

JURY VERDICT IS SET ASIDE

Judge Webber Opens Way For the Third Trial.

Famous Spert Will Case Will Go to Supreme Court.

Argument For New Trial Based on Jurors' Affidavits.

If after having two trials in the district court and going to the supreme court twice with a bare possibility of a third trial in the district court, there is anything left of the property of Anton Spert for the children who are interested in the prosecution of the case, it will be because the attorneys are working for the glory there is in the case and not for a reasonable compensation.

The case is one of the most celebrated will cases in the history of the courts in this district. It came before the court in this county in December 1902, was tried and in his charge to the jury the judge made three enumerations upon which the jury was to return answers as the true verdict. The first was: did Anton Spert sign the will and was it properly witnessed; the second was, was he of sound mind at the time of signing the will. To these two questions the jury was directed to answer yes. The third question and the only one on which the jury was to pass was the question of undue influence, and upon this the jury returned a verdict of yes.

Upon the ruling of the court and its refusal to grant a new trial, the case was appealed to the supreme court and the case was sent back for retrial, coming up at the May term of this year when a verdict in favor of the appellant was secured.

From this verdict the respondent demurred and a stay of forty days was granted in which to prepare arguments for a re-trial of the case, this hearing was had before Judge Webber in chambers on Wednesday last and Friday he issued his order granting a new trial.

The principal argument of the respondent was that after returning the verdict a number of the members of the jury were shown writing purported to be that of the signer of one of the notes that comprised part of the exhibits in the case and entered into the trial and they came to the conclusion that the signature on the note was a forgery. Upon affidavits of these jurors and the argument of the attorney for Joseph Spert the judge found reason for granting the new trial.

The case will be taken to the supreme court and there is every reason to believe that the order of the court will be reversed and the verdict of the jury allowed to stand.

The case is one that interests every man with property and who will at sometime make a will disposing of it. In this case from the great mass of testimony that has been shown and the circumstances that governed it appears that the mother of the children who had an equity in the estate desired that the property go to all of them and that upon her death for reasons that have more or less the appearance of being selfish the father was induced to change the original will.

It has much the appearance of being one of those cases where an old man whose children for the most part have been as good to him as he was to them at a time when he was in a pet, either voluntarily or by persuasion decided that he would teach them a lesson and forgetting his responsibility as a father destroyed all evidence of affection for them in cutting them out of his will, when there is every reason to be-

lieve that in a saner moment he would have remembered them equally.

The case will probably be taken up on the ruling of the court on certain points presented by the appellants and the right of the court to set aside the verdict of the jury upon the grounds presented by the attorney for the respondent.

The estate is worth about \$15,000 and previous to the first trial a proposition was made by the disinherited children to settle the case for \$500 each, but the one son to whom the property was left would not listen to a proposition of this kind and the matter was taken into court. It begins to look now as though it would have availed the maker of the will about as much had he drawn the document up for charity and made his bequests to the needy poor of the legal profession. As there is little doubt as to the ruling of the supreme court in the matter, and in case the verdict stands, when the costs are all paid and the division of the property made to the remaining three heirs their share will be comparatively small.

OLDEST EDITOR LIVES IN NEW ULM

Most of Them Will Have to Remove Hats to Mr. Green.

In an unguarded moment Editor Whitney of the Marshall News-Messenger appears to have made statements that could not be verified in regard to who was the oldest newspaper man and printer in the state. At the age of sixty he seems to have felt that he was, then comes Editor Bennett with one year more to boast of and a service in the state of dating back to 1860.

They appear to have lost sight of Editor Green (we do not use the more fraternal term for fear he might be offended) of the News, of this city. It appears that he started in business in the way of publishing after he had learned his trade, in 1854 and in 1857 when he had a hunch that the state capital was to be built at St. Peter, started the Traverse des Sioux Reporter and ever since that time, with the exception of the years he served in the army, he has been doing his best to make the people of the state believe that democracy was the thing and his particular paper the best.

He was born in the year 1830 and is therefore seventy-six years of age, and is still able to give most of us cards and spades and then win out in the matter of terse editorial work, and works every day of the week (Sunday excepted) being perhaps the happiest man in the city.

If Editor Whitney is contemplating any future reminiscences he better look over the New Ulm field we have every thing here that is good and worth mentioning and it will compare favorably with that of any other part of the state.

STATE FAIR TO OUT-CLASS ITSELF

Management Promises Something Extraordinary.

The Minnesota State Fair of 1906 will easily out-class all its predecessors. Even at this early date it is certain that the exhibits are to be more numerous than in 1905, when many departments were more than doubled in size. And this year the great livestock amphitheater, which has been under construction all spring and summer, will be used for judging and selling cattle and horses and will be the center of attraction on the grounds. Around it will gather the greatest livestock display ever made at a state fair.

The fair is to be held during the week of Sept. 3 to 8 and the great livestock amphitheater will be opened and dedicated on Monday. James J. Hill will make the dedicatory address. It will be a great and significant occasion. On the same day, in the afternoon, Dan Patch, King of Pacers, and Cresceus, King of Trotters, will go against their own world's records, while a great amusement program will also be given. It will thus be seen that Monday, Sept. 3, the opening day of the fair, will be one of the greatest days of the year.

