.

Special to The Journal.

Richmond, Ind., Nov. 3.—What is alleged to be a remarkable cure by the power of prayer and faith alone is that of Mrs. Thomas F. Williams, wife of the pastors of the Friends church. For the last three years or more Mrs. Williams has been an invalid.

During the recent revival meetings at the Friends church, conducted by Mrs. Daisy Barr, it was announced that at a certain time all of the members of the church, wherever they might be, were to pray that Mrs. William be healed. At 6 p.m. on the evening selected she was cured instantaneously it is alleged.

MAYOR WEAVER BREAKS DOWN.

By Publishers' Press.

Philadelphia, Nov. 3.—Following Mayor Weaver's emphatic statement that he would vote the republican ticket on next Tuesday comes the announcement from his physician, Dr. John V. Musser, that the mayor is so seriously ill that it is doubtful whether he will be able to leave his bed for a week. Mr. Weaver is suffering from a nervous collapse brought on by the tensity of the political situation.

Happiness in a Tablet

Perfect Health for Every One Procured at Small Cost.

How many times have you sat down at your meals absolutely disgusted at the thought or sight of anything to eat?

How many times have you sat down at your meals without the trace of an appetite, but just because it was "time to eat?"

How many times have you felt a gnawing, unsatisfied "still-hungry" feeling in your stomach, even after you were thru eating?

How many times have you felt that "lump of lead" on your stomach after eating, whether your meal was well cooked or not?

And how many times have you suffered a whole lot of other things from your stomach that you couldn't explain, but that made you grouchy, miserable, out-o'-sorts and generally sour on everybody and everything?

It is safe to say you couldn't tell. You don't keep track of those things, of course, but you know you've suffered them. You probably have had them for so long that they've become a habit with you, and you have come to the conclusion that your fate is to suffer them indefinitely and perhaps forever.

And so men, much like horses, standing unhitched at the hitching post, think they're tied, and so their habit makes them prisoners.

But no one need have dyspepsia, nor indigestion, nor loss of appetite, brash, irritation, burning sensations, heartburn, nausea, eructations, bad memory, loss of vim and vigor and the happiness that comes from a healthy stomach and a good appetite if he will only leave his old hitching post and tie himself to a new one, one that will hold him to health, joy, ambition and a clear mind and memory, and the sunshine that goes with them.

That indeed is Heaven! And you can get it in a little tablet already prepared for the purpose, in Stuart's Dyspepsia Tablets, those little cherubs of health and delight found in thousands of homes today. Listen—one ingredient of one of these precious little tablets will digest for you 3,000 grains of food.

This relieves your stomach of the work of digesting until your stomach can get strong and healthy again. Your stomach has been overworked and abused. It's fagged out. It needs a rest.

Let Stuart's Dyspepsia Tablets do the work of your stomach. You will be surprised how fine you'll feel after eating, and how lusciously good everything will taste to you. That's because the tablets are thoroughly digesting the food which your stomach could not digest before.

Have these tablets on your dining table, and take one or two after every meal without fail. Then you will realize as never before that the human stomach decides for every man whether he will go forward or backward—and besides, you'll forget you ever had a stomach to torment you.

MAKES STRONG HEARTS

Thousands of weak hearts have been made strong and healthy by the use of Dr. Miles' New Heart Cure. It acts directly upon the heart muscles and nerves, quieting the excited condition, nourishing and building up their wasted energies. It regulates the circulation, stimulates the appetite and tones up the stomach. If first bottle fails to benefit, money back.

Kneipp Sanitarium

Corner Plymouth and Penn Ave N, Minneapolis, Minn.

Patients suffering from Rheumatism and others requiring Rest and Specific Treatment may come and get well. Hundreds of testimonials from cured patients. Delightfully located and fully equipped. Prospectus free.

Remember Tomorrow, Monday, Evening

AT THE

AUDITORIUM

A DEMONSTRATION OF GOOD CITIZENSHIP WITHOUT PRECEDENT!

A Purely Non-Partisan Citizens' Meeting

OF ALL THOSE INTERESTED IN THE RE-ELECTION OF MAYOR JONES.

Rossiter's Military Band.
Rev. G. L. Morrill at the Organ.
Suwanee Male Quartette.
Roosevelt Club and "Red Cross" Will Assist.

