

COUNTY CLERK LAW GIVEN DEATH BLOW

STATE SUPREME COURT HOLDS EXTENSION VIOLATION OF CONSTITUTION.

DECISION RENDERED IN TWO OTHER IMPORTANT CASES OF INTEREST.

Action of the last legislature in extending the terms of about 35 county clerks received a knockout blow Friday when the supreme court held the legislative act to be unconstitutional. As a result elections will have to be held in the case of each of the clerks involved.

In order to make the election of clerks of the district court throughout the state uniform the last legislature passed a law that there shall be no election in 1916 of successors to clerks who were elected in 1912 for terms commencing on the first Monday in January, 1917. The law provided further that such clerks should continue in office until the first Monday in January, 1919, until their successors had been elected.

This, the court says, constitutes an extension of the four-year term and is, therefore, unconstitutional as respects the office of clerks. There cannot be any hold-overs, the court says, and an election must be held this year for those affected.

Attorney General Smith was asked Friday by Julius Schmah, secretary of state, to rule on the question of whether the decision covers also the cases of county officials who are filling vacancies caused by death, and those who are holding temporary appointments for other causes. More than 50 such officials are involved, the secretary of state says.

The syllabus reads as follows: 1. By the constitution the office of clerk of the district court is elective, the term is for four years, it commences and terminates on the first Monday in January, and upon its termination there is a vacancy and not a right in the incumbent to hold over.

2. The term cannot be extended by the legislature; and the statute, Laws 1915, c. 168, which in effect provides that there shall be no election in 1916 of successors to clerks who were elected in 1912 for terms commencing on the first Monday in January, 1913, and terminating on the first Monday in January, 1917, that such clerks shall continue in office until the first Monday in January, 1919, and that their successors shall be elected in November, 1918, constitutes an extension of the four-year term and is unconstitutional as respects the office of clerk.

3. Under the constitution providing that the clerk shall be elected, that his term of office shall be four years, that the official year shall commence on the first Monday in January, that all terms of office shall terminate at that time, that the general election shall be held on the first Tuesday after the first Monday in November, commencing with the year 1884, that thereafter elections shall be biennial, and that the county officers shall be elected at the general election, the legislature cannot provide that at the general election in 1916 successors of the clerks who were elected in 1912, and whose terms expire in January, 1917, shall not be elected, but that they shall be elected in 1918, and thereby create a vacancy commencing in January, 1917, to be filled by appointment; and Laws 1915, c. 168, construed as intending to create such vacancy, is unconstitutional.

TEST FOUR-YEAR TERM LAW

The attack on the four-year term of county officers, long anticipated, was begun in the supreme court last Monday, when Fred Fischer of Wright county obtained a writ from the court to show cause why the county auditor of his county would not accept his filing as a candidate for the office of county treasurer.

As the time for filing for county offices expires on May 30th, it is believed that the supreme court will render a decision within a week in order to give prospective candidates time to announce themselves should the law be declared unconstitutional.

Every county officer in the state with the exception of some of clerks of court will watch the outcome of the proceedings with interest.

MILFORD FARMER IS INJURED

Gust. Kuehn, who with his brother Joseph operates a saw mill on the old Bier farm in Milford township, was painfully injured Tuesday morning by coming in contact with the circular saw.

The two brothers had just started up the mill for the day's run, when one of the logs started to slip off the carriage. Gust tried to hold the log, but was thrown against the saw sideways and before he could recover his balance and get out of harm's way, the carriage had slid towards the saw and a deep gash was cut into his left hip. The injured man was at once rushed to the Loretto hospital where the wound was treated. While the injury is very painful no more serious complications are anticipated, as the bone was not injured in any way.

Editor B. G. Schulze and Robert Blank of Nicollet were visitors in the city over Sunday.

NEW ULM ORATOR TAKES FIRST PLACE IN CONTEST

Considerable enthusiasm was manifested by the high school students Monday morning when it was announced that Max Freitag had won first place in the district declamatory contest held at Sherburn Friday evening. Altogether, five schools took part in the contest, namely: Wells, Fulda, Lakefield, Sherburn and New Ulm and each school was represented by two contestants. The judges, Supts. J. B. Arp of Jackson, J. C. Davies of St. James and Attorney J. E. Haycraft of Fairmont were unanimous in awarding the New Ulm man first place. Victor Reim, the second speaker for New Ulm, received fifth



place.

The contest was held under the auspices of Hamline University which will hold a state contest at St. Paul on May 12. In the state contest each congressional district will be represented by one speaker and the winner of first place will receive a gold medal for himself and a cup for his school. Freitag, by winning first in the district contest, will have the honor of representing the second congressional district.

