ST. PAUL NEWS.

AMONG THE HORSES.

Southern Minnesota Making a Splendid Showing of Improved Stock.

A Fine String at the West End Driving Park of Red Wing.

Herod Doing Good Work—Local and Miscellaneous Horse Notes.

[This column will appear in the GLOBE every Monday morning. Pertinent correspondence will be thankfully received and should be addressed Turf Editor of the Globe.]

To Advertisers.

Stock advertisements will hereafter be inserted in the Monday issue of the GLOBE immediately following the reading matter of the horse department. In no other way can stock be so cheaply or prominently advertised as by aking advantage of this opportunity. Figures will be furnished on application, and advertisements can also occupy a corresponding position in the weekly issue, if desired.

Southern Minnesota.

In no portion of the state of Minnesota are the business men of a broader gauge, or the horsemen more energetic or more wide awake than they are in the active, solid and business like city of Mankato. This first class and thriving city, besides having an energetic population and a good degree of wealth, is surrounded with a farming community of a very thrifty character, located upon lands that are actually without limit as to productive resources. The consequence is, that all around that great city of southern Minnesota, are well cultivated farms and yell fed, well clothed people, well supplied with good farming utensils, nearly or quite paid for, and the whole population nearly or wholly out of debt. While those who are encumbered with debts are in such a financial condition that they are not in any wise distressed by their outstanding obligations. It does not require any learned argument or much thought to see or know the effect that such a condition of affairs in the country produces in the city of Mankato. It is simply this, good sales, good pay and abundant prosperity. This is just what presses itself upon the visitor when he steps from the cars and sees for the first time the nice streets, solid business houses, and beautiful residences of the people. This impression is still further strengthened by the appearance of the farmers as they come into town to dispose of their produce. The rickety wagons, half fed horses, and broken harnesses tied up with pieces of half untwisted rope have given place to good, substantial well fed animals, complete harnesses and good, modern wagons. As this town has increased in wealth and business, its citizens have, as is natural, indulged, a taste for a better grade of horses and stock generally, and now there are many gentlemen in Mankato who can boast of some very excellent and well bred animals. They have a good and well appointed track, good fair grounds, with suitable buildings; and no part of the state can boast of better stock of all kinds than can this part of southern Minnesota. We see that the southern Minnesota Live Stock and Fair association, located at Mankato, is out with its claim for dates. This organization claims August 26, 27 and 28 for its summer trotting meeting, and September 23, 24 and 25 for its fair, and that for both occasions liberal purses are offered. These meetings are always well attended and successful, and no doubt they will be this year.

Herod Doing Good Work.

To the Turf Editor of the Globe.

I gave Herod an easy half mile yesterday in 1:15. Our track measures forty-two feet more than a half mile and is very slow footing. This was the first half which is notoriously the slow one with him. Mr. Kathan started Farmer's Maid with him to go a mile but she made a mistake just before reaching the half, and Herod jogged the second part of the journey. The track was never trotted so fast before by any horse, which is very gratifying to me as it is a demonstration of my faith in Herod. He has never yet left his feet with me hitched to a sulky and never to any other hitch when he could have his way about a brush. I have given him several brushes with a runner better than a 20 clip, and feel sure that if he does not go wrong his record will be reduced this season. He used to go at speed with his mouth wide open and bearing heavily on the check. A nose strap and Carlton check has entirely corrected this, and he speeds now with as light a touch as Little Queen. When it is remembered that Herod is eighteen years old this spring, his ability to speed as fast as ever is placed away out of the ordinary and corroborates the common belief that a good old horse is always a well bred one. I do not believe there is a stallion living of Herod's age that can down him in a race of mile heats, 3 in 5, and I doubt if there is a stallion in Minnesota that can do it. A stallion who is not allowed to serve more than one mare a day can trot a race most any time, and I am aching for a horse race. If the Rochester people will make a stallion race to be trotted over their track early in June, they can mark Herod down as entered. I believe this would bring together Silas Wright, King of the West, Le Clair, Jr., Preston Star and Herod, possibly others, Black Jim, Captain Herod, Archer's Almont, who is in the stud, but in training at Austin. This would be a splendid chance for him, as he is taking a season's work, especially to get a fast record. The more the merrier, I think this is a good scheme for Rochester as Preston people are determined to have some Fourth of July races and have raised several hundred dollars towards it already. Therefore there must be a division of crowd and horses July 4th, while June 3d and 4th or June 10th and 11th we could all go to Rochester and the town would have no competition. Every body is hungry for a horse race any way, and until July is too long for southern Minnesota to wait. The colt races will have to be trotted in June if at all. Let the Rochester readers of the GLOBE act quick and a successful meeting can be gotten up on short notice. M. T. G.

Red Wing Horses.

