ST. PAUL NEWS.

ASHTON VS. THOMPSON.

The Appeal Case Decided by the Supreme Court in Favor of the Daughter.

The Decision of the Lower Court Affirmed—Setting Aside the Conveyances to the Mother.

The Latter Must Account for the Daughter's Full Share in Her Deceased Father's Estate.

Judge Berry rendered an important supreme court decision yesterday in the case of of Katie Thompson Ashton respondent vs. Susan L. Thompson (Susan L. Thompson, appellant), sustaining the decision of the Ramsey county district court from which this case was appealed and which court with with its three judges on the bench refused to grant a new trial. As the case is one which has attracted no litte interest in St. Paul on account of the prominence of the family interested and as the relation of parent to child, child to parent and guardian and exgurdian toward one so thoroughly adjudicated upon we deem the decision of sufficient important to give an abstract of the voluminous opinion of the higher court which accompanies its thorough review of the case:

In the opinion the following facts are given: The plaintiff was born August 16, 1856, and was married to Isaiah Ashton December, 1877. Her father, James E. Thompson, died intestate May 27, 1870, and the probate court distributed to the defendant, his widow and plaintiff's mother, and to his other heirs, on October 5, 1871, each one-fifth part of his real estate subject to defendant's dower, and one-sixth part of his personal property, which were duly assigned to the plaintiff. The real estate so assigned was valued at $6,500, and the personal property at $43,000.

October 5, 1871, the widow and Horace Thompson, a brother of J. E. Thompson, wera appointed guardians of plaintiffs, qualified and entered upon their duties, taking possession of all the real and personal property assigned to Mrs. Ashton,and receiving and disbursing the income and profits of the same.

October 1, 1876, the account of plaintiff's guardians was allowed in probate court, and decree made assigning the property belonging to her in her guardians hands to her. The guardians the same day gave her a check payable to her order for 6,842.25, and she endorsed and delivered the check to her mother. The same day plaintiff by four deeds conveyed all her right and title in the real estate to her mother, and gave her a bill of sale of all the money, including the check alone mentioned, and all the personal property belonging to her and all moneys which should accrue from the property. Plaintiff never had in her actual possession or under her control any part of this real of personal property or the income thereof, save the momentary possession of the above check, until July 1, 1877.

No consideration was paid, or agreed to be paid or intended to be paid the plaintiff by the defendant, or by anyone for this property conveyed and transferred to the defendeant, but the same was "purely and simply a gift" from the plaintiff to her mother. "and I find as a fact," says the trial judge of the district court, "that the plaintiff did not make said gift of her own free will; that it was not her voluntary act, but that she was moved and induced thereto by the solicitations of her mother and through her personal influence which then was and always had been very great over the plaintiff; and without fully understanding the character and extent of the value of her property, without due deliberation, without comprehending or realizing the fact that in executing said conveyances she was divesting herself of her entire estate, and without the counsel or assistance of a disinterested, independent advisor, and under the false impression derived from an unsigned memorandum or draft of a will left by her father, and in conversation with and statements made by her mother that in executing such conveyances she was carrying out the wishes and desires of her deceased father."

These deeds were recorded with the bill of sale and under them the mother took possession of all the property,and collected and applied to her own use and benefit all the income therefrom, from October 1876 to July 1, 1877, as also the check of $6,482.95.

In February, 1877, the plaintiff for the first time really became aware of the fact that she had thus made an absolute gift to her mother of her entire estate inherited from her father, and being anxious to regain the same or a portion thereof, she applied to Horace Thompson and Bishop Whipple to counsel and assist her in making a settlement with her mother, and they assenting negotiations were entered into which resulted in an agreement evidenced by a written instrument, made June 26, 1877, between plaintiff and three of her sisters (who occupied a position analogous to that of plaintiff), on the one side and their mother on the other. By the terms of this instrument the plaintiff was to surrender, give and relinquish to the defendant a considerable part (of the value of several thousand dollars in addition to the amount of the check of $6,482.95, of the share of her father's estate. Subject to such gift, surrender and relinquishment, the mother was to restore to plaintiff what she had transferred to her by the transactions of October, 1876.

For the surrender, gift and relinquishment the trial court finds that "No consideration whatever was paid or agreed to be paid" by the defendant, or others, except the defendant's right of dower in plaintiff's share (one undivided fifth part) of her father's real estate, which right of dower was of the value of $2,000, and no more.

The trial court further found that when said June 26, 1877, agreement was made that the plaintiff was a member of the family of Susan L. Thompson, wholly dependent upon her for support and under her habitual influence and control. That when plaintiff first understood that she had divested herself of all her property and was wholly dependent upon her mother for support, she became very anxious that by some settlement it should be wholly or in part reconveyed to her and placed under her own management and control. That the said Susan L. Thompson was strongly opposed to any such arrangement and desired to retain and control said property which fact was well known to plaintiff. That such was the influence of the mother over her, and her attitude towards her that the plaintiff through fear of her displeasure did not personally make known to her, her desire that the said property should be reconveyed to her, but rather applied to her uncle and the said Whipple to aid her, and after consultation with them and her three sisters, the terms of said agreement were settled upon and assented to by plaintiff, which agreement was reduced to writing by the attorney of Jason L. Thompson and signed by the said parties, including the plaintiff; and that although before this agreement was executed and signed, the said Jason L. Thompson sttaed to the plaintiff that if she did not desire to abide by the conveyance of act 18, 1876, or to leave said property in her possession, which she still insisted was the wish of the plaintiff's deceased father, she was willing to transfer to to the plaintiff the portion of the said property to which she was by law entitled, yet the plaintiff did not sign this agreement by her own free will and accord, but that she was influenced thereto through fear of her mother, being still under the false impression derived from her mother, and the unsigned memorandum left by her father that she should not have the possession of the whole of her said property, and in the hope of creating pleasant feelings between her mother and herselt, and through her extreme anxiety that some settlement should be made that she might to some extent be pecuniarily independent, and through apprehension that unless some settlement was at that time effected she would never regain he rights, she accepted said agreement and settlement, and consented to the concessions in favor of her mother hastily, without legal advice, and without knowledge or information of the value, amount, dividends, rents, etc., of the property which she thereby released, relinquished and conveyed to her mother, and without thought or question whether she was or was not receiving all her rights to which she was by law entitled as the heir of her deceased father."

