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VOLUME XIX. NO. 8. NEW ULM, BROWN COUNTY, MINN., WEDNESDAY, FEB. 24, 1897. WHOLE NUMBER 997

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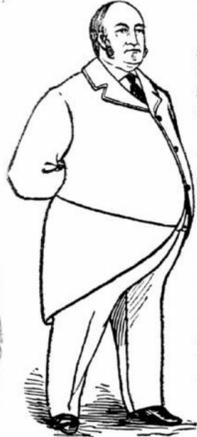
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A new line just received for Spring.

An extra pair of fashionable pants to a suit should be part of every gentleman's wardrobe.

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The fit and style is equal to any high tailor made pants and save your money.

The Jury Disagreed.

Such was the Outcome of the Celebrated Lind Libel Suit.

The Jury Struggled with the Case for Twenty Hours.

It was an Interesting Case and Attracted Wide Attention.

Mr. Lind's Personal Enemies Voluntarily on Hand to do him Injury.

Ottomeyer, Pfefferle, Klossner, George, Roos, Seeger, Graff and Meske Testify in His Behalf.

The first round in the libel suit of John Lind against the St. Paul Dispatch has been fought. The trial occupied two days, the jury was out for nearly twenty-four hours and the end was reached in disagreement. It was just what might have been expected after reticence the method of drawing the jury.

The trial commenced before Judge Bunn in the Ramsey county court Tuesday afternoon. S. L. Pierce and Thos. D. O'Brien appeared as attorneys for Mr. Lind and M. D. Munn for the Dispatch.

Mr. Lind himself was the first witness called. He testified to having addressed a body of Christians in Minneapolis during the campaign, but said he did so upon invitation and not for the sake of securing votes. Asked as to whether he had ever expressed views opposed to Christianity he replied in the negative. He had never pretended to say there was no God and had never entertained such a belief. He said he was a member of the Turner Society, but claimed that it was a non-religious society—that no member is asked to take any vows as to religion.

He was questioned concerning the

school fight at New Ulm and replied that the origin had always been a mystery to him. It began when he was in Washington. On his return he found the peaceful village in a ferment. He said he did not participate, except to counsel patience, and voted with the side he believed to be in the right. He did not consider it a sectarian struggle, though some viewed it in that light. He simply felt that if Prof. Nix was lost, the schools would suffer. The reason for his thinking so was that nearly one hundred per cent of the population entered school with little knowledge of the English language. The English child went equipped to acquire knowledge, while the German child had first to acquire the vehicle.

He was asked if the principal of the schools ever taught infidelity. He replied that he had never heard the charge laid at his door, although he had heard that one of the other teachers had been teaching evolution.

"Now, about the jackass," said Mr. Pierce, referring to a printed dialogue in the New Ulm News. "I consider it too silly to discuss," replied the witness. He then described the masquerade that had been held at Turner hall. His boy owned a donkey and asked his father if he could use the animal. Of course he could and that night he saw the donkey in a tableaux that touched on a feature of the school fight.

On cross examination Mr. Munn asked if it wasn't true that a large majority of the Turners in New Ulm were atheists. Mr. Lind answered that he thought not; some of them were atheists, but the majority he would consider agnostics. Prof. Nix was an atheist and he had had debates with him on the subject.

The New Ulm News he styled as a paper that had been gotten up to abuse him and that did not have enough subscribers to entitle it to publish legal notices.

Asked why he advocated the retention

of a man as principal of the schools who was being continually charged with being an atheist, Mr. Lind said:

"I was satisfied, as I am today, of his qualifications. Even the school board was satisfied."

Munn also tried to bring in politics and asked Mr. Lind if he believed in the principles of the democratic party. Mr. Pierce objected, but Mr. Lind insisted on answering, and said that, with the exception of the portion referring to the Chicago riot, he approved of the Chicago platform and advocated Mr. Bryan's principles. He believed in a reasonable protection.

Asked if he did not, in a speech at New Ulm, claim that Mr. Lawler was not a fit man for governor because he was a Roman Catholic and a Democrat, Mr. Lind replied emphatically that he did not.