The editor of the Red Wing *Advance* has been out to the west end driving park in that city, and speaks well of the horses there. From his account we condense the following:

Mathews & Robinson has Black Jim 15½ hands, weighs 1,030, and has a record of 2:32¾. He was sired by Brown Jim, son of the Archer horse, he by young Morrill, he by old Morrill, dam by Star of the West. He is a picture of beauty and a good stepper.

E. J. Blood, the popular landlord of the St. James, owns the next in promise of the fine string. He is a pacer, a fine gelding who travels under the name of Dick. He did some fine work on the track. He is yet without a record, but handles himself in a manner that shows him liable to need a good deal of watching in his class.

Rolla Parvin, by Sweigert, is owned by James O'Brien, of Fergus Falls. He has no record but is very promising.

Little Rock is also by Sweigert, and is owned by Mr. Kirck, of Winona. He is also without a record but shows a good deal of speed.

Baybrino by Sweigert, owned by L. S. Van Vliet, of Lake City, is another of the fleet-footed animals that will tend to make West End driving park famous the present year. He has a record of 2:28½ in 1883, and has the ability of reducing the record the present season. Black Wing, owned also by Mr. Van Vliet, is a three-year-old that can show a 2:50 dash.

Startle, a grey gelding owned by St. Paul parties with a record of 2:50, is another of the string that can lower his mark any day.

Black Fred, by Almont Boy, owned by James Marvin, of Lake City, is a promising two-year old and is showing nicely under the breaking.

Bell, a sorrel mare owned by John Kempe, of Red Wing, can trot in three minutes now without training. She is a fine roadster.

A bay gelding, Monroe Chief, Jr., is owned by W. F. Cross. The horse is sired by Munroe Chief, has no record, but is acting more than ever like a fine trotter, and if started this year will get a fine scratch for a green horse.

Mr. Peter Nelson is one of the Red Wing amateur horse fanciers, and has the Old Forester pacer, Billy N., with a record of 2:30 in 1883. He will not start in the spring circuit, but may be looked for in the fall.

Dr. Peterson, V. S., has a horse, Black Prince, with a record of 2:47, that he is getting ready for the Illinois circuit. He is a fine horse.

Mr. Ed. Welt has a very good young mare that promises well.

The *Advance* says: "There are others in the city that might be enumerated, but this is sufficient. There are also several being developed in the country. As people get wealthier, and have more leisure, the developing of this class of horses rapidly increases. There is also a tendency toward improving work horses, that began at an early day and has gradually increased until this city and county can boast of some of the best farm horses and roadsters in the west.

The Midway Sale.

On the 11th of June next Messrs. Kittson, De Graff and Sherwood will offer for sale at Midway the finest and best bred lot of stock ever offered in the west. This stock will consist of about seventy head of high bred trotters, embracing young stallions, fillies, brood mares and geldings sired by such well known stallions as Smuggler, Volunteer, Peacemaker, George Wilkes, Von Arnim, Blackwood Jr., Alexander, Baymont, Indianapolis, Belmont, Administrator, Blue Bull, and Ravenswood. The terms of sale will be cash, and catalogues can be obtained by addressing B. D. Woodmansee, St. Paul. This will enable horsemen in the northwest to obtain stock that is already acclimated, which is always of very great advantage. Any breeder knows very well the difficulty and danger of bringing here stock from Kentucky and other states. It takes a long time to get the animals accustomed to the change of climate so as to enable them to be of any service. As to the breeding of these animals there can be no doubt. It is as good as there can be in the country. There can be nothing better. The call for catalogues, and the general interest manifested in this sale indicates that there will be a good attendance.

Local Matters.

Porter Martin, of Farmington, has had the following foals drop: One s. c. by Prince Imperial, the pacing mare, Nettie, a h. c. by Almont. Mr. Martin has also purchased the following stock of the Dixon boys: Two geldings three and four, by Administrator. These colts are full brothers to Mr. A. C. Elliott's fine horse, St. Paul. Also of the same parties Mr. Martin purchased a fine Almont colt three years, fifteen and a half hands, one white foot.

C. A. DeGraff received some new additions to his stock last week. Glen Flora droppec a filly with two white fore feet, by Alexander, and Genoa dropped a bay horse colt, with black points and two white hind feet, by Alexander.

The Southern Minnesota Live Stock and Fair association claim August 26, 27 and 28 for its summer trotting meeitng, and September 23, 24 and 25 for its fair with liberal purses.

Commodore Kittson left for New York last Friday to be gone for a brief period, and while there will probably take a look at Little Brown Jug.

R. C. Judson's bay mare Capitola, by Western Chief, dropped a fine h. c. colt by Prince of Wales, on the 12th.

Miscellaneous.