It was further found by the trial court that said Horace Thompson and Bishop Whipple, nor Susan B. Thompson did not in any manner or extent whatever instruct counsel or advise the plaintiff as to her rights or as to the extent or value of her sald property, income, rents, etc., by said agreement she relinquished to her mother, and that she received no such instruction from them or any other person, and did not have the benefit of an independent adviser in said settlement."

The terms of the June 26, 1877, agreement were carried out August 24 of the same year by conveyances and transfers on both sides, without further consideration,to the plaintiff.

The defendant left the United States and went abroad, and did not return until June 29, 1879. This action was commenced July 1879. So far as deemed important on this appeal the above is the substance of the findings of fact. In our opinion they are sustained by competent evidence, reasonably tending to support them, with the exception of that given by the defendant herself, the testimony being oral.

The case was one calculated to arouse considerable feeling in the family of which most of the witnesses were members, and although the evidence was conflicting, the learned and experienced trial judge was in a position to arrive at the facts far superior to the higher court, which can look only at the printed record. Besides a motion for a new trial on the ground that the findings of fact were not justified by the evidence was heard before the judges of the district court for Ramsey county sitting in bench and denied. In these circumstances it would require a far stronger case than is presented here to induce us to disturb a finding as against evidence.

The conclusions of law found by the trial court are that, as against plaintiff the original conveyances and subsequent agreement are null and void, and that the plaintiff is entitled to an accounting by the defendant of all the income, dividends, issues, rents and profits from all the property, and for all moneys made over by check or paid to her by plaintiff, and for plaintiff's interest in household furniture and other personal property conveyed under the agreement of Aug. 24, 1877, accrediting to defendant the right of her dower only. The judgment of the lower court was virtually to restore both parties to the position held by each Oct 17, 1876, after the decree of the probate court assigning to plaintiff her share in her deceased father's estate.

The supreme court sustains the decision of the lower court in this case, and holds in conclusion that the case lies in a comparatively narrow compass and is to be determined by the application of a few well settled points in equity which it proceeds to give at length in a syllabus to be found in the court column of this morning's issue of the GLOBE.

In this case the court further held that the daughter and ward was thoroughly wielded by the mother, and that she made the "agreement" through fear of becoming totally dependant on the mother, who for a grossly inadequate consideration obtained through gift a considerable proportion of the property of her child ward. This "agreement" was brought about solely by the mother, for her own personal advantage and with no consideration for the child, and the property obtained by it she cannot be permitted to retain. If the child had had the benefit of competent advice when she made the "agreement" it would have not altered the caee in equity, she being under the dominion of her mother at the time.

In conclusion the court quoted from high English authority, viz: "The crucial question is not whether she knew what she was doing, had done or proposed to do, but how the intention was produced,whether that all that care and prudence was placed around her as against those who advised her, which from their situation or relation with respect to her they were bound to exert in her behalf."

POLICE COURT BOUILLON.

The Goose Taken out of Court---Capt. Kelehar Fined.

Ten Dollars Paid for Training a Nephew ---The Mob Disappointed.

"Goosie, goosie gander, where did you wander, up the hill and down the vale your fragrance sweet to squander." Thus sang the bard of the bull pen as his eyes rolled in fine frenzy, and he took another chew of the narcotic weed yesterday morning. The inspiration for the fine poetic outburst, was found in the case of Richard Patterson—no relation to the immortal Billie of that name, Richard being arraigned on the mean charge of stealing a goose. The complaint read that one white goose had been stolen from Daniel Grumblot, a rag merchant prince of West Third street. Officer McMahon was the main witness and, be it said to his credit, he nobly exonerated the defendant from the vile insinuation. He explained that the goose had wandered away from its native nest and that it had been picked up by a small boy and put in Patterson's cellar. The case was dis missed.

After the sweet singer whose limpid lines are recorded in immortal verse as above, had been drawn and quartered, hizzoner called up the next case and things pursued the even tenor of their way. The case was that of Capt. M. F. Kelehar, of the fire department, who was charged with assaulting Wm. Delaney, of Minnesota street. The testimony showed that about two weeks ago Delaney, who is about twenty years old, called at fire department headquarters, and that as he entered some of the boys threw some water on him. He didn't appreciate the joke and accused Kelehar of having perpetrated it. Thelatter denied it, when Delaney called him a liar. Then Kelehar ejected him with such force as to separate one of the short ribs. Delaney testified that Kelehar kicked him after he was thrown out. This was denid by the latter and Delaney also denied that he called the Captain a liar. John Thera, known as "Bully John," and Henry Eschle, of the department, testified in Kelehar's behalf, and Dr. Quinn testified as to the character of the injuries. The tenth rib, the latter said had not been broken, but separated from the cartilage and there were also abrasions. The testimony was quite conflicting, and in summing up Judge Burr said that no doubt the defendant had provocation for the assault, but that it was quite a serious affair and he should not have taken the law into his own hands as no citizen had a right to inflict punishment. He was fined $25.

