

### Important Ruling of State Supreme Court Says Counties Can Not Have State's \$600,000. Effect Wide Spread.

## Pork Barrel Law Held to be Invalid

### Decision Says State Executive Officer is Subject to Suit. The Governor Smiles. "Let them do it."

In an opinion of the Supreme Court, written by Chief Justice C. M. Start, the so-called "pork barrel" law is declared unconstitutional. By this act the last legislature had appropriated \$600,000 as state aid for roads and bridges throughout counties in Minnesota.

The constitutionality of the law was attacked in a suit brought by State Sen. L. A. Cooke of Wabasha, and directed against S. G. Iverson, state auditor. The decision affirms that of the district court of Ramsey county.

The supreme court makes two important points, overruling the general belief that a state executive officer cannot be sued, and holding that in his purely ministerial duties suit may be brought where remedy is needed.

The court also holds the appropriation laws in question—Chapters 91 and 505, Laws of 1909—are unconstitutional in that the state has not the legal authority to carry on works of internal improvement.

An extra session of the legislature is among the possible results of the decision.

This was admitted by Gov. J. A. Johnson, when approached on the matter. It will depend on how the results of the decision "pan out," and to what serious extent the various counties and state betterments are hampered.

Gov. Johnson also called attention to the fact that a special session could also give attention to a bill for a constitutional change to permit of an income tax, in accordance with the Aldrich-Payne bill pending in congress.

As to the holding of the court that an executive officer can be sued under certain conditions, the governor's only reply, accompanied with a smile, was: "I'd like to see 'em sue me."

The syllabus of the decision is as follows:

Courts cannot, by injunction, mandamus, or other process, control or direct the head of the executive department of the state in the discharge of any executive duty involving the exercise of his discretion; but, where duties purely ministerial in character are conferred upon the chief executive, or any member of the executive department, as defined by our constitution, and he refuses to act, or where he assumes to act in violation of the constitution and laws of the state, he may be compelled to act, or restrained from acting, as the case may be, at the suit of one who is injured thereby in his person or his property, for which he has no other adequate remedy.

Chapters 91 and 505, Laws 1909, purporting to appropriate money out of the general revenue fund of the state for the building and repairing of roads and bridges, are unconstitutional for the reason that they violate section 5, article 9, of the state constitution, forbidding the state to be a party to the carrying on of works of internal improvement, and section 16, article 9, prescribing the manner and limiting the extent of state aid in the construction of public highways and bridges.

It is stated that this decision of the Supreme Court will seriously hamper road betterments in many counties, and it is certain, will be received with resentment in the country districts. At the capitol there is considerable speculation as to what will result. Some predict that representatives of the country districts will begin further suits, based on the holding of the court that the state cannot appropriate money for "internal improvements." There may be the question raised as to whether the large appropriations for the state fair grandstand, for the park waterway on the fair grounds, and for extension of the state capitol grounds and university campus are not illegal "internal improvements."

### McCleary Director of the Mint.

According to reliable information from Washington James T. McCleary, former representative in Congress and later assistant postmaster general will be appointed director of the mint, succeeding Frank Leach, who resigned to accept a business position in California. Mr. McCleary is said to be the choice of Secretary MacVeagh and presumably of the president and his nomination is expected before the expiration of the present session of congress.

### Not a Candidate for Governor.

The name of Justice Edwin A. Jaggard has been mentioned as a probable Republican gubernatorial candidate. He is not in the race.

"I never have been a candidate, I am not a candidate now and I do not intend to be a candidate for governor," said Judge Jaggard.

"My time now," continued Judge Jaggard, "is pretty much occupied with cleaning up my work, preparatory to leaving for Europe. With that task before me I will have little time for politics. In fact, I want to get away from politics."