The road-house located at Fargo Fair Grounds is for sale or rent. Address J. M. Morrison or George Marelius, Fargo, D. T.

Messrs. Lizer & Harter's, Wabash, Ind., stallion, Blue Bull, had his right fore leg broken on May 3, by a kick from another horse.

Mr. George White, Nashville, Tenn., has sold to Mr. R. C. Pate, St. Louis, Mo., the bay colt, 2 years old, by Enquirer, dam Wampee by John Morgan, for $1,500.

L. C. Henday has sold to F. T. Walton, the American Plunger, the chestnut colt Richmond, three years old, by Bold Dayrell, dam Miss Harriott by Kettledrum, for $2,000.

W. H. Shadley & Co., sold at auction at Lexington, Ky., May 8, the bay colt Ballard, four years old, by imp. Billet, dam Katie Pearce by Leamington, to Chas. Hearne, Cincinnati, O., for $1,550.

The Kentucy live stock *Journal* of May 10, says that at the Glenview and Indian Hill sale, in Kentucky Woodford Wilkes' two year old horse colt, was sold to Mr. Rockfeller, of New York. There must be some mistake about this as this is the colt that was purchased by Mr. George W. Sherewood, of St. Paul.

Mr. John Croker's brown horse Blarney, seven years old, by Ballenkeel, dam Chatterbox, met with a severe accident on the cars en route to Memphis from New Orleans. He caught his leg between the side of the car and an iron attachment of the ventilating apparatus, partially cut through the tendon. It is doubtful if he can ever be trained again.

ST. PETER MONTHLY HORSE MARKET—The first monthly horse market will be held at St. Peter, Minn., on Wednesday, May 7, and on the first Wednesday of each month thereafter. mon-84t126

FOR SALE—Young Trotting Stock—I have several one and two-year-old colts, the get of Baymont, 1,027, son of Alden Goldsmith, 337 out of standard mares. Colts all large and rangy, fine looking, and unmistakably showing the promise of speed. G. W. Sherwood. 42*

LAKE COMO STOCK FARM—I have for sale a nice lot of colts and fillies, one two and three year olds, all standard bred, got by DeGraff's Alexander, and by Theseus, by Administrator, dam by Almont, son of Alexander's Abdallah. Also for sale, Oakwood, four years old, by Alexander, standard, 1855. W. L. McGrath.

PRESTON STOCK FARM, Preston, Fillmore County, Minn. For public service, Herod (2:26¾), the best bred Morgan living, Trample, the most successful trotting sire of his age in the northwest; Comus, a first-class draft stallion. For pedigrees and terms, address M. T. Grattan. 98*

MITCHELL, DAK.

[Special correspondence of the Globe.]

Our first visit to Mitchell is certainly a pleasant one. We were surprised at the appearance of the place, it being more of a city than we expected. There is more business activity in Mitchell than any town we have visited in a long time; large business blocks are being erected, fine residences of the latest architectural styles completely surround the business part of town. L. O. Gale is now erecting one which, when completed, will cost between $4,000 and $5,000. Mr. Gale also has one of the finest drug stores in the territory. Mitchell is to have the Dakota university, which, when completed will be the attraction for all visitors to the city. The excavating is being done and the order for the material has gone in. Geo. Sanborn, superintendent of the Chicago, Milwaukee & St. Paul railroad, generously offers the stone from his quarry near Alexandria free of charge for the foundations. The style of architecture for the college of arts, is Venetian Gothic, 100 feet front, with two end projections and a front central tower, or spire, 100 feet high. The east front is 70 feet, with central tower 75 feet high. The west front is 40 feet. The building will be four stories. The basement will be t n feet between floors and will contain gymnasium, heating department, dining room and servants' dormitories, and covers 6,148 square feet. The second story, sixteen feet between floors, containing chapel, music room, president's suit aad parlors, three recitation rooms, labratory, office cabinet and four suits of rooms for students. A wide hall runs through each story of the building from east to west. The third story is fourteen feet between floors, containing museum, kindergarten department, two recitation rooms, labratories and dormitories. The fourth is twelve feet between floors. This will be in the mansard elevation, beautifully and brilliantly lighted with triplet Vetetian windows, and will contain dormitories and society rooms. The entire building is to be built of jasper, with white granite water table, belt courses, window caps and carbals. The front tower to be decorated with tiles and pressed brick. Madsard roof to be covered with charcoal shingles and iron cornice. The building is lo be the most beautiful structute in the territory, and will be completed and ready for the fall term of school. Rev. Wilmot Whitfield, of Sioux City, Iowa, is to be president of the university faculty and is to organize a board of instruction, subject to the approval of the directors of the university. The university will accomodate 180 boarders and 300 regular students.

AMUSEMENTS.

Keene, the Tragedian.

