

LITTLE FALLS HERALD.

VOL. 12. NO. 19.

LITTLE FALLS, MORRISON COUNTY, MINNESOTA.

FRIDAY, JULY 7, 1899.

TOMELTY'S BAZAAR STORE

An Event in Perfumes.

We don't know how many or how sweet were the perfumes of "Araby, the Blest," but if they were as varied and delightful as those which our main aisle holds this morning, they deserve all the fame that has been given them.

This is a store of specialties, and one of the chief ones, is the collection and selling of perfumes and toilet waters. This morning we make a demonstration of our powers in this line. The entire variety presented is too great to detail, but we call special attention to

Toilet Waters and Perfumes at 10c.

Perfumes and Toilet Waters at 25c.

You will find, at these prices, more goods than you can remember seeing at the prices before. A chance for your summer-time fitting out. For instance these prices:

25c bottles of perfume for 15c.

10c bottles for 5c.

Apple blossom essence, worth 40c, at 25c.

White rose perfume, worth 40c, now 25c an ounce.

Jockey club perfume, worth 40c, now 25c an ounce.

Bay rum, the best imported kind, worth 35c, which others sell at 50c a pint, our price 25c a pint bottle. It's worth your while to see this sale of perfume. It will be a long time before you get a chance like this again. You can get a sample free before buying.

The \$1.50 ones at 90c. And so on along the line. This lot won't last long.

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A Word of Hammocks

Don't you think this hot weather suggests a hammock. What is more comfortable than a hammock on your back porch or on your front porch for that matter. They are here at prices to suit all purposes. There is the \$1 one, the \$1.25 one, the \$1.50 one and just as high as you want to go.

Table Ware at Little Enough Prices

When you look at our glassware store, it suggests to you a larger city than Little Falls. The quantity and the quality of the goods look like a great city store. You can get:

Good water glasses at 2c.

Good fruit saucers at 3c.

A whole tea set, containing a covered butter dish, a covered sugar bowl, a milk pitcher and a spoon holder at 25c.

Also at 35c, 45, 50, 69c and up to \$2.

Some Dinner Sets and Odd Pieces

Some of these dinner sets are not from the designers hands eight weeks and they are not on our table two weeks. Some of them are very new and very exclusive, and we don't charge anything for the exclusiveness. It is nice to have a dinner set that no one else can get one like it. You can get this kind here and at very low prices. Then there is always on hand open stock patterns that you can buy from, just as many or as few pieces as you like.

Fine dinner sets of floral and spray decorations with gold on handle at these prices: \$10, \$11.50, \$12.50, \$14.50 and up to \$40 and \$50.

Some Very Fine Lamps at Little Enough Prices

This lamp store of ours has not said anything for sev-

TOMELTY'S.

eral weeks, but those large hogsheds of lamps just in, suggest a few words of lamp goodness, lamp prettiness and lamp cheapness. Bear in mind that we have more lamps when our stock is lowest, than all others in town when their lamp stocks are the highest. A hint here of prices:

Common glass lamps 15, 20, 25 and up to 50c.

Decorated lamps from \$1 to \$10 and at any price between.

Library or hanging lamps at \$2.50 and up to \$10 and at any price between.

Tomelty's Bazar Store.

Ringling Bros. will pay \$100 license for the privilege of showing the elephant here.

The lemoncholy days have come, the saddest of the year—for the boy who has just enough money to buy a circus ticket, and can't purchase red and pink refreshments.

Journal-Press: "Ed. Sheldon of Little Falls made disturbance in Puff Bros.' store last evening and was locked up. He was assessed \$2 and costs by Judge Alden this morning." Sheldon is a fellow who has been around Little Falls a good deal, but does not live here.

Andrew G. Olson of 126 E. Kinzie St., Chicago, advertises in the Chicago Swedish Mission Friend that now is the time to buy a lot on the West side, Little Falls, or a piece of land nearby, because the removal of the N. P. station is making prices go up daily. We hope this is true.

There will be a picnic next Sunday afternoon near school house No. 24, section 26, town of Randall, for the benefit of the North Echo Band. A good program will be given and refreshments served. Everybody invited to come out to the big pine grove and have a good time.

The officers of the Rice's Farmers' Mercantile and Elevator company, just incorporated, are: President, J. M. Thoen; vice president, H. Oltman; Secretary, L. G. Cairns; Treasurer, J. C. Mommberg; Directors, Jos. Popp, Rice; F. S. Flint, Rice; G. S. Estey, Dixville; Joseph Herman, Gilman, and J. W. Schwientek, North Prairie.

The Chicago Apparel Gazette says of a recent ad. of the Great Western Clothing Co., which Manager I. L. Meyer sent them for criticism: "The ad is four columns, 9 inches deep. It is a well set, well displayed ad, in which heavy Gothic Italic type is used sparingly and to excellent advantage—a very difficult thing not to overdo."