Half-fare rates on the railroads go into effect on the Saturday previous so that any one living within 500 miles of the fair can easily reach St. Paul or Minneapolis sometime during Saturday, Sunday or early Monday morning—in time for the great events.

A six-days ladies' relay riding race will be one of the sensational amusement attractions. Each evening there will be a fine entertainment before the grand stand concluding each night with Gregory's "Moscow"—the latest and greatest pyrotechnic spectacle.

AUDIENCE WANTS FAIR PLAY

Springfield Umpire Excites Anger of Audience.

Reverses His Decision and Gives Place to Another.

Team From Springfield Wins Game by Score of 11 to 6.

An exhibition game of ball was played on the diamond at the fair grounds in this city Sunday that was an exhibition in more ways than one both on the part of the players and the spectators and the umpire for the Springfield players, Nuessle, had the time of his life as far as his duties lie in the direction of base ball.

The game was advertised to be played between Springfield and New Ulm, though it appears there were a number of men in the Springfield team who could not conscientiously be called Springfield men. The pitcher, Francois, especially being from Redwood Falls and having a reputation for pitching that is beyond any of the amateurs in this part of the state.

However, this did not interfere with the game and the home team opened the game with Spaeth in the box. He had no control of the ball and soon had the bases full on faults having hit several of the men and passed some up on balls, the result being that in the opening play Springfield was able to score twice.

Then the slaughter began and it was as dirty as some of the Chicago houses are reputed to have been. It was fierce. The right arm movement of Francois was something calculated to strike terror to the hearts of the opposition and the bluff worked.

There were innings when it seemed that every man would run his legs off and attempts to reach home made some of the runners cut corners like a school boy going swimming, but it didn't do any good. If there was any appearance of a possible score there was an umpire playing the game for Springfield who made it impossible for them to be defeated.

This thing ran along like an automobile with one tire punctured until it was apparent that something was wrong that needed fixing and the crowd from the grand stand swarmed down onto the diamond with a whoop that would have put to shame the Indians who came in over the same place in 1862, and protested against the decision of the umpire in such a manner that the scare was thrown into him so deep that he had not recovered when the train left at midnight.

He was scared, there was no doubt of it and refused to get near the crowd that had completely covered the diamond but sent word that he was willing to return the men to their bases whom he had ruled out and the men went back while the balance of the crowd spent sometime in a talkfest in German and English that sounded like a roundup of ranchmen on the frontier at Christmas time.

"Bill" Mather, umpire selected by the New Ulm team, refused to mingle with the unruly element and retired from the field to a point in the grand stand where he was able to watch the struggle and escape any unwholesome eggs that might be coming his way. There was little criticism of his decisions but he apparently was not qualified to umpire a prize fight and thinking of his wife and baby concluded that discretion was the better part of valor and got out of the game.

This made a new opening in the volcano until a Minneapolis man stepped out of the crowd and taking his life in his hands called "play ball." When the field was cleared and everybody ready for action it was found that Mueller was in the box with a smile on his face for the hope of the spectators had returned and he was expected to pull the team out of the rut in which Spaeth had pitched it, and for a time it began to look as though he would do it. Five scores were run in, and then there was nothing doing.

Wild throws, failure to hold the ball and inexcusable errors made it impossible to make anything more until the last half of the ninth inning when one score was run in and the game was finished the totals being 11 to 6 in favor of Springfield.

It was confidently asserted that the Springfield umpire had put up money that his team would completely shut out the New Ulm team and it looked as though he was playing to make his money good and would have succeeded if things had not been taken out of his hands. Some of the more aggressive young fellows of the crowd dug up some eggs at the close of the game and things were coming his way for a

short time and there is reason to believe that he was very glad to get out of town and will probably never umpire another game in this city.

It looked as though the home team was rattled at the very start of the game, for in all the work they have done this year the boys have never fallen down as they did Sunday. A very large crowd was out to see the game and there was considerable disappointment at the result.

More men were hit by pitched balls, some almost put out of business as the result and one of the Springfield men was struck in the face by a ball that glanced from the bat toward the close of the game and he will be some weeks in getting his face back to its normal condition.

As far as the two teams were concerned there was not a great deal of open wrangling among the players but the spectators took the matter in their own hands and decided that Minneapolis should not have a monopoly of the right to invade the diamond to force a square deal.

ST. JAMES EDITOR SEES NEW ULM

W. D. Bell Stops Off Between Trains on His Trip.

Apparently without discovering his identity to any of the newspaper fraternity in this city, the editor of the St. James Journal-Gazette, was in the city taking in the sights recently and tells his reader something of the trip in the following.

The writer having spent many long days and nights in a fairly acceptable manner endeavoring to do the work which falls to his lot, decided that, in as much as he succeeded in securing the consent of his partner, he would take a short vacation and, last Saturday morning, he and his family boarded the 7:18 M. & St. L. train for New Ulm where they arrived at 8:00 o'clock.