Peter Dewald, keeper of a saloon on East Third street, was up for putting a head on Mat Jackels, his nephew. The latter's eyes showed that when Peter undertook to do a man up he was no slouch. It appeared that Mat had been ordered to keep away from the saloon and that he came in drunk and refused to go out when he was given the bounce. Peter was taxed ten bills.

The case of the small boys, Alex Jerjinskey and John Nespick, charged with stealing two boxes of cabbage-leaf cigars from a Seventh street joint, was continued until the 11th inst.

When the case of Geo. Baxter and Fanny Craschdeo was called the gang craned their necks. These two were arrested under very improper circumstances at a late hour of the night. They had been released in bail of $25 each, and as they did not appear, the money was forfeited.

The London *Times* commenting on the Cincinnati riot, suggests that order could be preserved by putting a curb on the "bars" and the criminal lawyers.

THE RAILROADS.

Return From a Trip Over the Canadian Pacific to the Rockies.

Over Seven Thousand Laborers to be Employed on that Line This Summer.

Proposed Consolidation to Make New East and South Lines for St. Paul.

Canadian Liberality in Bounties For Railway Building--Personal and Local Rail Notes.

The Canadian Pacific.

Superintendent Egan, of the Canadian Pacific road, has just returned from his western tour, and furnishes the GLOBE with the following: He was accompanied on his trip by Major Walsh and Mr. Thomas Riley. The party reached a point known as Holt's City, about five miles east of the summit of the Rocky mountains, but could not proceed further owing to the snow in the gorges of the mountains. During the whole trip the weather was very pleasant. The thermometer at Calgary, at one time registered 90 in the shade. This appears to be a pretty strong statement, but it is true, nevertheless. General activity prevails all along the line, and everything looks very favorable. The seeding on McTavish's test farms west of Medicine Hat is all completed, and men and teams are now engaged on their farms west of that point. Four or five parties are busy finally locating the line as far as the Columbia river, through Kicking Horse Pass. A large amount of material is collected at the end of the track, and in a short time from seven thousand to nine thousand will be engaged. Some have already reached the end of the track, and gangs have been put to work on different sections. The bridges over the Saskatchewan at Medicine Hat and the Bow river at Calgary are entirely completed, and active work is going on on some of the others. Mr. J. Ross is superintending the construction. Mining affairs are quite active at the Rockies, and several rich lodes of silver are reported to have been found near Silver City. Mr. Egan says that he was shown some fine nuggets of gold from the Koolenay river, which had been brought over the mountains by a prospector. When the party returned they saw no snow until they reached Moosejaw when a blizzard struck them, but it was not as severe as some that had occurred in and around Winnipeg. Good time was made by the train on the return trip, and altogether it was a pleasant and enjoyable one.

Donations to Railroads.

While some people in the United States are finding fault with congress and the states for the donations or bonuses of lands given to railroads, they should bear in mind that other governments give to railroads not only lands but large sums of money to aid in the construction of these great highways of trade. Another consideration that should be borne in mind is that when the United States gives to railroads large tracts of land, they are useless to all the world till the railroad runs into them. It is the railroad that makes them of value. The following are the subsidies embodied in the action of the Canadian government on the 7th inst.:

Quebec and Ottawa subsidy, $6,000 per mile for that portion from Quebec to Montreal, 159 miles; the portion from Montreal to Ottawa, $12,000 per mile; the Montreal, St. John & Halifax Short Line, $170,000 annually for fifteen years, or a guarantee of a like sum for a like period, as interest on bonds; the company undertaking the work from Oxford station on the Intercolonial, to Sydney and Louisburg, not exceeding $30,000 annually for fifteen years, or a guarantee of a like sum for a like period on their bonds; the company undertaking the work of the Quebec Central railway from Beauce Junction to the international boundary line, not exceeding $211,200; extension of Canadian Pacific from the terminus at St. Martin's Junction, near Montreal, to Quebec, not exceeding $6,000 per mile, the whole $960,000; the Irondale, Bancroft and Ottawa Railway company from the Victoria branch of the Midland railway to the village of Bancroft, in the township of Dungannon, Hastings county, $160,000; Pacific Junction from Aylmer to Pembroke, $272,000; Gatineau Valley from Kazubazua to Lake Desert, $170,000; Napance and Tamworth extension to Bogart and Bridgewater, $70,400; Montreal and Western Railway company, Lake Simon to Desert, $160,000; Mirimachi Valley railway line, Fredericton to Mirimachi river, $128,000; Erie and Huron Railway line, Wallaceburg to Sarnia, Ont., $96,000; and Pacific line, Cornwall to Perth, $262,000; Kingston and Pembroke line, Mississippi to Renfrew, $48,000;Great Northern railway, that portion from St. Jerome to New Glasgow, county Terrebonne, $32,000; portion from St. Lewis to Richibucto, $22,400; from Hopewell to Alma, New Brunswick, $51,200; from St. Andrews to Lachute, conny Argenteil, $22,400; Grand Piles, St. Maurice river to Lake Desiles, Digby, to Annapolis, N. J., $74,000; branch of the Central railway from the head of Grand lake to the Intercolonial, between Sussex and St. John, $128,000; extension of the line from Caraquet to Shippigan, N. B., $76,800; branch of Intercolonial from Metapediac eastward to Paspebiac, Que., $300,000; branch of Intercolonial from Darby station to Indiantown, $140,000; railway and bridge between Jacques Cartier Union railway and St. Martin's junction, connecting the Jacques Cartier Union with the North Shore railway, $200,000. Total, $9,106,000, divided as follows: Ontario, $1,068,500; Nova Scotia and New Brunswick, $3,910,000; Quebec, $4,179,000.