The engagement of Thos. W. Keene, the tragedian, opens at the Grand Opera house this evening, the attraction being "Richard III." Of the merits of the drama nothing can be said, as it has long been regarded by the students of Shakespeare as one of his most subtle and wonderful characters. In the portrayal of the title role Mr. Keene has won deserved distinction and he is now recognized as one of the best living exponents of the character on the stage. The character indeed, is said to be his master piece, as he is said to achieve the very perfection of art.

During the week the programme will be varied, the repertoire being as follows: Monday, "Richard III;" Tuesday, "Richelieu;" Wednesday, "Hamlet;" Thursday, "Julius Cæsar:" Friday, "Macbeth;" Saturday matinee, "Lady of Lyons;" Saturday night, "Richard III."

Since his last appearance in St. Paul, Mr. Keene is said to have made rapid strides towards perfecting the characters in his repertoire, and he has won unqualified encomiums from both the press and public throughout the country. He is supported by a good company and the engagement will no doubt prove a great artistic and financial success.

Cause of Failure.

Want of confidence accounts for half of the business failures of to-day. A. B. Wilkes, B. and E. Zimmermann and E. Stierle, the druggists, are not liable to fail for want of confidence in Dr. Bosanko's Cough and Lung Syrup. He gives away a bottle free to all who are suffering with coughs, colds, asthma, consumption, and all affections of the throat and lungs.

A spiritual temple to cost $250,000 is going up in the Back Bay region of Boston.

SMITH PARK.

The People's Title to It—A Legal Opinion Dissected by Hon. Aaron Goodrich.

To the Editor of the Globe:

On the 12th inst. a paper said to be a legal opinion was presented to the Chamber of Commerce and ordered to be spread upon its minutes. The Chamber is therein advised that Gen, Sibley in 1848 entered a tract of land of which Smith park constitutes a portion, and on the 7th of July, 1849, conveyed the same to C. S. Whitney. At that time there was but one county in Minnesota, this was known as St. Croix. This opinion informs the Chamber of Commerce, that

"There is a plat in the office of the register of deeds at Stillwater, designated on the face thereof as Whitney & Smith's addition to St. Paul, and acknowledged by Cornelius S. Whitney and Robert Smith July 24, 1849, at which date said Whitney was still the sole owner of said tract of land embracing the said park or square in question."

Smith was at that time an equitable and subsequently became a legal owner in the plat.

The legal opinion in question further says.

"There is nothing upon said plat or upon the records showing when the plat was filed or deposited in said office."

It is held that ignorance of the law may not be pleaded in mitigation of penalties incurred by those who violate its provisions. Had the draughtsman of this legal opinion comprehended the import of the statute he quotes, it is believed he would have refrained from the above comment. The legal presumption is that the plat in question was filed on the 24th day of July, 1849, that being the date of the acknowledgement of Whitney and Smith, the statute requiring the two acts to be performed simultaneously.

They "shall, *at the time* of offering said plat or map for record, acknowledge the same before any person authorized to take the acknowledgement of deeds,"

This writer for the chamber of commerce continues:

"It is noticeable that the plat in question is not signed by Whitney or Smith; and that the 'Note' in respect to the size of the lots and width of the streets is not signed by anybody."

It is also noticeable that the plat in question, and all pertaining to its authentication seems to be in conformity with the requirements of the statute in such case made and provided. The signatures of Whitney or Smith, if appended thereto, would be as much out of place, as would be that of the writer in question, should he append his to the decalogue.

The same may be said, in answer to his objection to the "note" calling attention to the size of the lots and the width of the streets. This "note" is appended to the certificate of dedication hereinafter appended.

The act, under which the plat was filed and dedication made, provides, that, "When any person wishes to lay out a town in this territory, or an addition, such person shall cause the same to be surveyed and a plat thereof to be made, which shall particularly describe and set forth, all the streets, alleys, commons, or public grounds," &c. All of which will more fully appear to have been correctly done—observed and regarded, by reference to what has actually been done, and to the statutory provisions under which the dedication was made, which are hereunto appended.

A further objection is urged, or an imaginary flaw discovered, in this: "That in the certificate of H. Wilson there is lacking an important and uncertain word, and that he does not sign as surveyor."

Here, the writer for the chamber of commerce becomes either too mysterious or profound for my comprehension. Did I speak with the tongue of men and angels I yet become as naught while confronting this unwritten, unspoken, yet ascertained, "important but uncertain word." Though duly impressed with the cabalistic importance of this branch of the subject I yet presume to repeat that this is a statutory proceeding, and that Surveyor Wilson was not required by the statute to append "surveyor" to his name, either as a prefix or an affix, yet, had it been "so nominated," it is believed that the following exemplification of the record would be regarded as proof of compliance with all legal requirements:

"I hereby certify that the above is a true copy of Whitney & Smith's addition to St. Paul, as surveyed and platted May, 1849, by me.