The board of equalization, consisting of the mayor, city clerk and president of the council, were in session this week. The following changes were made: A. R. Davidson on household goods increased from \$150 to \$320; I. E. Staples, household goods, increased from \$100 to \$150; P. J. Tomelty, stock, reduced from \$2500 to \$2150; Electric & Water Co., raised from \$11000 to \$15000. The total personal valuation of the city as equalized is \$336,044; last year it was \$340,710.

Three men employed by the Tilston mill at St. Cloud went into the wheel pit Saturday afternoon to make repairs. One of them noticed the sand giving away in time to give warning to the rest and they beat a hurried retreat. They had a narrow escape as the sand poured into the pit, and it looked for a time as if the dam would give away and the mill be destroyed. Tons of bran and loads of hay were forced into the hole and danger averted, but the banks were washed away for about 15 feet, and the mill will have to remain shut down about two months while repairs are being made.

GRANTED TEMPORARILY

Judge Lochren So Decides at Monday's Hearing.

The hearing in the injunction cases in the Electric and Water matter was held before Judge Lochren Monday and the temporary injunction asked for by the company was granted. In a letter to the mayor counsel for the city say that the judge's remarks indicated that he granted the injunction partly at least for the reason that the defendants would not be prejudiced by restraining action until a hearing could be had in the case. Counsel are very confident that the city will win on final hearing. It is said that no court in this country has ever gone as far as the company desire the U. S. court to go in this matter.

Minneapolis Journal: Recent advances in the price of lumber are causing the consumer some uneasiness, especially as lumber is entering into the construction of large buildings all over the country to a greater extent than has been known in years because of the prohibitive price of steel. A 50-cent advice on June 20, following periodic advances at intervals of two months for nearly a year, has put the price within 50 cents a thousand of the high water mark reached in 1892, that is so far as the staple items are concerned. On high grade or finishing lumber the price is practically the same as it was in that year.

A Sioux Falls young man sat down the other day and wrote two letters, but in addressing them got them mixed. The result was a shirt manufacturer in Sioux City got a polite invitation to the Sousa concert, while the girl was made frantic by receiving the following: "Please send me a sample of the stuff your shirts are made of."—Kingington Herald.

Sauk Centre Avalanche: Mrs. J. J. Buchanan and daughter, Mabel, left on Saturday last for Little Falls where they will visit her daughter, Mrs. F. A. Sumner, for some time before going to Minneapolis where Mrs. Buchanan expects to open a boarding house for students. Miss Mabel will attend the University.

Emery Hall's trotting horse Hot Boy won first in the green race at Long Prairie July 4th. M. M. Richardson's trotter Billy Balcom won second money in the free-for-all the same day, being a close second to one of the best horses in that section.

There will be German Ev. Luth. services Sunday 9th at 3:30 p. m. in the Norwegian Luth. church.

K. RUTER, P.

J. H. Johnson, lately an employe of the Pine Tree Co., will start a laundry next week in the building lately occupied by Lundin's laundry on Kidder street.

Methodist Episcopal Church, Rev. W. H. Easton, Pastor, Morning Service 10:30. Sermon "Two Views of Life." Evening welcome. Seats all free.

Licensed to marry: Frank H. Whitford, Ella E. Thompson; Carl A. Johnson, Annie B. Larson; Wm. Johnson, Nellie A. Washburn.

Aug. Lindblom, of Belle Prairie, and Amanda Peterson, were married by Rev. Thollehaug yesterday morning.

Mayor Vasaly has vetoed the resolution changing the market place. The message will be published next week.

Mr. and Mrs. J. Mecusker and little Marjory left for Jamestown, N. Y., yesterday, for a three weeks visit.

John Raymond, while taking part in the broad jump Fourth of July, had two boxes in his instep broken.

Geo. Stempfling had his left foot crushed by a plank striking it at the saw mill yesterday.

For the benefit of the Transcript we will say—that veto is in as good order as ever.

Born—To Mr. and Mrs. Edwin Ware, July 6th, a daughter.

THE POLICE DECISION.

Officers will Get Their Pay Up to Date.

Judge Searle has filed a decision in the police injunction case, which appears to be partly a compromise. The officers are ordered paid up to the time of the filing of the decision yesterday afternoon, and the city authorities are estopped from paying them after that time, until resolutions for number and pay are passed and signed. That may be an indefinite time in the future. Meanwhile, under advice of counsel, the mayor has appointed the present force as special police, and will reappoint them as often as required. The decision has no bearing whatever on special police, who are appointed under a provision of the charter, irrespective of any action by the council. The charter does not limit the number of special police, and even if the council refused to pay them a proper salary, they would have recourse.

Whether there will be an appeal made from the decision, is yet undetermined.

DECISION:

STATE OF MINNESOTA, COUNTY OF MORRISON. In District Court, 7th Judicial District, Samuel Trebby,

Plaintiff,

vs.

Charles E. Vasaly, as Mayor.

Frank E. Hall, as Clerk, Alois Simonet, as Treasurer of the City of Little Falls, Minnesota.

Defendants.

The council of the city of Little Falls in April of this year passed a resolution reducing the numbers of policemen from four to three and reduced their salaries. The mayor vetoed the resolution and returned the same to the council with his reasons therefor. The council made an unsuccessful attempt to pass the resolution over the mayor's veto.