Proposed Consolidation of Western Roads.

A movement is on foot to consolidate the Peoria, Decatur & Evansville, the Central Iowa, and the Lake Erie & Western roads in one line. To carry out this scheme it will be necessary to construct a line between Bloomington and Peoria (which has already been incorporated) in order to connect the three roads. The same owners (Cummings & Co., of Nickel-Plate fame,) are large owners of the stock and bonds of the three roads mentioned. Were the roads operated as one system it is thought they could be made of considerable value and the earnings largely increased. Were these roads consolidated they would cover, 1,147 miles of road, a large portion of which passes through a good country. The Lake Erie & Western proper is 378 miles in length and the proposed extension from Bloomington to Peoria forty-five miles. The Peoria, Decatur & Evansville comprises 248 miles and the Central Iowa 476 miles. It is claimed that a consolidation of these roads will make a good north and south line between St. Paul and Evansville, connecting at the latter point with the Louisville & Nashville system. There are those who express the opinion that this move is the only step that can be taken to make the Lake Erie & Western and Central Iowa roads of some importance, and that it would also prove the salvation of the Peoria, Decauter & Evansville, which like the other roads, is at present under a financial cloud.

Paternity of the Nebraska Central.

The newly organized Nebraska Central railway continues the sensation in railway circles, and the connection of Messrs. Shearman and Lawson, the English capitalists, with the project is now made public and confirms the surmises published heretofore. These gentlemen, who have been in Omaha and Nebraska for a number of weeks, have made a contract on behalf of the Canal & Railway Construction company, of London, limited, to build the first 150 miles of the road in Nebraska during the present season. The paternity of the project is now attributed to the Chicago & Northwestern and Sioux City & Pacific companies, whose purpose, it is said, is to build a span from West Point, Neb., to Blair, and by crossing the Blair bridge to be ready to do considerable business this year.

Callaway, Reed and Stephenson.

Besides losing the efficient services of General Manager S. R. Callaway, the Chicago & Grand Trunk is likely to lose the services of Traffic Manager George B. Reeve. It is said that to lose both these officials would be unfortunate for the Chicago & Grand Trunk, as their places could not easily be filled. It has been rumored for some days past that Mr. Reeve intended to leave the Chicago & Grand Trunk, and that he would take a position with Mr. Callaway on the Union Pacific. There was no truth, however, in these reports, it having never been the intention of Mr. Reeve to go to the Union Pacific. The position offered to Mr. Reeve is that of general traffic manager of the Canadian Pacific, with headquarteas at Montreal. The salary offered is said to be a large one, and it is understood that Mr. Reeve has decided to accept. Who his successor will be in case he should leave the Chicago & Grand Trunk has not yet been made known. It has been definitely decided, however, who Mr. Callaway's successor as general manager of the Chicago & Grand Trunk is to be. The choice has fallen upon one not heretofore mentioned for this position. It is Mr. James Stephenson, at present general passenger agent of the Grand Trunk at Montreal.

Fargo and Grand Forks Express Freight.

The freight department of the St. Paul & Manitoba road has just issued a circular that is of importance to all shippers, and which reads as follows:

The time of departure of our "Fargo and Grand Forks Express freight" has been changed to schedule as below:

LEAVES			Time in Transit
St. Paul	Daily at	2:35 p. m.	
Minn. Trans.	"	3:20 "	
Minneapolis	"	3:05 "	
Minneap. Jun.	"	3:45 "	
ARRIVES AT			
St. Cloud	"	9:40 "	7:05 Hours
Sauk Centre	"	1:15 a. m.	10:40 "
Fergus Falls	"	6:45 "	16:10 "
Moorhead	"	12:00 noon.	21:25 "
Fargo	"	12:45 p. m.	22:10 "
Grand Forks	"	8:30 "	29:55 "
Devil's Lake	"	7:30 "	52:55 "

As this freight previously left at 3 p. m., we would be pleased to have you make your deliveries not later than 2 p. m., at St. Paul and Minneapolis, which will insure the traffic taking this train.

In the event of your failing to deliver in time for the early train, we have another leaving St. Paul at 6:20 p. m.; Minnesota transfar at 7:05 p. m.; Minneapalis at 6:30 p. m.; and Minneapolis junction at 8:20 p. m. Daily, except Sunday.

The National Park Branch Opened.

The following circular was issued yesterday from the headquarters of the Northern Pacific road, in St. Paul:

NORTHERN PACIFIC RAILROAD COMPANY, OFFICE DEPARTMEN OF TRANSPORTATION, St. Paul, Minn. April 10,1884.

To Heads of Departments Northern Pacific Railroad:

The National Park branch will not be opened for business until Tuesday, April 22. Commencing on that date and until further notice, trains will be run on this branch on Tuesdays and Fridays of each week, making the round trip on each of those days. Due notice will be given when trains will be run as per schedule No. 3.

J. T. ODELL, Assistant General Manager.

Rail Notes.

A special left for Hotel Lafayette yesterday.

Mr. Fee, general passenger agent of the Northern Pacific road, has gone out on a trip over the road.

S. M. Osgood, passenger agent of the Atchison, Topeka & Santa Fe railroad, with headquarters at Cedars Rapids, Iowa, is in town.

William H. Vanderbilt pronounces for John Newell, of Chicago. for director of the Chicago & Rock Island Railway Company against H. H. Parker who asks re-election.

There is talk of the Cannon Falls road crossing the river above Red Wing and running down the Mississippi to the river and then along up to Eau Claire. Still at present it is all talk and nothing more.

It is said that the Winona, Alma and Northern has the road bed ready for the rails from Fountain City to Lake Pepin, and that it will not strike Pepin, but will touch the Chippewa river about five miles from its mouth.