This brilliant showing of the New Ulm orators is due as much to the untiring efforts of their coach, Principal P. W. Hutson, as to their own energy and ability. Mr. Hutson trained the six boys who contested in the local contest two weeks ago, and the results at that time forecast this splendid climax in the district contest. The orations were all on the subject of "Peace," which at this time is quite appropriate. In spite of the difficulty of securing acceptable orations, Mr. Hutson managed to unearth several which had the necessary possibilities in securing good expression. Both of the orators have spent an unusual amount of labor upon their selections, and deserve full credit for their work. The final contest will call for the best that is in them, but with the evidence of their ability already shown there is little question but that they will come up to all expectations.

Freitag entered high school as a junior last September, having previously attended at Max, North Dakota. Since entering school he has shown much literary ability, being an active worker in the Protean Literary Society. His friends are confidently expecting him to place high in the state contest.

HIGH SCHOOL CLASS HONORS ANNOUNCED

Stonia Kunze won the highest class honors in this year's graduating class with an average of over 92 per cent. Ruth Olson was awarded second place with an average of over 92 percent but a slight fraction of one per cent lower than Stonia's. These two girls will deliver the valedictory and salutatory addresses at the commencement exercises in June. The averages this year are higher than they have been in most of the past years. The race for class honors has been so close that it was never a certainty for the winner up to the final decision. George Mayer was given third rank with an average which came close up to the record set up by the two honor students.

SHOWS RESULTS OF PHYSICAL CULTURE

OVER 250 PUPILS TAKE PART IN ANNUAL GYMNASIIC EXHIBITION.

JUNIOR SOCIETY CELEBRATES FIFTIETH ANNIVERSARY OF FOUNDING.

Why athletics should form an important part of the child's early training was ocularly and forcibly demonstrated at the annual exhibition of the classes of the New Ulm Turnverein last Saturday evening and after seeing the results of physical culture one ceases to wonder why there are over three hundred people, ranging in age from 6 to 50 years in New Ulm, taking advantage of such instruction under Prof. Hein.

While the mass in itself was impressive, it was the attention paid to the small detail which caught the eye of those interested in physical culture. Little tots not yet in their teens participated in exercises tending to build up their bodies and train the alertness of the mind. The calisthenics, antagonistic and folk dances, participated in by the little boys and girls, showed the form of physical culture applied to the young who must have an outlet for their surplus energy.

The exercises for the second boys' and girls' classes demonstrated how grace in movement and bearing is attained, as well as strength and quickness through the exercises on the apparatus. The third group presented the almost finished product in the esthetic dances by the girls and the complicated wand drills by the boys.

The exercises on the parallel bars went to show that physical culture is not only necessary for the youth but becomes a pleasure to those who have gone through the various stages of development, and after reaching their majority feel that they cannot afford to go without some form of physical exercise under the watchful eye of the instructor.

While the exhibition is an annual affair, last Saturday's event had another significance, for the local society of Junior Turners (Zoeglingsverein) celebrated the fiftieth anniversary of its organization. Capt. Steinhauer gave a short resume of the history of the society and explained the object and principles of the North-American Gymnastic Union, expressing the opinion that the lead taken by this society will in time be followed by the introduction of physical culture, not only in the public schools of the country, but in the church societies as well. He called attention to the fact that at the recent Sunday school convention at Austin the matter of introducing physical culture as a part of the Sunday school work, was discussed seriously by the delegates. He congratulated the class in charge of the exhibition this year and urged them to keep their minds clean and clear and their bodies healthy and sound, so that they may be prepared to face the battles of life when they are ready to make their way in the world.

The exhibition closed with the building of human pyramids by the members of the men's and junior classes and a social dance wound up the evening's entertainment.

NEW ULM BOY SEES SERVICE ON BORDER

Another New Ulm boy is seeing service through his enlistment in the United States army. He is Emil Groebner, son of Jos. A. Groebner of this city, who enlisted in the Seventh Infantry about three years ago and has been stationed in the Philippines until recently when the regiment was ordered home and sent to the Mexican border on patrol duty.

A part of the Seventh already is at the front and participating in the chase after the elusive bandit chief, Villa, but Groebner is still stationed with a part of the regiment near El Paso, Texas, guarding the railroads and bridges and keeping open the line of communication between the invading forces and the supply depots on this side of the line.

The young man recently wrote to his father that he expects to return to New Ulm some time next fall, unless the Mexican situation takes a more serious turn. He writes that the outfit he is with is always ready for an emergency call from the front and every man is fully expecting to receive orders to move at any moment. Through his foreign service Groebner has seen considerable of the world and his father is anxious to see him return home and hear the story of his experiences.

GENERAL CLEAN-UP URGED FOR FRIDAY

GOVERNOR IN PROCLAMATION ASKS CO-OPERATION OF ALL CITIZENS.