H. WILSON."

For the interpretation of that missing, important, but uncertain word, or where it fell out, or where its place belongs, the oracle at Delphi must declare.

Thus, and in this wise, with a faultless dedication, coupled with thirty-four years of undisturbed possession, our right to sit under this vine and fig tree is questioned, and we are supposed to realize on what a slender thread hang everlasting things.

We are further informed that "a like plat (to that in Stillwater) is also found in the register's office of Ramsey county. But it is evidently a copy, and there is nothing upon it to indicate how or when it got there."

This is as it should be—a copy of that filed in the register's office of the county of St. Croix, when there was no county of Ramsey, this being subsequently organized, it became necessary to transcribe such of the records in that office as pertained to lands in the latter county. This was done, as I believe, legally and in accordance with legislative and executive authority. "When it got there" is a matter of no concern, it took effect from the date of its acknowledgement. [See act herewith printed.]

The Chamber of Commerce is further informed that:—

"The great difficulty with the plat is its patent ambiguity in not identifying the land platted."

That instrument is thus acknowledged and certified.

Territory of Minnesota, }
County of St. Croix. }

Be it remembered that, on the 24th day of July, A. D. 1849. before me, the undersigned, personally appeared Cornelius S. Whitney and Robert Smith, personally known to me to be the proprietors of Whitney & Smith's addition to St, Paul, and acknowledged that they laid out said plat, and do hereby convey the said streets and public square to the public, as laid down on said plat and declared it to be their free act and deed.

BENJ. W. BRONSON, Justice of the Peace.

Note—The width and depth of all lots not specified in the plat are 50 by 150 feet; width of streets 60 feet.

The charge of "patent ambiguity" is sought to be sustained in this wise, nor does it, the plat, "give any clue whereby it, the land, can be found; this is held fatal to it as a statutory plat," and much more to the same import.

What are the facts? The plat, dedication, and acknowledgement, state that the grounds of which block 10—the square in question—constitutes a part, comprise "Whitney and Smith's addition to St. Paul." Was the city of St. Paul a myth, and Smith park also fictitious, the charge of "patent ambiguity" would not seem so reckless, or might have some foundation in fact.

This addition appears upon all the maps of the city.

The assessors and collectors of taxes, state, county and city, have not failed during the last thirty years, to cause every lot in that addition, the public square excepted, to render its tribute unto Cæsar. To-day the additions to St. Paul are numerous. In 1849 they were not.

The description of which the legal opinion complains, must have ever served, as an unerring guide, were such needed, to all in quest of the grounds in question.

It is further urged that "Where a deed fails to describe any land with certainty, or describe it so inaccurately that it cannot be identified, it is void for uncertainty."

So be it, yet will any one seriously contend that this early dedication, now the very heart of the city, is not sufficiently described, or may not readily be found by that description?

To follow the paper under consideration in all its multifarious meanderings might compensate the satirist, the legal student, will seek other fields. If the chamber of commerce does not prefer darkness rather than light, that body will not object to being informed that the transactions touching this plat, and the legal consequences incident thereto, seem not to have been such as the writer of said opinion supposes them to be, or desires others to believe them to have been. Be this as it may, I feel warranted in saying that the dedication of *the streets and public square, to the public*, as manifest by said plat and its true history, *is valid*, both under the statute and at common law, and binding upon all, especially the Common Council, these streets and public square being a sacred and perpetual trust, confided to the care of that body. [See the following quotation.]

"Sec. 5. When the plat or map shall have been made out and certified, acknowledged and recorded, as required by this chapter, every donation or grant to the public, or any individual, or individuals, religious society or societies, or to any corporation or body politic, marked or noted as such on said plat or map, shall be deemed in law and equity a sufficient conveyance to vest the fee simple of all such parcel or parcels of land, as are therein expressed, and shall be considered to all intents and purposes a general warranty against such donor or donors, their heirs or representatives to said donee or donees, grantee or grantees, for his, her or their use, for the uses and purposes therein named, expressed and intended, and no other use and purpose whatever, and the land intended to be for the streets, alleys, ways, commons, or other public uses, in any town or city or addition thereto, shall be held in the corporate name thereof, in trust to, and for the use and purposes set forth and expressed or intended."

How has this *trust* been executed? The chairman of the committee on parks has called attention to the disgraceful condition of this square, this and no more. Have we aldermen standing in "double trust" who give aid and comfort to those who would deprive the public of this perpetual inheritage? I trust not, yet if so, and the next grand jury shall do its duty, there are men who will step down from the seats to which they have been raised by a too confiding constituency, and occupy places in the prisoner's dock.