The Marquis De Mores, vice president Sleeper, of the De Mores Company, and the Black Hills contractors, Jones and Pennell, arrived in St. Paul yesterday morning, and a part of the day they were in consultation with vice president Oakes in regard to the transportation of freight to Deadwood.

The Midland fast freight line will withdraw from the Indiana, Bloomington & Western road May 1. The line will operate only over the Lake Erie & Western railroad in connection with the Chicago & Alton. Whether the Traders' dispatch is to be thrown off the New York, Chicago & St. Louis is still unsettled.

The Cincinnati, Wabash & Michigan Railway company have re-elected J. H. Wade, president; William Bingham, vice president; W. S. Jones, treasurer and secretary; Norman Beekley, general manager; O. W. Lampart, superintendent; Owen Rice, ticket agent, and J. H. Craig, auditor. The report of this road having changed hands is incorrect.

Mr. A. D. Edgar has been appointed general eastern agent of the Northern Pacific railroad, vice J. M. Moorhead, resigned, with headquarters in New York. The appointment takes effect May 1, 1884. Mr. Edgar has been general agent of the Northern Pacific in Chicago for several years past, and during that time has proven himself to be an able and efficient official.

Official notices have been filed with the secretary of the state of Wisconsin of the purchase of the Cedar Falls & Northern railway of the Menomonee & Northern Railway company, and also of the Eau Claire & Chippewa Falls line by the Chicago, St. Paul, Minneapolis & Omaha company. The first line purchased is about two and a half miles long, while the last named extends from near Chippewa Falls to Superior City, Bayfield and Ashland.

The offices of the Chicago, Milwaukee & St. Paul road in St. Paul are well broken up and scattered. Mr. Boyden, the general northwestern freight agent has taken temporary shelter at the freight office, on the levee. Judge Chandler has skipped, and all the rest have gone to other apartments and will remain there till the plasterers, the painters and the decorators have finished up their work, which will be in a few days from this time when they will all hiqe in at the corner of Third and Jackson streets.

Mr. C. B. Kinnan has been installed as chief clerk of the general passenger department of the Northern Pacific road. With Mr. Fee, Mr. Kinnan comes from St. Louis. and though a young man, is a gentleman of large experience in railroad business generally, and especially in the passenger department. Mr. Fee is crowding this part of the business of the road with great energy and marked success, and to carry out his plans and views requires just such men as Mr. Kinnan, who has vim, energy and push sufficient to back up in good shape the plans of his chief.

Criminal Court Doings.

Judge Wilkin held an hour's session of the district court yesterday morning at which he fixed the Horan bail, while the appeal of the Brown and Horan case is awaiting the decision of the supreme court, at $3,000. His father and brother appeared and testified to owning property to the amount of over $12,000; but the judge decided that not enough of this was outside homestead exempt to warrant his taking them without further security. They asked until this morning at 10 o'clock to procure the necessary additional sureties which was granted. Counsel replied to the judge that they expected to bail Brown also.

By Mr. Goforth, his counsel, Robert Kruger asked to change his plea from not guilty to guilty of larceny in the Jeremiah Neally old market shed robbery. On being arraigned he said he had nothing to say why the sentence of the court should not be pronounced upon him, was given two years and two months at hard labor in the state penitentiary, and was taken to Stillwater by Sheriff O'Gorman in the afternoon and committed.

The exports of grain from Indiana for 1883 complete were 34,050,940 bushels against 24,239,789 in 1882, an increase of 9,811,111 bushels or 4½ per cent.

THE COURTS.

Decision of Court Below Affirmed in the Ashton-Thompson Case.

Robert Kruger, Pleading Guilty of Larceny, Sent to Prison.

Supreme Court.

At the eighth session of the April term yesterday all the justices but Dickinson were present, and the following business was transacted:

Franz O. Melin, respondent, vs. Joseph W. Reynolds et al., appellant; argued by counsel for appellant and submitted on briefs by counsel for respondent, and taken under advisement.

Minnesota Linseed Oil company, respondent, vs. John Magginnis, appellant; submitted on briefs and taken under advisement.

Adjourned to Monday at 9:30 a. m.

DECISION.

Katie Thompson Ashton, respondent, vs. Susan L. Thompson and Horace Thompson, (Susan L. Thompson, appellant.)

Syllabus—Upon grounds of *public policy*, or, as it is otherwise expressed, of *public utility*, equity exercises a salutory jurisdiction in setting aside donations of property made to a donee who stands in some confidential or fiduciary relation to the donor. The relief granted in such cases rests upon a general principle applicable to all relations in which dominion is exercised by one person over another. The confidential relation of parent and child, and the fiduciary relation of guardian and ward are among those in which such relief is frequently granted.

Equity looks with special jealously upon donatious from a child to a parent when made recently after the child comes of age or while he is under constant and immediate influence of the parent (as for instance residing with him) or while his property is in the parents possession or control.

Donations from a ward to a guardian are regarded with still greater jealously where the circumstances are such as to give the guardian an ascendency over the ward.

Whether the donation be from a child to a parent or by a ward to his guardian if the donor is so placed as to be subject to the donee the *onus* is on the parent or guardian (as the case may be) to show that the transaction is "righteous."

In such cases the undue influence is on grounds of public policy prima facie presumed from the peculiar relations subsisting between the parties.

Substantially the same rules are applicable to the case of an ex-guardian, where, notwithstanding the termination of the formal fiduciary relation between him and his ward he still retains his dominion in fact, and his position of influence as respects the ward or his property. This is especially true where the donations called in question are made while (even after his majority) the ward continues to reside with the ex-guardian or the ex-guardian continues to retain possession or control of the ward's property.