FIRE MARSHAL'S DEPARTMENT ALSO GIVING SUBJECT HIS ATTENTION.

Next Friday, May 5, has been designated by Governor Burnquist by proclamation as "Clean-up Day" for the entire state and he urges that all citizens co-operate in cleaning up the winter's accumulation of refuse. This is not to be proclaimed a holiday by any means, but a day upon which citizens are urged to put forth an especial effort to make an investigation of their yards and alleys and remove everything which might have a tendency to start a conflagration or spread or breed disease.

Robert W. Hargadine, state fire marshal, has asked the newspapers to aid in spreading the gospel of cleaning up and says:

"Reports received from deputies throughout Minnesota show that there is special need this year for extra efforts to eliminate rubbish piles. This is due to the unusually heavy snow of the past season. In many places, especially in the larger towns and cities, the refuse piles have been allowed to accumulate close to wooden structures, because of the inability of most folks to go far from the house.

"Waste paper, pasteboard boxes, oily cloths, empty oil cans and other refuse combine to make a dangerous heap of rubbish. It is suggested that every citizen of Minnesota lend a hand and spend at least an hour on May 5th to clean up their premises.

"Work together. Reduce the fire hazard and make Minnesota fire-proof, is the only request made by the State Fire Marshal's Department. The co-operation of the newspapers throughout Minnesota in this campaign is appreciated by this Department and the aid is especially asked this year because of the unusual need of 'team work' on the part of everybody.

"The Fire Marshal's Department has sent notices to Mayors and Fire Chiefs in all the towns in the state urging co-operation on their part. In addition posters are being distributed for the benefit of everybody, advising of the need of what should be done to 'clean-up.'"

CAMBRIA BATTLERS ARE HALED INTO COURT.

The battle staged at Cambria during the night of April 7, when neck-yokes and other instruments of destruction came into play, has resulted in the participants to the affair being haled into court at Mankato. The hearing was held Thursday of last week. Henry Walters was charged with assault in the second degree, the complaining witness being Edward P. Evans. Walters was held to await the action of the district court and released on \$300 bail.

Evans testified that the trouble arose over the blocking of the chimney of Woodmen hall, where a play was to be given. This was done during a rehearsal. He said his son was accused of being the one who blocked the chimney, and that this son and Walters had some words about it. He said Walters kicked his son, and that he himself afterwards had words with Walters about this.

The witness related that it was on the night of the play itself that Walters committed the assault on him. He said after the play was over he went to look for his son and ran across Walters and some other men in the alley back of the Tanley home. He said Walters was threatening to fight somebody in the alley. He related that he went up to Walters, grabbed him by the arm, and with his other hand pushed him back about twenty feet. He said Walters did not say anything but ran and got a neck-yoke and attacked him with it. Then others interfered.

UNIVERSITY FARM SUMMER TERM OPENS JUNE 12.

Those interested in the development of country life appreciate the value of having for the public schools teachers who are informed regarding agriculture and home-making.

The best teachers expect to attend summer school somewhere, and the summer is the best time of the year to get training in agriculture and home

economics. The State Department of Education maintains summer training schools at University Farm, St. Paul, at the School of Agriculture, Morris, and at the School of Agriculture, Crookston. Regular certificate subjects as well as agriculture, manual training, and home economics are offered at each.

The summer term will open June 12 and will close July 21. Board and room can be had at any of the schools at reasonable prices.

Bulletins have just been issued describing the sessions and will be sent to those who apply to C. G. Selvig, Crookston; E. C. Higbie, Morris, or A. V. Strom, University Farm, St. Paul.

OBERAMMERGAUER IN GERMAN PLAY AT TURNER HALL.

Friends of the Oberammergau Peasant Players will be delighted to hear that they will spend the summer in New Ulm and make this city their headquarters, while they make short trips to the neighboring towns for the production of plays. The first play will be produced in Turner Hall Sunday evening, May 14, the play selected for the evening being "Der Amerika Seppel," a three-act comedy, interspersed with music and dancing.

The play in its revised form, has never been produced in the western part of the country but its production recently in



Chicago made quite a hit, which induced the company to adopt it as one of their leaders.

Between the acts the famous folk songs of the peasants will be sung, zither solos and quartettes will be given and last but not least the "Schuhplattler" dance which has made the Peasant Players famous from coast to coast.

Arrangements are being made for the appearance of the company in several of the neighboring towns, following their appearance in this city, but the present plans are that the players will make this city their headquarters during the summer months when theaters in the larger cities are closed up.

Reserved seats will be on sale as usual at the Pioneer Drug Store.

NON-COMS OPPOSE RESIGNATION OF CAPTAIN.