The laws of God and man abhor the perfidious trustee. As the statute last above quoted is Federal. [See statutes of the territory of Wisconsin and the organic act of Minnesota, sections 12 and 6.]

Those who infract its provisions, if dealt with, must be arraigned in the federal courts. These have thus far, in matters of trust, made a commendable record.

The legal intent of those who framed and enacted the law governing this case, may not be misapprehended, even by the wayfaring man, nor is it possible to mistake the object and intent of the donors.

That dedication stood on the day of its acknowledgment, *and stands to day* an executed and irrevocable contract. [See Sec. 5 last above quoted].

Yet the opinion under notice says:

"But as respects block 10 or the park, the question remains, has there been an acceptance of it by the public; for until accepted it stands as a mere offer, and may be revoked."

Is it not presuming much upon the ignorance or good nature of the chamber of commerce, to inform that body that if not accepted by the public, [how may fifty millions of people signify their acceptance?]

The donors may, after thirty-four years of peaceable and adverse holding, revoke this plat, deed and dedication? Why not revoke that of the streets? They stand in the same category. The delineation of the streets and the public square in question, upon the plat or map, made them a part of the contract. They pervade the deed, by which every lot is held in that addition to St. Paul. Will they revoke it? As well remove the everlasting hills. Yet, were it otherwise, was the "patent ambiguity" equal to that of the legal opinion under consideration? Can the chamber of commerce afford thus to fix a cloud upon the title to the entire property in that addition? Or, will they discriminate as to the legal consequence which shall attach to public and private property—after the manner of Deacon Jones. He was fond of venison. One of his children said there was a deer in the orchard, another believed it to be the calf of "old brindle." The deacon placed his rifle in a rest, so aiming, as he said, that if it was a calf he would miss it, if a deer he would hit it. He fired, and old brindle became childless. This legal opinion continues:

"Now, as to whether the offer or proposition of the proprietors to dedicate the square in question for public use, has ever been formally accepted by the city, we are not advised.

Nor have we considered whether there has been any such public uses of the square as to create an implied acceptance of it."

This extract is not made with intent to legal consideration, but for the purpose of calling attention to the peculiar properties of a mind which remains oblivious to the following among many other facts and incidents of general notoriety.

The exemption of this square from taxes and assessments such as have been imposed upon the adjacent property for more than thirty years past, and placing the burden incident thereto upon the adjoining property, the streets and sewers surrounding this square, constructed and maintained at the cost of the city and adjacent property. The expulsion of many squatters from this square and the demolition of their shanties by order of the city council. Leasing the square to showmen. Making it a prison for tramps. Making it the receptacle of engines and machinery for crushing stone and preparing material for the construction and repair of streets, and many other like acts and incidents too numerous to mention, places the questions of acceptance, user and occupancy beyond all question.

This array of notorious facts, and the evident lack of memory seems remarkable when contrasted with the particularity with which the acts of Mr. Beaumont are chronicled.

"J. I. Beaumont has power of attorney from the Whitney heirs, bearing date August 25, 1881, and recorded in book "C" of Powers, empowering him to enter upon, make claim, demand, take possession of the square for them, and to institute suits, etc. He claims to have taken possession of the square for them in September, 1881, and to have so notified the city council, and claiming in such notice that the city had forfeited all right thereto, and that they, the said heirs, claimed and demanded the same as their own private property.

Such notice will be found in the St. Paul Sunday GLOBE of September 14, 1881."

The importance of Mr. Beaumont's power of attorney from the heirs of Whitney, so minutely described, may be readily computed after consulting the act under which the dedication is made:

"It shall be considered to all intents and purposes a general warranty against such donor or donors, their heirs or representatives to said donee or donees, grantee or grantees, for his, her or their use, for the uses and purposes therein named, expressed and intended, and no other use and purpose whatever." [Sec. 5, above printed.]

Can the city forfeit its right to property never conveyed or dedicated to it? It was and is the duty of the common council to protect and care for this, as for the less needed and less valuable grounds more remote from the center of the city. This much the public deserve and require.

The opinion continues:

"If the city could establish a right to the square under the plat as a statutory grant, there being no limitation or restriction respecting its public use, it could be devoted to other purposes than a park, * * * * * * and under legislative authority might be sold."

Here at last we have the animus, the colored gentleman in the wood pile. The vineyard is wanted:

"*If the city could* establish a right to the square." This is *one* of the things it cannot do, and it is fortunate for the public that it is so, especially, as some of our aldermen speak of the common council as if it were the city. The opinion continues:

"There being no limitation or restriction respecting its public use, it could be devoted to other purposes than a park, and under legislative authority, it might be sold."

This is a legal, not a legislative question. Such an act would disgrace the state, and be but a badge of fraud in the hands of those who would thus attempt to defeat this gratuitous and perpetual trust. Are these things done and proposed, that anxious parties may buy and sell a gift and defeat a trust?