In all those cases where the law infers from the relations of the parties the probability of undue influence on the part of the party having dominion or ascendency over another it requires that the influence in fact excercised shall be exerted for the benefit of the person subject to it and not for the benefit of the party possessing it; otherwise the donations will be promptly set aside.

Application of these principles to the facts of this case arising between a parent and guardian and her child and ward, the order refusing to vacate the decision below and to grant a new trial is affirmed.

BERRY, J.

[C. Gilfillan, C. J., and Dickinson, J. being necessarily absent from the argument took no part in the decision.]

District Court.

CRIMINAL CAEES.

[Before Judge Wilkin.]

State of Minnesota vs, Brown and Horan; motion for bill considered and bill fixed for Horan at $3,000; sureties examined and not considered sufficient; case adjourned to procure sufficient sureties to 10 a. m. to-day.

State of Minnesota vs. Robert Kruger tor larceny, defendant retracted his former plea of not guilty and plead guilty and was sentenced to two years and two months at hard labor in the penitentiary at Stillwater.

Adjourned to 10 a. m. to-day.

COURT CASES.

[By Judge Brill.]

Michael Roach vs. Henry O'Gorman, sheriff; settled and dismissed.

Adjourned to Tuesday April 15, at 10 a,m.

DECISION FILED.

[By Judge Simons.]

John Prazek vs. Ellen A. Smith, et al.; verdict for plaintiff. The suit was brought to quiet title to certain lands in St. Paul.

NEW SUITS AND PAPERS FILED.

Geo. Benz & Co. vs. R. B. Barnes; affidavit of garnishment filed in the sum of $147.30.

Charles Friend vs. J. B. Mueller; suit for the value of merchandise in the sum of $295.46.

Bank of Minnesota vs. Jeremiah C. McCarthy; suit for $3,134.83 due on a promissory note.

Chas. H. Lienau and Albert Scheffer vs. Jeremiah C. McCarthy; judgment demanded in the sum of $3,000 for liability to failure to complete a contract with the city in the specified time in which plaintiffs were sureties.

Chas. C. Bennett, as assignee, vs. H. R. Denny; judgment asked in the sum of $10,000 for damage to plaintiff by converting property and refusing to deliver it. Transferred from Hennepin county.

John S. Delano, plaintiff, vs. A. A. Hosmer, defendant, and E. C. Whitney, garnishee; suit for the amount of two notes, aggregating $900.

Probate Court.

[Before Judge McGrorty.]

Estate of Michael McMahon, deceased; petition for letters of administration filed; hearing May, at 10 a. m.

Estate of Lars I Rydberry, deceased; same; hearing May 12, at 10 a. m.

Guardianship of Schottenfel's minors; Arnold Kalman appointed guardian.

Municipal Court.

[Before Judge Burr.]

J. Jerjenski and J. Moslick. larceny; continued until to-day.

Geo. Baxter and Fannie Crashaw, disorderly; bail of $25 forfeited.

Peter Dewald, assault; fine of $10 paid.

M. F. Kellehar, assault; fine of $25 paid.

R, Patterson, larceny; dismissed.

J. Wallow, violating employment ordinance; same.

St. Clement's C. B. Society.

At the annual meeting of the St. Clement's Catholic Benevolence society, held last night, the following named were elected officers for the next term:

President—John Klemen.
Vice President—Wm. Esch.
Recording Secretarp—John Bayer.
Finance and corresponding secretary—John S. Grode.
Treasurer—George Reis.
Messenger—Chas. Hauck.
Sentinel—Jas. Scharfbillig.
Marshals—Fred. Schroder, Ed. H. Schliek, Geo. Gerlach.
Finance committee—Emil Geist, J. T. Kerker, Peter Streit.

The society is in a flourishing condition, having increased its membership during the last year by seventy (70) members and numbering now three hundred and thirty-five, (335).

Children's Jubilee.

One of the greatest attractions in the northwest the coming summer will be children's jubilee at Mahtomedi, July 24 to August 4. S. Shemi, general manager of Mahtomedi assembly, has just closed a contract with the great artist Signor Jannotta to be musical director. There is to be a chorus of 1,000 children. The children will be trained in their own Sunday school in the music furnished by the manager, for several weeks, and Signor Jannotta will conduct grand rehearsals at Minneapolis, St. Paul, and Stillwater before going to Mahtomedi. All denominations will be invited to participate. The general manager, who has had several years, experience in conducting assemblies, has his plans well matured, and everything will be done to insure the success of the jubilee. It will be a great privilege to the people to have their children trained under such an artist as Signor Jannotta. Full particulars will be given to the Sunday schools in a few days by General Manager Shemi.

GOOD FRIDAY.

Its Observance in Church Services—Easter at St. Paul's.

St. Paul's Church.

Corner Ninth and Olive; Rev. E. Thomas, rector.

Good Friday—Service and sermon, 11 a. m.; prayers, 5 p. m.

Easter—Plain celebration, 8 a. m.; choral celebration (music by B. Tours), 12 m.; service and sermon, 11 a. m.—subject of sermon, "The Power of the Resurrection"; adult baptism, 10 a. m.; infant baptism, 2½ p. m.; children's carols and offertory, 4 p. m. The choir will consist of fourteen voices, Miss Katie Gordon, organist, Richards Gordon, precentor.

Elections of wardens and vestrymen, Easter Monday, in guild room, 7½ p. m.

Plymouth Church.