The defendant Vasaly, as mayor, and the defendant Hall, as clerk, threatened and intend, unless restrained by the court, to draw, sign, countersign and deliver to the four persons named as policemen in the complaint therein, orders for the several sums and for purposes therein stated, and this action is brought to restrain issuance and payment of such orders. The case having been duly argued and submitted by Messrs. Calhoun & Bennett, attorneys for the plaintiff, and by Messrs. Lindbergh & Blanchard and J. D. Sullivan, as attorneys for the defendants, and the court being duly advised in the premises,

It is Ordered, that as to the orders which the defendants threaten and intend to give the issue to said policemen as and for their salaries already earned, the injunction is denied. However, the defendants and each of them are hereby restrained and enjoined from giving or issuing any orders whatsoever to said policemen or any of them for the payment of salaries hereafter earned, until the same shall be authorized by a vote of the city council of said city of Little Falls.

Dated St. Cloud, Minn., July 6, 1899.

By the Court,

D. B. SEARLE,

Judge of said court.

NOTE.

The facts in this case are briefly stated in the foregoing decision. Section 127 of chapter 8 of the Laws of 1899, being the charter of said city, provides that no money shall be paid out of the city treasury except for principal or interest of bonds, unless such payment shall be authorized by a vote of the city council.

Payment of the orders in question was never authorized by such vote. The charter provides the manner the policemen shall be appointed, and how their salaries shall be determined. It is perfectly clear that there was never any legal determination either of the number of policemen or their salaries, and hence they are not entitled as a matter of law to hold the offices as policemen or to pay therefor. However, until the rule laid down in the case of Farmer vs. The City of St. Paul, 67 N. W. Rep. 990 it does not follow from this conclusion that the plaintiff is entitled to invoke the aid of a court of equity to enjoin the payment of salaries claimed by the persons who have performed the duties of a police-

man for services already rendered. While it is true, as the court says that upon grounds of sound public policy, the doctrine of ultra vires is applied with the greater strictness to municipal than to private corporations, and that in this state a tax payer may enjoin an unauthorized appropriation of public moneys, yet in case where the proposed appropriation is only technically illegal, and would be more inequitable to grant the injunction than to re- it, it may be refused.

The proposed payment which the plaintiff seeks to enjoin for service already rendered is not a gratuity, but is for services which the persons have earned in good faith while acting in the capacity of policemen, and the city and the people have had the benefit of their services which in equity and good conscience they should pay for. However, as to the future services, there being no valid determination of the number and salary of the police required by the city, the appropriation by the Mayor is unauthorized, and the defendants and each of them should be restrained from making an appropriation of public moneys for such unauthorized purpose. The defendants have no power under the charter to subject the city treasury to the payment of salaries to other than legally appointed officers and any taxpayer of the city may be heard in a legal and proper way to prevent such unlawful payment.

D. B. Searle, Judge.

In Justice Court.

"Krut" Houde was arrested Thursday evening of last week for assault and battery of Chas. Holt. He appeared before Justice Shaw Friday, was fined \$10 and costs—\$12.50—and paid the same Saturday.

Frank Bourassa, while intoxicated on the same evening, got into a row with Krut Houde in Lafond's saloon in which both were somewhat damaged, Bourassa's thumb being badly bitten. Later he got into a fracas on Broadway with "Grobo" Houde, and was seen by Officer Heroux striking him. He was arrested, pleaded guilty, and paid fine and costs of \$7.20.

Chas. Holt, who is a lumberman, claimed to have been robbed Thursday afternoon, and got a warrant out for the arrest of "Grobo" Houde. Friday morning the case came up before Justice Sheldon and Holt said he had taken the warrant out for the wrong Houde. He paid costs and the case was dismissed. Holt told contradictory stories as to the amount lost.

Peter Gales, the well known brewery employe, and Frank Rolfus, another brewery employe, had an altercation on this same fatal night which ended in Gales being struck on the head with a club, getting a bad scalp wound. The parties "made up."

Jos. Baier of Pierz, paid \$3.20 in Justice Shaw's court Friday. Too much firewater the day before.

Mary Honohan, of Brainerd, died of old age at the hospital Friday, aged 70 years. The remains were interred in the convent cemetery.

The infant daughter, 12 months old, of Mr. and Mrs. Chas. Langenbrunner, died of brain fever Monday morning. The funeral was held from the German Catholic church Tuesday morning.

Elmer E. Downs, who was operated on at the hospital here last spring, died at Royalton last week.

Apply at Once.

For quick sale list your property with GERALD W. MASSY, Land and Insurance Office, Broadway, Little Falls, Minn. Several bargains in houses and lots on hand. Best Fire Insurance companies represented. 12-1f.

Dr. Millpaugh writes from New York that he will be home and ready for business Monday July 10th 1899.

He has been detained four or five days longer than he expected when he left home.

While Frank Southmayd was helping those in charge of the fireworks display to tear down a staging Tuesday night, a board struck him above the nose, making a deep and painful wound, though not serious.