H. L. Henry was the first witness for the defense and claimed that the main issue in the New Ulm school fight was whether atheistic doctrines were to be taught in the schools either directly or by implication. He also said that Mr. Lind's reputation was that of being an atheist, but he could not name a man who had ever said so.

Pierce asked him who paid his expenses at the trial. He replied that he paid his own expenses. "Then you are here voluntarily," suggested Pierce.

"Yes, sir," said Henry.

"Well, you can go home again," was attorney's retort.

H. G. Hays, the Sleepy Eye editor, also came to the assistance of the libelous Dispatch. He had heard so many persons speak of Mr. Lind as an agnostic that he could not recall the names of all of them, but Mr. Mullen was one of them. Mr. Lind was advertised to appear as orator of the day at a Turnfest and Mr. Mullen in speaking of the fact said that Lind was an infidel. Chas. L. Roos had told him that Lind was a Turner and therefore he concluded that he must be an infidel.

C. H. Hornburg testified that the issue upon which the school contest was based was religion. He also said that Lind had the reputation of being an infidel, from the fact that he did not attend church. He did not think it was merely because he was a Turner. Later on he admitted that he had seen Lind in church and had never heard him proclaim views against Christianity.

John Schaller of the Lutheran Seminary was another witness. He had been active in the school contest for the reason that he believed un-Christian doctrines were being taught in the schools. He had never heard it said that Mr. Lind was an agnostic or even an unbeliever, but it was understood that he was a Turner and in New Ulm that would signify as much as an infidel. Asked what he meant by un-Christian doctrine, Prof. Schaller replied that he had heard the theory of evolution was taught by at least one of the teachers.

Prof. Adolph Reim gave testimony similar to that of Schaller and said it was generally understood in New Ulm that Lind was a Turner and it was therefore believed that he was also an infidel.

Lewis B. Krook claimed to know of his own personal experience that Prof. Nix had advocated the principles of evolution and had heard him express his views to pupils. He also said Mr. Lind was believed to be an infidel because he was a Turner.

J. S. Vandiver, the reporter of the Dispatch, who wrote the libelous article, was next placed on the stand. He stated that he had visited New Ulm expressly for the purpose of inquiring into Mr. Lind's beliefs and had interviewed a dozen or fifteen gentlemen. Among them were Mullen, Silverson, Krook, Peterson and Hays. He was informed that Mr. Lind was a Turner and had participated in the school fight. He had also been informed that Mr. Lind had scoffed at religion and professed unbelief.

Managing Editor Black of the Dispatch stated, in reply to a question, that he sent Vandiver to New Ulm because matters concerning Mr. Lind had been brought to his attention by Mr. Mullen, the New Ulm banker.

This concluded the testimony for the defense and the plaintiff's attorneys at once proceeded to introduce testimony in rebuttal.

Rev. Seeger, formerly of New Ulm, but now living at Port Washington, was the first to appear. He knew Mr. Lind well and had never heard anything to the effect that he was an infidel, atheist or agnostic. He knew of nothing in his remarks or acts, inconsistent with his

speech in Minneapolis. His congregation knew Lind was not an infidel and Mr. Mullen was the only man he had ever heard refer to him as such.

G. A. Ottomeyer stated frankly that he had known Mr. Lind's reputation and could say that he was not regarded as an agnostic. He had contributed to churches and during the school fight had never heard his religious reputation discussed. Asked if the masquerade referred to so frequently was considered as given by the atheists, he said it was not.

Rev. Meske of Prescott, Wisconsin, said he knew Mr. Lind very well, and his reputation was good. "There was a general belief that he was a Turner," he said, "but it did not represent his views. His life and habits were not inconsistent with his Minneapolis speech." The inference that he was an atheist was only because he had supported Nix.

Richard Pfefferle testified that he had never considered Mr. Lind an atheist, and thought he was acquainted with Lind's general reputation. He had been a candidate during the school contest, but never heard Mr. Lind's religious views discussed further than that he was a member of the Turner Society. He had never heard any one say that he was not a religious man, and he was not aware that because he was a Turner he was therefore considered an atheist.

Jacob Klossner Jr. swore that he had known Lind for twenty-five years and never knew him to be an atheist. He said Lind's religious reputation was not discussed in New Ulm and he had never heard it discussed by anybody at any time.