### THE CAUSE OF THE TRAGEDY

#### Elsie Sigel had Planned to Quit Chinaman.

That Elsie Sigel had decided to spurn her former Chinese associates and marry her American fiance and was killed in consequence of this open declaration, made to Leon Ling, Chu Gain and Yung Bat at a farewell party at the Sigel home, is the new turn which the remarkable murder mystery took.

For the first time since Elsie was slain, one month ago, a near relative, whose watch chain and locket, valued at \$275, Elsie wore the day of her death, told of a conspiracy to kill the girl rather than allow her to cast aside the Chinese for her white fiance.

The identity of the young man is not made public by the relative, but his name is given as "Phillip." He returned to New York two days before Elsie disappeared. He had come from the West, where he had prospered, to make the Sigel girl his bride.

This young man, stricken with grief over the revelations following his sweet-heart's death, is frequenting Chinese resorts in a hope to get trace of Leon.

This information, with the news that the Sigel family, that is, what remains, the mother being a helpless lunatic, and the daughter dead, have mysteriously left their former home, 2009 Wadsworth avenue, with their present address unknown, was learned yesterday.

"Because Elsie sought to give up her Chinatown life she was killed," declared her relative, who lives on the upper West side and is closely related to Elsie's mother. "Those Chinese wanted her to remain with them. Elsie knew all their secrets. The fear that she would betray some persons and tell Phillip how she had lived among the Chinese, forced the Orientals to plan her death."

#### An Experience with Mr. Bruin.

Mr. Close, grainbuyer at the Eagle Mill elevator received the following letter from Mr. Hallack, father of Mrs. Close:

Morse, Wis. July 4, 1909. I had quite a celebration on the Fourth which I would not like to experience again under the same circumstances. On that very morning the dog made such a fuss that I got up and thinking that a porcupine was after the chickens I went into the yard with my revolver. Going passed the bee hives I saw a black object behind one of the hives which I took to be a small cub bear eating honey. I went up within about 8 ft. Then I became aware that it was a large bear, which on seeing me made a quick dash for me. I started to retreat as a 32 caliber revolver is hardly the weapon for defense against a big vicious bruin. On my retreat I fell down and he got within 5 or 6 ft. of me when I put the revolver in his face and shot. He dropped and Mr. Bruin, after waiting a few seconds got up and took to the woods. I fired a few more shots at him, he rolled over, got up and walked off towards the woods. I looked for him the next day and traced him by the blood to a swamp and then lost track of him.

Stewart Tribune: It begins to look as if those senators favoring free lumber will have to be content with something like free knotholes.

### Then and Now.

How times have changed. When we were young, people had bad colds, soaked their feet in hot water and got well. Now they have grip, take quinine and are sick all summer. Then they had a sore throat, wrapped a piece of fat pork in an old sock, tied it around the neck at night and went to work the next morning; now they have tonsillitis, a surgical operation and two weeks in the house. Then they had bellyaches, took castor oil and recovered; now they have appendicitis, a week in the hospital and six feet due east and west and six feet perpendicular. They worked then, now they labor. In those days they wore underclothes; now they wear lingerie. They went to a restaurant for dinner; now they go to a cafe. Then they broke a leg, now they fracture a limb. They went crazy then; now they have brain storms. Ministers preached hell fire straight from the shoulder then; now they read an essay on the flowers that bloom on Mohammed's grave.—Ex.

### RAILROAD FOR SALE

Is ordered By Court.

A decree authorizing the sale of the Chicago Great Western railway was issued by Judge Walter H. Sanborn of the federal circuit court. Representatives of all parties concerned completed and accepted the form of the decree. The sale of the property will be in charge of Albert R. Moore, special master in chancery. All the property, franchises and stock of the whole system will be included. The par valuation of the stock is over \$100,000,000. The minimum bid must be at least \$12,000,000, and a deposit of \$500,000 is necessary to become a bidder. If the sum paid for the property exceeds the sum of the claims of the creditors the balance will be distributed to the stockholders in order of preference.