To-night services of special interest will be held in Plymouth church. The music for the occasion will be by the choir and the Hadyn chorus, and addresses by Drs. Riddell and Dana. The choir offertory is Buck's arrangement for "Darkly Rose the Quiet Morning," by a quintette. Seats free to all and the public cordially invited. The lenten services in this church have been marked by much interest, and are a new feature indicative of a spreading desire among Congregational churches to observe this season in concert with other branches of the church.

St. John the Evangelist Church.

To-day, being Good Friday, there will be services at St. John the Evangelist church, as follows: Matins, with sermon, 10:30; evensong, with sermon, 4:30. In the absence of the rector, the Rev. Edwin Benedict, of Leech lake, will officiate.

Incorporations.

Articles of incorporation were filed with the secretary of state yesterday of the Pacific Company Colonization society to acquire by purchase or otherwise homesteads for its members in such state or territory of the United States as the board may determine. The principal place of business is to be St. Paul, which business is to commence April, 1884, to continue for a period of ten years. The capital stock is placed at $50,000,divided into 5,000 shares of $10 each. The highest amount of indebtedness is limited to $25,000. The incorporators are John Fischer, Daniel Mortimer, Chas. Wack, Phillip Fischer, Peter McKinnon,Louis Golke and Jehn S. Schneider, of St. Paul.

The by-laws of the Oneota Gold and Silver Mining company, of Duluth, were received yesterday by the secretary of state and placed on file.

WISCONSIN.

The Republicans issued 150,000 straight and 32,000 split tickets at the last Milwaukee election.

The mills of the Eau Claire lumber company start up this week. All the mills in the city will probably be running to their full capacity by April 14.

All the barbers of Madison, with the exception of one, have signed a paper agreeing to close their places of business from 12 o'clock Saturday night till Monday morning.

The cash payments by the logging companies at Chippewa Falls average $100,000 per day. The men who drove the "Pool" away from Eau Claire did a big thing for Chippewa Falls.

The ice is still firm and thick in the straits of Mackinac, and it is deemed propable that navigation between Lake Michigan and lower lakes will not be opened before May 1st, which is about the usual date.

The Democrats were triumphant in Madison, LaCrosse, Chippewa Falls, Oshkosh, Appleton, Janesville, Watertown, Menasha, Green Bay, and Prairie du Chien. The issue was high license in most of the cities.

New Richmond and Clear Lake, after a year each of licensed rum holes, spoke out deciededly agaidst their continuance, at the April election. In Clear Lake temperance won by a two thirds vote, and in New Richmond the no-license trustees received a respectable majority.

Cumberland *Herald*, April 5: Griggs Foster & Miller are doing the heaviest mercantile business of any on the line of the North Wisconsin road. Their wood business is simply immense and extends from Perley on the south and Ashland, Washburn and Superior on the north. They have this winter got out ties enough to build 150 miles of road.

Dr. Bascom the president of the Wisconsin state university, gives a terrible report about that institution. He declares that a large number of the young men sent to Madison, are led into temptations, become dissipated, and ruined. Rowdyism and drunkenness prevails among the students at a rate that is alarming. There must be grave reasons for such statements, or the president of the university would not make the charges over his own signature.

While digging a well on the property of J. K. Anderson, ex-manager of the Silurian spring at Waukesha, a few days since, workmen struck water at a depth of a little over six feet and a perfect gush of the liquid ensued. This new discovery is on the summit of one of the most elevated points in this vicinity and will, no doubt, owing to this fact and its close proximity to the Silurian spring, come at once into prominence and renown. For some years past there have been any number of rumors afloat that the identical piece of property on which Mr. Anderson's spring is located, was to be the site of a mammoth hotel, and now there is no doubt but that necessity for Waukesha will be realized.

IOWA.

The Iowa legislature adjourned lastMonday after a session of about ninety days.

Langtry tickets in Burlington were $1.50, $1.25 and 50 cents. In Des Moines, $2, $1.50 and $1.

The valuation of railroad property in the state will show an increase over the last valuation of about $1,750,000.

An Ottumwa saloon keeper has petitioned the governor to grant him the privilege of leaving the state after July 4.

The corner stone of the Masonic State Library building will be laid at Cedar Rapids May 8. The building will cost $18,000.

It is stated for a fact that there are 1,000,000 cows in the state, the yearly product of which in cream and calves will reach $30,000,000.

One hundred and thirty-five men were discharged from the U. P. shops in Omaha last Saturday. The company claimed to be short of work.

The new dog tax law provides a tax of fifty cents on each male and one dollar on each female dog, the proceeds to create a fund in each county for reimbursing sheep raisers whose stock has been destroyed by dogs.

The State Brewers' Association has already retained Ben Butler and Bob Ingersoll as counsel in the proposed warfare against the prohibitory law. There is no doubt but that the brewers of Iowa will endeavor to defeat the enforcement of the prohibitory law and will test the law in the courts.

Cedar Rapids *Gazette*: At the "colony," or Amana Society, about thirty miles from here, in Iowa county, thousands of gallons of wine are made annually. None of it will be sold after July 4th, but they will continue to manufacture as heretofore, and will store it in their cellars waiting for the law to be repealed, claiming that the longer they wait the better and more costly will the wine become; and if, in a few years the prohibitory law is not repealed, they will sell outside of the state.

The Burlington *Hawkeye* of the 6th inst., contains interviews with thirty-one of the saloon keepers of that place upon the prohibitory law and its probable results. There are in Burlington in the neighborhood of 100 saloons. All of the thirty-one liquor men interviewed expressed the opinion that the law, if enforced, would be an injury to the city. It would certainly depreciate the value of real estste. Several of them who are owners of real estate stated that prospective enforcement has already had the result of reducing rents.

VIENNA FIREMEN.

How They Handle Conflagrations in a Big Old City.