The west-bound train on the C. & N. W. railroad not being due until 1:18 p. m., we had considerable opportunity to see the city.

A few things attracted our attention more than usual, among which were the monument erected to commemorate the battles between the whites and the Indians in August 1862 and the colossal Herman monument, the broad and well kept streets and neat residences. The business houses, however, are little if any better than those in our own little city. Though lack of time prevented us from investigating the same, the calliope fire whistle gave us the unmistakable notice that there was a fire in town and tended to strengthen our contention that St. James should be supplied with a good calliope whistle in addition to the one now in use and so easily mistaken for a train whistle.

Of course we could not tell all about the crops, but we took in all that came within our range of vision from the car window.

The early haying is practically all done. The rye harvest was over and most of the barley was cut in Minnesota but out this way, though most of the fields were ripe, few had been cut. Oats near home looked as if they would be ready for the sickle this week but up this way the wheat and oats looked green as ever.

Corn is much farther advanced and looked to be of much better quality in Watonwan and Brown counties than farther west but the quality of the small grain seemed to improve as we came west.

A Mystery Solved.

"How to keep off periodic attacks of biliousness and habitual constipation was a mystery that Dr. King's New Life Pills solved for me," writes John N. Pleasant, of Magnolia, Ind. The only pills that are guaranteed to give perfect satisfaction to everybody or money refunded. Only 25c at O. M. Olsen's drug store.

SAENGERFEST PLEASED THEM ALL

New Ulm Maennerchor Praises Big Gathering.

Aside from the members of the Maennerchor who went from this city to attend the great saengerfest in St. Paul last week there were as many more who went to attend one or more of the meetings so that there was a crowd of about sixty people which left this city Thursday.

The returning singers have nothing but the highest praise for the great gathering of singers and say it was one of the most inspiring sights that ever was seen in the state when that body of 2000 men rose at the movement of the wand of the director and filled the immense auditorium with their voices.

Nothing like it has ever been known

G. A. Ottomeyer

We have had great success with our Mid-Summer sale, but have a few Items left over which must be closed out at any cost.

Here are Some Snaps:

A few pieces Lawns worth from 15 to 35c now at.....	10c	Ladies ribbed Summer Vests at.....	4c
White Dress Goods per yard at.....	12c	We have a few doz. of better quality left to close out at cost	
Children's ready made Dresses.....	39c	Ladies Wrappers fine pattern and made well.....	98c
Petticoats all good ones now at.....	78c		

Remember we carry the Standard Patterns in stock. We have reason to believe that these pattern are first class, they give each season's correct fashions at the earliest time possible. A complete stock for Fall is now ready. Call and get a fashion sheet free each month at our store.

A large Catalogue with all the styles at 10cts.

INSURE YOUR PROPERTY IN THE

Minnesota Mutual Fire Insurance Company

They are paying Policy holders 15 per cent dividends.

JOHN E. BOBLETER, Agent.

C. F. SCHRAM, Special Agent.

New Ulm, Minnesota

Our Exceptional \$15. Suit Values



We ask the other day: "Humph! What kind of a suit can anyone get for \$15?" We had an opportunity of showing him. It was the first time in many years that he had paid less than \$35. He was convinced and pleased. It was

A SINCERITY SUIT

And we have many more of equal value. We want the opportunity of convincing more men that for \$15.00 we can give you good materials, the best style, a perfect fit, and honest hand workmanship in any mode you may prefer.

The Sincerity Clothing Store.

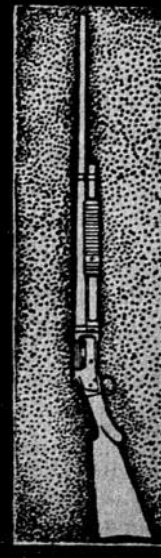
CRONE BROS.

WINCHESTER REPEATING SHOTGUNS

are strong shooters, strongly made and so inexpensive that you won't be afraid to use one in any kind of weather. They are made 10, 12 and 16 gauge.

A FAVORITE OF AMERICAN SPORTSMEN

Sold Everywhere.



in the state before and the audience went wild with the enthusiasm that was stirred by the grand music that came from the chorus.

Everything appeared to work in harmony and the arrangements were complete in every detail, so that aside

from the enjoyment they all got out of the meeting they had much pleasure in the trip. Saturday evening Dr. Stamm invited the Maennerchor of this city to his home in St. Paul and most of the members were there and enjoyed a very pleasant time.

Is It Your Own Hair?

Do you pin your hat to your own hair? Can't do it? Haven't enough hair? It must be you do not know Ayer's Hair Vigor! Here's an introduction! May the acquaintance result in a heavy growth of rich, thick, glossy hair! Use this splendid hair-food, stop your falling hair, and get rid of your dandruff.

The best kind of a testimonial—"Sold for over sixty years."

Made by J. C. Ayer & Co., Lowell, Mass. Also manufactured by SARGAPILLA PILLS, CHERRY PECTORAL.

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