No, Betsy, I couldn't tell you anything about that speech of Judge Willis on the Fourth. You know there were so many people around the speaker's stand telling each other such important news with such decidedly phonographic voices, that I couldn't help but be a gentleman and listen to the ladies and gents. I can tell you how grandma feels and what hat Pillbustera wore on her trip to Minneapolis, and that John will soon come over to see 'ber,' and that Miss Loquacia is awfully mean for not writing about that "feller" of hers, and that the frogs are still the same jolly fellows they used to be and that the baby (by the way the cutest thing you ever saw) is cutting teeth, and that the big gray rooster had an awful scrap with the brown rooster; and that they were going to the dance that night and that the cucumbers in Pickel-town are getting "yeller"—I can tell you the history of at least twenty families—but, sorry to say nothing about that speech.—I saw the judge give me a penetrating, fearful look, when I quit taking down notes and hiked behind the bunches of laughing, chattering people and listened to them. But I couldn't help it. Now, darling, don't think any the less of me and my qualifications as a reporter. I simply couldn't help myself and the judge's speech was fairly drowned, by the noise around him that all there is to it.

It was a surprise to the people in general in our village when it became known this week that the authorities of the Minneapolis & St. Louis railroad had promoted agent J. M. Thompson transferring him to Aberdeen, S. D. where he will assume the cashiership of the company's ticket office. Mr. Thompson has been our agent for the past six years and his promotion is evidence that he has won the approval of the officials of the company in transacting its business affairs here. Mr. Thompson leaves a host of friends here who regret his departure, but nevertheless wish him success. He went to Aberdeen Wednesday.—Hauska Herald.

The Frenchmen are trying to rob Benjamin Franklin of the honor of taming lightning—in other words of inventing the lightning rod. Even President Falliere of France endorsed a celebration of the birthday of the Frenchman who claims he invented the lightning rod two years prior to Benjamin Franklin. We protest against this and every newspaper and every type in the United States ought to protest against this infamous attempt to steal the laurels of our great patron saint and of one of the greatest Americans that ever lived.

### Conference Committee Discusses Bill. President takes up Measure and will Advise Will be the Referee.

## Tariff Bill Passed Is in Final Stage

### Minnesota Senators Bolt on Tariff Bill Vote. South Dakota Man Joins in Denouncing Aldrich. Ten Westerners Solid.

Washington, D. C., July 10.—With the so-called radical senators of the middle west bolting in a body and with all the politically notorious standing for it in solid ranks, by a vote of 45 to 34 the tariff bill passed the senate. Aldrich, boss of the senate and father of the bill, was delighted, but the bolters declared that party pledges had been scorned and the fact remains that the new bill is a revision upward, which makes increases of \$102,000,000 and decreases of \$66,000,000.

While radicalism of an alleged type was a large factor in the bolt of La Follette of Wisconsin, Cummins of Iowa, Beveridge of Indiana, Dolliver of Iowa, Gore of Oklahoma, and others, the forces of trade predominated. These bolting senators come from western states that suffer from the high prices resulting from an advanced tariff schedule, and thus it is that the protected interests are the dominant factors in the senate.

The bill will now be taken before a joint committee of the two houses. The passage of the bill came as the climax of a day in which Aldrich and his henchmen had crushed all opposition, defeated inconvenient amendments and had been subjected to bitter tirades. La Follette, Cummins and others stated flatly that the pledges of the party, as made in convention had been directly violated, but the high tariff champions laughed and voted.

From now on it is expected that Pres. Taft, will take an active part in shaping up the measure. He has consistently declined to interfere in the matter of schedules during the progress of the bill through the house and senate.

Ten Western senators took their stand against the bill and Aldrichism and attacked it, but to no avail. Both Minnesota senators stood with the minority and voted against the bill.

Before the final vote was taken there were several spirited clashes between Aldrich on the one side and Sens. Nelson and Clapp of Minnesota, Beveridge of Indiana and Crawford of South Dakota on the other.