Has the writer of this opinion forgotten that clause in the federal constitution which declares that no state shall pass a law, "impairing the obligation of contracts?"

Is not this trust more sacred than most contracts? Would not its sale impair, would it not destroy, if this were possible, the contract with Whitney, Smith and the public? Thereby defeating the most laudable intent to aid the public. Let us magnify the law and make it honorable. Is this the manna on which the chamber of commerce feeds? Of such material are its records composed. AARON GOODRICH.

St. Paul, May 17, 1884.

BARNEY SMITH'S ROW.

Shot, Stabbed and Burned, But Not Hurt Much After All.

Chief of Police Clark on yesterday investigated the shooting affray in which ex-Officer Barney Smith got the worst of it Saturday night, and an exclusive account of which appeared in yesterday's issue of the GLOBE. That Smith escaped with his life is almost phenomenal, considering that he was both shot, stabbed and set on fire. After this he may be regarded as the phœnix. Full particulars of the affair were developed yesterday, and it seems that the encounter was not with the boiler makers, as at first supposed, but that it grew out of the disturbance Friday night in which Smith was thrown through a window by a couple of the Schurmeier boys, whose place of business is on Rosabel near Seventh street. Smith felt very sore over the matter, and Saturday night he was on East Seventh street, under the influence of liquor. While in this condition several young men passed down Seventh street, among whom was Silas Gotscheimer, a respectable and highly esteemed bookkeeper for Gotzian & Co. As the latter passed Smith some one mentioned his name, and, thinking it was one of the Schurmeier boys, with whom he had had the fuss the night before, Smith went up to him and knocked him down. The friends of Gotscheimer jumped onto Smith, and during the fracas Smith was shot in the shoulder and slightly stabbed in the back, neither of the wounds being dangerous. The charge from the revolver set his coat on fire and a big section was burned out of it. Smith admitted to Chief Clark yesterday that he was the aggressor, and that it came about through a misunderstanding as stated. No arrests were made yesterday, as no one has been found to identify the man who fired the shot, but in view of Smith's frank statement the assault was justifiable.

High Jinks Fishing.

PORT DOVER, Ont., May 17.—Secretary Lincoln, Gen. Sheridan, Gen. Stager, John McCullough, Gen. C. H. Tompkins, Bishop McLaren and fifty others crossed from Sandusky on Thursday, and are fishing at Pelee island.

Discharged Employes Engaged.

BOSTON, May 17.—The Western Union Telegraphic company to-day hired thirty-five of the linemen and builders dismissed by the Merchants' & Bankers' company at Boston yesterday, and are hiring more.

OFFICIAL.

Proceedings of the Common Council.

Adjourned Meeting.

ST. PAUL, May 15, 1884.

The Council met pursuant to adjournment.

President Allen in the chair.

Present—Ald. Dowlan, O'Connor, Robert, Fischer, Otis, Cornish, Johnson, Van Slyke, Starkey, St. Peter, Mr. President—11.

COMMUNICATIONS.

From His Honor the Mayor—Appointment—The Honorable, the President, and Common Council of the City of St. Paul:

GENTLEMEN: I have the honor to advise you that I have received and accepted the resignation of Patrolman Barney Smith; also that I have appointed Daniel McCart a Patrolman on the Regular Police force of the city, and respectfully request that said appointment be confirmed. Respectfully,

C. D. O'BRIEN, Mayor.

May 15, 1884.

Accepted and appointment confirmed by the following vote:

Yeas—Ald. Dowlan, O'Connor, Robert, Fischer, Otis, Cornish, Johnson, Van Slyke, Starkey, St. Peter, Mr. President—11.

From E. Holloway and others—

Protest against the stock yard and cattle nuisance existing on Dayton avenue, near Dale street.

Board of Health.

From Caroline Schurmeier and others—

Protest against the construction of a sewer on Mount Airy street.

Committee on Streets.

From Henry Hale, by J. C. Richardson, agent—

For permission to construct area wall 7 feet wide, on Jackson street, between Fourth and Fifth streets.

Board of Public Works.

From Patrick Leo and others—

Protest against the opening and extension of Oakland street.

Board of Public Works.

From P. R. L. Hardenburgh, E. F. Drake, W. M. & J. A. Stees, Henry Hale, D. W. Ingersoll, M. E. Robinson, Springer Harbaugh, W. F. Davidson, John S. Prince, agent McQuillan estate; John S. Prince, agent of Mrs. Julia Moffitt.

Relative to sidewalks on Third street.

Accepted.

From Patrick Griffin—

Application for the position of Poundmaster for the Sixth Ward.

Committee on Police.