George Graff said he had never heard whether Lind was or was not an atheist. He knew that he had contributed to the Catholic church, but could not state definitely what his religious reputation was.

S. A. George had known Lind for twenty years and knew he was not an atheist. He had never heard anyone say he was an infidel, although he had heard it said often that he was a Turner.

Chas. L. Roos was the last witness. He had never told Hays that Lind was an agnostic. All he said was that Lind was a Turner and he explained the platform and principles of the society. He had never told anyone that Lind was an unbeliever.

All of Friday morning was consumed by the attorneys in arguing the case to the jury. Mr. Munn summed up for the Dispatch and Mr. Thos. D. O'Brien for Mr. Lind.

Judge Bunn then charged the jury and it is generally admitted that he favored the plaintiff. The defendant's attorney excepted to nearly every section of the charge, whereas the plaintiff took no exceptions whatever.

Libel, said the judge, was anything that was published that was untrue and that brought a man into disgrace. The malice in a libelous article was to be presumed. He said that the question with the jury was to decide whether the article was untrue or libelous. If the jury considered that it was, then a verdict must be found for the plaintiff.

The plaintiff was a candidate for governor and the press had a right to criticize his character and his behavior so long as it remained within the bounds of truth. The fact that he was a candidate for a public office was no excuse for a paper libeling him, although it might, under certain circumstances, act in mitigation of damages.

The judge stated that if the jury found that the article was untrue and libelous within the meaning of the law, then it must find for the plaintiff and give him a verdict for the damage that his reputation had sustained by the publication of the libel. No special damages could be awarded for the reason that none had been pleaded or proved. All this was in case nothing more than implied malice was found.

In case the jury decided that there had been actual malice in the publication, then it might give exemplary or punitive damages. The question of malice was altogether with the jury. Damages must not be allowed for subsequent publications, although such publications might be considered in deciding whether or not there was actual malice.

On the question of the mitigation of damages the judge said that the fact that the plaintiff was a candidate for a public office might be used as a circumstance for mitigation. In case the publisher of the article, even if it were libelous, took great pains and care in gathering the supposed facts and published

what, as a matter of news, the public was supposed to have a legitimate interest in, then it would operate as a mitigating circumstance.

"There is only one thing more," said Judge Bunn, in closing, "and I do not think it absolutely necessary, at least I hope not. However, it will do no harm. You are to decide this case on the evidence you have heard. You are not to let your religious beliefs enter into the matter at all. Your verdict must be based on the evidence introduced, and on that alone."

The jury retired at three o'clock. At ten o'clock the next morning they came in for instructions, returning again to their room. An hour later they again entered the court-room and reported that they had been unable to agree upon a verdict. The judge thereupon discharged them. It was learned that on the first ballot, nine of the jurors voted for a verdict of \$15,000, one for \$1,000, one for \$500 and one for nominal damages or nothing. The following ballots produced various changes, but the man who insisted on nominal damages held out and refused to yield, just as had been anticipated.

Mr. Lind had the sympathy of all of the court visitors during the trial and it is plain that he had the sympathy of a majority of the jurors.

He will bring the case to trial again and it will probably come up next month.

Hell can't be forever, a low down climate. For their somebody raising it all the time.

John Lind's \$20,000 libel suit against the St. Paul Dispatch was tried last week before Judge Bunn and a special jury. Mr. H. L. Henry, the former editor of the New Ulm News, appeared as one of the principal witnesses against Lind. Hays, a personal enemy of Lind, and Messrs. Hornburg, Reim and Schaller, his old-time antagonists, were all on hand to prove Lind's bad qualities and perhaps with good effect upon the jury. It is fortunate for the Dispatch that the relative positions of the respective gentlemen named are comparatively little known in Ramsey county. To an outside observer it is extremely revolting to see the fair name of a reputable neighbor dragged into the mire of defamation for the purpose of gaining a political point and incidentally gratify the vindictiveness of a few personal enemies. It is an ugly habit, of very questionable effect and ought never to be tolerated by honorable men.—St. Peter Press.

An exchange records an instance in which an inquisitive spirit was cruelly rewarded. Here it is:
Beggar—Sir, I am starving.
Croesus—Here, take this nickel, and tell me how you became so miserably reduced.
Beggar—Ah, sir, I was like you. I was fond of giving large sums to the poor.