An interesting letter was received by Ald. Van Slyke yesterday, from his son Dr. Fred. W. Van Slyke, who for over a year past has been studying eye and ear diseases in the hospital at Vienna. The writer gives a minute, graphic and interesting description of how the fire department is conducted in Vienna, a city which claims over a million inhabitants. For the benefit of our readers, the description is herewith given in full:

I wish you could see the fire department apparatus in Vienna I know you would enjoy it at any rate laugh. The city has a population of about 1,200,000 most of the buildings are four and five stories in height. They have two very small steamers and a number of hand engines (small), when an alarm of fire is sounded the first thing to be heard is a great tooting of horns and a cleaning of the street ahead for a block. Soon a wagon trots in sight with ten or twelve men hanging to it, all in linen clothes, fireman hat, and a large coil of rope wound about them, a small hatchet in there belt and each one also having lungs over his shoulder a good sized brass horn. The fireman on front seat blows his horn all the way to the fire, although they go only at a snail's pace, and the others begin to trot as soon as they sight the fire. After this wagon which has a bucket or two and a coil of rope on it, comes a steamer or hand engine followed by four or five water carts each having a cask of water, about as large as a hogshead mounted upon it, the water supply. There are two men to each cart one to drive the other to toot and they all keep the horns going from the front wagon to the rear although the distance between them be only a few feet.

At the scene of action each man seizes his timely lung destroyer and the overture begins. As assistants to the noble firemen, hundreds of policemen and two or three regiments of the regular army are called out, generally for no other purpose than to prevent the poor people from getting even a glimpse of the fire; at the last fire on one side the people were not allowed to approach within three and four blocks of it. It is the same with all public displays. The masses see nothing, although they are on hand early and wait paitently but the police are always on hand at the proper time and back go the crowd. Well as to the firemen, the engines are kept as far as possible from the burning matter; as the water carts roll up, a large tub is placed on the ground to receive the water from the cask, the receiving pipe of the engine is placed in it, and then what few unlucky creatures have been able to crawl through the lines of police and soldiers at the risk of arrest to see what a fire is like, are put to work at the pumps, thus relieving the tired firemen who are getting out of wind; by the time, the water works are all set up, the plug puller pulls the wooden plug from the cask, the water runs, the would be sight seers pile on muscle, the horns on both ends of the hose now do some more good work; presently a miserable little stream splutters out breaks into spray and falls on the building like rain; there was not a stream there that would knock a man down in front of it and none of them could break a window at 75 feet, actually.

About every five minutes the horns at the water supply send up a despairing sound; has the engine broken down? No, only the supply stops while the next barrel of water is being tapped. The real post of danger at a fire is held by the brave man who pulls the plug as every time he loosens it he gets a bath which puts him in great danger of contracting a cold or putting out his eyes, the same thing happens when he cuts it off which is necessary three or four times before the supply is exhausted in the hogsheads as according to the German system the water tubfrom which the engine gets water is made very small, this naturally keeps the plug man busy as the water runs in faster than it is taken out by the engine; no waste of water is allowed at this end of the stream. Perhaps they measure the water in large casks with the small one. There were a great many theories as to the reason why the small one was used at all, principally by strangers; a fool looking on suggested that they put the receiving hose directly into the larger tub but he did not last long. I heard the next day that the government had banished him to America as a dangerous character. This fire was about as fine as one could see at home. The loss was over half a million dollars, a lot of manufacturies, large brick buildings which unfortunately were surrounded by wood and lumber, the heat from the latter being so great that the firemen could not approach near enough to put the water from these weak sources, anywhere near it. They have nothing like a hook and ladder truck, but each water wagon carries an axe or two and a short ladder to mount the cask, and see if the water has all run out or not.

The steamers are supplied with coal as the hand engines are with water; the steamers only throw one stream and no stronger than the hand machines. The last heard of the department was that the chief had just invented a double condensing reservoir back actioned horn. It is claimed that the same amount of noise as with the old one, can be gotten out of it with one-tenth the lung pressure This will be a great saving to the city, because the men will live longer to work for poor wages. I believe the city purchased a chemical engine but the printed directions were lost at the first fire, it therefore, has never been in active use; it is taken to every fire in hopes that some day it may go off accidentally. Your proposed pony expedition is about the mildest scheme you have had yet. That would be very practical here, but in the United States where places of interest are so far apart it is certainly inadvisable; besides if you were to offer such an establishment for sale east they would arrest you for horse thieves. You will certainly come to a bad end if you attempt it. Who is your partner?

There will be a dog show here the last of March. I may go. The glass ball club began to shoot Wednesday from 1 P. M. till dark. The weather all winter has been lovely and warm. I expect to leave for Berlin about the middle of April.

Murder and Suicide.

NIAGARA FALLS, Ont., 10.—Thomas Vedders and N. R. Pierson, brothers-in-law, drove to Goat Island yesterday. Not returning, search was made this morning and Pierson's body was found on Luna Island shot through the head. The horse and buggy was tied to a tree. Vedder's clothes were discovered lying on the ice, but no trace of him was found. It is supposed the men quarrelled and Vedder shot Pierson, afterwards committing suicide by jumping into the rapids. Both were respectable citizens of Supension Bridge, New York.

Cuba's State.

LONDON, April 10.—A *Times* dispatch from Madrid, speaks as follows: "Signs of the approach of a serious economical crisis in Cuba is daily increasing. The continuous fall in sugar is bringing ruin and disaster, and unless radical measures of relief are speedily adopted the long suffering Cubans will be driven to courses disastrous for all. If Cuba is to be saved, the cost of living must be reduced, the system of administration and tax improved, and freer markets obtained for her products."

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