At a special meeting of the non-commissioned officers of Company A last Wednesday evening at the Armory, resolutions were passed urging the present commander of the company, Capt. Babiaste Groebner, not to resign and agreed to do everything in their power to prevent such a move, either forced or voluntary. The resolutions also tend to correct the rumor to the effect that the company as a whole is inefficient and it is the belief of the non-coms that the organization is as efficient as any in the state.

Attention is called to remarks made by Major Johnson during the recent federal inspection, to the effect that the non-commissioned officers of company A were well versed in their duties and in this respect were ranking higher than others inspected up to that time. The inspection report shows the equipment of the company to be in first-class condition.

The infantry company is at present making preparations for the annual encampment at Lake City and the study of out-post duty is being taken up particularly, as it is expected that this branch of duty will be taken up on an extensive scale during camp.

Saffert & Guggisberg, the new cement tile company recently organized have broken ground on their leased property on the M. & St. L. right-of-way near Third North street, for the erection of a temporary office building. It is expected that the new tile factory will be in operation by the first of July and construction of the buildings for that purpose will be begun in the near future.

HIGH SCHOOL PLAY COMING NEXT WEEK

SENIORS WILL GIVE "ALL THE COMFORTS OF HOME" ON THURSDAY, MAY 11.

INTEREST SHOWN IN PLAY FORECASTS A WELL-CROWDED HOUSE.

Thursday, May eleventh, has finally been set as the date for the appearance of the Senior Class Play, "All the Comforts of Home," at the Turner Hall theatre. From present indications, the interest taken in it by the school population and the advance sale of tickets,—there will be a record crowd in attendance that night, and the S. R. O. signs may be called into service. The play itself merits the most hearty support. It is of a kind that will appeal to the greatest number of people, being modern, full of action, and within the capabilities of high school actors; and the public always prefers a good comedy well acted, than attempted assault and battery on one of Ibsen's problem plays.

The acting has improved steadily under the able direction of Miss Pierce, who is coaching the Senior Thespians in this production, and with the same consistent rate of progress, Thursday night will see a finished piece of work. The work of Clara Epple in the role of Josephine Bender, and Ellen Schoch in the role of Fifi Oritanski, a dancer from the Opera Comique, deserves special credit. Their impersonation of their respective characters seems to go fairly beyond conscious acting, and they seem to live rather than represent their parts.

Leo Berg plays the leading role in the character of Alfred Hastings, while Walter Puhlmann takes the part of his inseparable chum, Tom McDow. The two form a well-balanced team through all the complications resulting from their inspiration to give "all the comforts of home" in borrowed apartments.

The action takes place in the drawing room of a private house in London. The time is the present. The plot starts when Mr. Egbert Pettibone, a peculiarly jealous man, decides to flee the premises when he thinks he has proof of his wife's alienated affections. In his absence, Alfred Hastings and Tom McDow form a conspiracy by which they expect to reap the profits from Mr. Pettibone's ill-advised move. The story results from this conspiracy. Part of it happens the first morning; part the second; a little more a few mornings after; and the climax on another pleasant morning,—pleasant except for those concerned. And through every complication and denouement, Tom McDow "gits half."

The cast of characters is as follows: Alfred Hastings.....Leo Berg Tom McDow.....Walter Puhlmann Theodore Bender.....Arthur Miller Josephine Bender.....Marguerite Vogel Evangeline Bender.....Clara Epple Mr. Egbert Pettibone.....Reuben Moe Rosabelle Pettibone.....Naomi Mueller Emily Pettibone.....Gretchen Winkelmann Christopher Dabney.....Sherburn Beecher Judson Langhorne.....Hilton Durbahn Fifi Oritanski.....Ellen Schoch Augustus McSnath.....Ben Alwin Victor Smythe.....Thomas Pfander Thompson.....George Mayer Katy.....Ruth Olson Gretchen.....Winona Alwin The Bailiff.....Herbert Wandersee

FIREMEN ELECT DELEGATES TO STATE MEETING

Chisholm will be host to the firemen of the state from June 13 to June 15, at which time the annual state convention of firemen will be held. The Northern Minnesota town is making elaborate preparations for the entertainment of the several hundred delegates who are expected to participate in the meeting and will no doubt stage something to remember the town by. Among the attractions will be the usual fire drill by the Chisholm company and races between fire crews from towns along the Mesaba range.

The local fire companies will be represented at the convention by the following delegates; elected at the meeting of the department last Monday evening:

Hose Co. No. 1—Alois Gulden, delegate; Frank Niemann, alternate. Hose Co. No. 3—Alfred Nagel, delegate; Fred Loesch, alternate. Hook and Ladder Co.—Henry Groebner, delegate; Hugo Gebser, alternate. Engine Co.—John Herzog, delegate; Chas. Brust, Sr., alternate. Second Assistant Chief Pfander was elected as delegate at large.