Shots at the Pulpit.

St. Paul Pioneer Press: If it is true that Sam Jones gets \$2,000 for his month's preaching in Boston it must be admitted that that business is looking up since Elijah's time. If we remember rightly the latter only got his board and clothes and was dependent for the former on the ravens.

Boston Globe: One New York clergyman said in his sermon Sunday that the biblical story of Jonah and the whale is literally true, and another New York clergyman said in his sermon that it is a romantic parable. So far as they are concerned, therefore, it seems to be about a stand-off.

St. Louis Republic: How Preacher Talmage must have been aching for the lay privilege of indulging in an occasional "cuss word" when he denounced the author of a sensational story concerning himself as a "heroic, hemispheric and planetary liar" and realized, after all, the inherent colorlessness of even such a phrase compared with sin's comforting vocabulary under like provocation.

Philadelphia Record: The New York preacher who in his Sunday sermon divided mankind into the masses and the asses doubtless got off a bon mot, at least in his own opinion; but he needs to be reminded that not even the most assume specimens of the latter class need fear to measure ears with some of the sensationalists who delight to make the pulpit reverberate with their braying.

Buffalo Express: A Chicago preacher, Rev. Dr. R. A. Torrey, has a very poor opinion of the ministers of his city. He remarked at a meeting on Saturday: "If every church member in this city who is guilty of the sin of Ananias were visited with Ananias' punishment, there wouldn't be preachers enough in Chicago to conduct funeral services." Of course, in this as well as every other line Chicago must be a little ahead of the procession.

Chicago Tribune: The pastor of a church at Rockford, Ill., is under obligations to a lusty organ for the successful termination of his Sunday service according to the established program. He had been treating his congregation to some advanced ideas on religious questions and had just completed his discourse when a woman visitor arose and stated to take him to task for his lack of orthodoxy. She spoke in a loud tone of voice, it appears, and was rapidly assuming a somewhat imperious tone, to the evident embarrassment of the preacher, when the organ came to his relief and her discomfort. The first notes were soft and persuasive, but she easily rose above them. Then they swelled out into greater volume. She shouted bravely in an effort to drown out the rival noise, but she was over-matched and was forced to surrender. The obvious moral of the incident is that when a woman wants to take forcible possession of a church congregation she must first be assured that the church has no organ.

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Groceries.
White wine vinegar, usual price 20c, our price 10c. Honey drip syrup, usual price per gallon 40c., our price 20c. Lenox soap, seven bars for 25c. Santa Claus soap, six bars for 25c. Best grade Rolled oats, 4c. per pound. Sardines in oil, 4c. per can. Sardines in mustard, 7c. per can. Salmon, usual price 15c., our price 10c. Yeast foam 4c. Fine grade prunes, 5c. per pound. Cod fish 7c. per pound. Best grade of pepper, 15c. per pound. Five pound of 2 1/2c. coffee for \$1.00. 30c. coffee, our price 25c. 35c. coffee, our price 30c. 40c. coffee, our price 35c. 20c. broom, our price 10c. Soda crackers, cheaper than bread, only 5c. a pound.

Dry Goods.
Outing flannel, usual price 12 1/2c., our price 7c. Handkerchiefs, usual price 10c., our price 5c. Common gingham, usual price 8c. our price 6c. Blanket, usual price \$5.00, our price \$3.25. Linen, finished crash, our price 5c. per yd. Black dress goods, usual price 25c., our price 20c. Table cloth, usual price 35c., our price 25c. Percale, usual price 12 1/2c., our price 10c. Gentleman's Mackintosh, usual price \$5.00, our price \$3.25. Ladies' Mackintosh, usual price \$10.00, our price \$5.75.

Notions.
12 doz. buttons, all for 3c. Five spools of thread, all for 10c. Pins, 3 papers, all for 5c. 12 lead pencils, all for 4c. Glass pitcher, usual price 25c., our price 10c. Compare our legitimate bona-fide every-day prices with the threadbare clearance and invoice sales; you will find us from 15 to 25 per cent lower in prices. This means a saving of \$2.50 on every \$10.00 you buy.

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