The trouble started when Beveridge took the floor against the bill, announcing that he wouldn't vote for it because it was not in accordance with the Republican pledges. This was followed with a hot retort by Aldrich, who then took occasion to read the 10 Westerners a lecture, saying that they did not represent the party, and upbraided Beveridge for his assertion that Taft was in favor of revision downward.

Shouting at the top of his voice, Crawford, South Dakota, was on his feet in a minute, denouncing Aldrich for his attempt to criticize him in the matter of his judgment. He was ably backed by Clapp, Nelson and Beveridge.

"It takes more than the Senator from Rhode Island or the state of Rhode Island to read the State of Minnesota out of the Republican party," said Sen. Nelson, his voice choking with emotion. "When the state of Rhode Island has perished from the political map entirely the State of Minnesota will still be marching proudly at the head of the Republican column."

Aldrich was the nervous man of the senate all day Thursday. He was back and forth among his followers, urging them to keep out the debate, but, to remain to vote on the bill. To all attacks he made a short decisive reply and waved them aside with his hand. If it were not for his control of the situation, the debate would have dragged along another day.

Adrian Democrat: When a hog goes to the large packing houses at six and a half cents a pound and comes out breakfast bacon at twenty-one cents a pound he is not the only hog in the transaction.

### Invent New Type of Telephone.

Two Swedish engineers have invented a new type of telephone receiver for long distance service. Its name is the "microphone." A satisfactory trial of the apparatus has been made between Paris and Stockholm, the distance between the two cities being 1,100 miles as the crow flies, and considerably longer by wire. The connection was made via Berlin. At 10 a. m. the French minister at Stockholm, M. Allize, rung up, and he was able to speak with Madame Allize, who was in Paris. Telephony over such long distances has by no means been unknown in the past, but it is said that the new invention has wonderful facilities for transmitting the sound of the human voice. Efforts are now in progress to establish communication from London to Copenhagen, via Paris.

### Still Advocating State Division.

Ely Miner: The Cass Lake times is talking hard for state division. The Times voices the sentiment expressed in the Miner some two months ago when we tried to show how easy it would be if we had a state composed of the northern half of Minnesota. The northern, or progressive end, has nothing in common with the southern, or stationary end. The northern end has push, enterprise and territory enough to be the richest state in the Union. A division of the state on these lines would forever set aside the sectional fight. It is to be supposed, however, that the southern end would not relish this procedure as St. Louis and the other iron ore counties would then pay taxes for their own direct benefit and not for the benefit of 59 counties in the lower end who receive more from the state than they pay into it. By all means, let us have state division and name the new state, "Superior." This name would fittingly symbolize our standing as compared with the division of Minnesota composed of the over-roaded, under-taxed, southern end.

The only nation in Europe that spends more for schools than for military purposes is Switzerland, and she has no navy or any need for dreadnaughts—but in the true sense she is the real dreadnaught nation. Italy makes the worst showing, the ratio being 9 to 1 against the school, while the average is about 4 to 1. It costs the United States over a million dollars a day for the army, navy and pensions—in round numbers \$400,000,000 a year, or about \$9,000,000 for every state in the Union. Minnesota is almost exactly an average state in population. Does she spend \$9,000,000 a year on her schools? Down with the dreadnaught! 'Rah for the school-ma'am and better wages.—Bede's Budget.

A very pretty wedding was solemnized at the Ridgely Ger. Luth. church Tuesday, July 6th, 1909, at 10:30 a. m., the pastor, Rev. H. J. Bruns, officiating. The contracting parties were Miss Anna Steffen, daughter of Anton Steffen of Ridgely township and Louis Albrecht, brother of Paul and John Albrecht of Fairfax. The bride was attended by Miss Carrie A. Folder of New Ulm, while her brother, Anton Steffen officiated as best man. Immediately following the ceremony the happy couple were given a reception at the home of the bride's parents which was quite largely attended. They will reside on the old Albrecht homestead near Lafayette.—Fairfax Standard.