Hon. W. D Washburn Will Preside.

THE SPEAKERS WILL BE:

Hon. S. R. Van Sant, Mr. J. L. McCaull,
Hon. James Gray, Mr. Andrew Henderson,
Hon. F. G. Winston, Mr. W. J. Dean,
Prof. J. S. Carlson, Mayor Jones.

Let Every Republican, Every Democrat, Every Workingman, Every Prohibitionist, Every Citizen Who Believes in Mayor Jones and the Things He Stands for, Be Present.

ADMITTANCE ABSOLUTELY FREE!

H. C. BELDEN,
W. C. EDGAR,
J. W. THOMAS,
W. L. HARRIS,
Business Men's Jones Campaign Committee.

$16,100.00 Educational Word Contest

W. W. Kimball Co. decide to give second annual free prize distribution. All awards given absolutely free to successful contestants.

First prize, $300.00 Kimball Upright Piano together with handsome stool and scarf to the one sending us the largest list of correct words made from the followings words:

"KIMBALL PIANOS"

To the next twenty largest lists of words credit bills worth $100.00 will be given.

To the next ten largest lists of words credit bills worth $85.00 will be given. And following this, in groups of five, each of the competitors sending us the five largest lists will be given credit bills for $1.00 less than the preceding prize until the entire $16,100.00 shall have been distributed.

The above prizes will be awarded strictly in accordance with the rules and regulations of the contest.

THE SMALLEST CREDIT BILL WILL BE $40.

There will be just 255 credit bills distributed; no more, no less. The point is this: Each credit bill is worth working for.

The fairness of this offer at once appeals to the public from the fact that the Kimball product has been sold for a number of years exclusively upon a uniform or fixed price plan, all instruments being marked in plain figures which are conclusive as to price. Therefore, to all winners of credit bills there is absolute assurance of a bona fide reduction of the amount of the credit bill on any new Kimball Piano which they may select.

RULES AND REGULATIONS OF CONTEST

All answers must be in our store, 25 South 5th St., Minneapolis, Minn., not later than 6 P.M., Saturday, November 17, 1906.

Arrange words in alphabetical order.

Residents of Ramsey County not eligible for this contest.

Winners of first prize in any previous contest not eligible.

Only such words are to be used as are found in Webster's International Dictionary. No proper names, foreign words, names of persons, towns or places are to be used. Do not use a letter more times than it appears in the words "KIMBALL PIANOS." Words spelled the same, but having a different meaning, can be used but once. All credit bills up to and including $100.00 may be applied on any new Kimball piano, or piano player at regular prices. Fifteen per cent of a credit bill may be applied on any new Kimball organ.

This contest is open only to those who do not own upright or grand pianos.

No more than one credit bill will be accepted on the same instrument.

Each list must be signed by person compiling same. In the event of list being signed by person not compiling same, the Company reserves the right to reject such list.

No credit bill can be applied on any purchase made prior to opening date of contest.

No person connected in any way with the piano business will be allowed to compete.

In the event of ties the value of same will be equally divided between or among those tying.

These credit bills bear no cash surrender value but are to apply only on the purchase of a new Kimball piano, organ or piano player.

The prize piano now on exhibition in our warerooms.

OUR STANDING

Is such that those who secure a credit bill can be absolutely sure that they are securing a bona fide reduction on our instruments as Kimball Pianos are sold at the same price year in and year out.

We issue a special invitation to all who are interested to call at any time and examine our magnificent stock, and compare our prices that there may be no doubt in their minds as to the genuineness of our offer.

EASY PAYMENTS

Will be granted to those wishing to be accommodated by applying their credit bills and paying the balance in monthly payments.

COUPON

Cut, fill out, attach to list of words, and mail to W. W. Kimball Co., 25 South 5th St., Minneapolis, Minnesota.

I hereby certify that I compiled the accompanying list of words without assistance, and that I agree to accept the decision of the Judges of Award as final.

Name..... P. O.....

St. No..... Number words claimed.....

W. W. KIMBALL CO.

F. J. Hill, Northwestern Manager. 25 So. 5th St. Minneapolis, Minn.

Defective Page