There will be a novel and beautiful automobile parade at the State Fair this year. The last day of the Fair will be automobile day as usual, but the mile and half-mile tracks are to be illuminated and prizes are to be given for the most artistically decorated auto. Paper flowers, bunting or any form of decoration may be used. The awards will be made on artistic merit alone. Four of the judges will be named by the auto clubs of St. Paul and Minneapolis and a fifth by the State Fair management. One of the attractions of the Fair this year will be a grand display of all makes of autos.

Within the next three months the city council of Mankato will have to order a special election for the purpose of giving the voters a chance to either accept or reject the commission plan of city government, the charter commission having completed the work on the new charter. Should the charter be ratified at this election by the voters, the commissioners who will then have charge of the city government must be elected within 30 days after the adoption of the charter.

### Many Towns Throughout the Country Suffer from Severe Storms. Great Loss of Property. Deluge of Rain.

## Death & Damage Caused by Cyclone

### Ortonville is Hit. Four are Killed and Many Injured in Minnesota Town. Railroad Property Damaged.

A cyclone which hurled itself across Big Stone Lake and Ortonville last Sunday afternoon has caused the death of four people and great damage to property. Big Stone is a town of 700 population. Ortonville has about 2,000 inhabitants. They are located in a valley which has been visited by cyclones two or three times before, but none of like violence and destructiveness.

Property in the Milwaukee railroad yards was completely wrecked. The dead are: John De Griff, an old settler, living along the shores of Big Stone lake, caught beneath ruins.

Three Italians, names unknown, buried and mangled beneath railroad cars and debris of the St. Paul road's roundhouse.

The injured are: Albert Harmon, employed at the farm of W. E. Chamberlain, buried beneath the debris of the farmhouse.

Mrs. Harmon, both limbs broken and probably fatal contusions about the chest.

Nineteen Italian railroad laborers, many with broken arms and legs, some of whom may die, buried in the ruins of the railroad buildings.

Many other persons throughout the city and country received minor injuries.

The property loss will reach \$150,000, partly confined to damage to railroad and commercial property, private losses aggregating about \$75,000.

The Chicago, Milwaukee & St. Paul depot, roundhouse, the coal supply building, the warehouses and the other warehouses which crowd that section of the city caught the full brunt of the cyclone and crashed with frightful detonations before the blast, their splintered lumber rising in a cloud through the gyrating atmosphere.

Cottages along the lake were completely demolished and residences in this city and Big Stone, S. D., were blown from their foundations.

The farmhouse and large farm buildings of William E. Chamberlain, near the city, are a total wreck. The city was completely isolated from the surrounding country by the wreck of telephone and telegraph lines. As soon as communication was established with outer towns, a special train was run from Montevideo and Appleton with medical and other supplies in charge of five doctors, who improvised out of a schoolhouse a hospital for the care of the injured. There is apparently no need of additional emergency supplies.

The cyclone passed as soon as it had come, but it was followed by a deluge of rain and large-sized hail that hindered the operations of the rescuers who poured out of the undemolished residences of the city.

It was feared for a time that boats on the lake had contributed fatalities to the storm, but, although returned boats were found, no one is reported missing.

For a time the town was in greatest confusion, but upon the arrival here of the Montevideo special order prevailed.

Alton, Ill., July 13. A tornado struck Alton. Telephone and telegraph wires are down and it is difficult to get details. The steamer Alton was blown against the bridge. The boat was slightly injured. It was loaded with excursionists. A heavy rain fell and the eastern part of the town is under water. Reports from the section of Illinois swept by a cyclone Sunday indicate that great damage was done and that several small towns were partially wrecked.

The entire residence district of Xenia, Ill., was wrecked, though the storm lasted less than a minute. The ruins were flooded by a cloudburst which followed the cyclone and hundreds of persons are homeless. Heavy property loss was caused at Pana, where a number of residences were demolished and swept on the prairie.