From the Saint Paul Chamber of Commerce—

Copy of resolution passed by said body relative to Smith Park, accompanied by a copy of report of Messrs. Gilman and Davis on the title to said park.

City Attorney.

From Chas. Hennige and others—

Protest against a liquor license being granted to establish a beer garden on block sixty-four, West Paul proper.

Committee on license.

From Patrick Nash—

Relative to his contract for constructing the Pleasant avenue and Ramsey street sewers, that the sum of $552.15 was retained from him on said contract, and asking for favorable consideration, etc.

Board of Public Works and City Engineer.

From Henry J. Horn and others—

Relative to the dumping of manure and offal upon their ground on or near the upper side of Chestnut street below Washington street.

Board of Health.

From Mary E. Robinson—

For permission to move frame building, etc.

Granted—See ordinance No. 400.

REPORTS OF CITY OFFICERS.

Of City Engineer—Road roller—

The Engineer asks authority to purchase a suitable wagon to be used as a tender for the road roller, at a cost not to exceed $80.

Committee on Streets.

Also,

Jackson Street Bridge—

Common Council, St. Paul:

GENTLEMEN: I enclose a letter from Mr. Manvel, general manager St. Paul, Minneapolis & Manitoba railway, in which he proposes to construct a wooden bridge over the right of way of his road at the crossing of Jackson street, provided the city shall maintain and keep such bridge in repair during a term of eight years, at the expiration of which time the company will substitute such bridge as may be agreed upon under the contract now existing between the city of St. Paul and said railway company in relation to bridging its right of way.

The present undeveloped condition of the territory north of the railroad at this point, and the fact that the question of changing the grade of Jackson street is now before you, makes it difficult at this time to determine the kind of bridge necessary. If the grade of Jackson street should be changed, and the improvements contemplated by the Northern Pacific Railroad company be made, this will be one of the principal thoroughfares, and the city would be justified in asking that the railroad tracks be bridged with a structure of the full width of the street, built in the best possible manner.

As this company is building a bridge over its tracks at Rice street, and the city will, during the season build a new iron bridge over the same road at Mississippi street, the bridge proposed, will, I think, be ample to accommodate all the travel for the next eigrt years.

I therefore recommend that the propsition of the railroad company herewith submitted be accepted, and would suggest that the date of completion of the bridge, which is blank, be placed at the 1st day of September, 1884.

Yours respectfully. W. A. SOMERS, City Engineer.

Committee on Streets.

Of Market Master—

Report for month of April, 1884, with Treasurer's receipt accompanying for $165.00 collection, for said month.

Public accounts.

REPORT OF BOARD OF PUBLIC WORKS.

Contract Awarded—

The Board report that they have awarded Arthur Mullen the contract for the construction of a sewer on Rondo street from the northerly end of present sewer to Western avenue, he being the most reliable and responsible bidder therefor, amount of bid $8,795, bond in the sum of $1,800 with Daniel Mullen, Jr., and Daniel Mullen as sureties.

Award approved by the following vote.

Yeas—Ald. Dowlan, O'Connor, Robert, Fischer, Otis, Cornish, Johnson, Van Slyke, Starkey, St. Peter, Mr. President—11.

Also,

Contract Awarded—

The Board report that they have awarded Wm. Stockton and John Lindquist the contract for constructing a sewer on Exchange street from St. Peter street to the west line of lot 7, block 4, Bazille & Guerin's addition, they being the lowest reliable and responsible bidders therefor; amount of bid $699.25; bond in the sum of $500, with John Bell and Lorenz Mitsch as sureties.

Award approved by the following vote:

Yeas—Ald. Dowlan, O'Connor, Robert, Fischer, Otis, Cornish, Johnson, Van Slyke, Starkey, St. Peter, Mr. President—11.

Also,

Fifth Street Paving—

To the Honorable the President and Common Council, City of St. Paul:

GENTLEMEN—The Board of Public Works respectfully ask leave to modify their report dated February 11, 1884, on the paving and curbing Fifth (5th) street, from Broadway to St. Peter street, as to exclude that portion of said Fifth (5th) street, between Jackson and Sibley streets.

A final order covering said modification is herewith submitted. Yeas 5, nays 0.

JOHN FARRINGTON, President.

Official:

R. L. GORMAN, Clerk Board of Public Works.

May 13, 1884.

Adopted—(See order to Board of Public Works.)

REPORTS OF STANDING COMMITTEES.

Of Committee on Streets, Sewers and Bridges—Minnehaha Street Change of Grade—

Committee to whom the report of the Board of Public Works was referred, "relative to a change of grade on Minnehaha street from Seventh to Burr streets," recommend that the said report be adopted and that the grade as shown by the blue line on said profile be adopted, and that the City Clerk give the necessary notice for said change of grade as is required by law.

Adopted. Yeas, 11.

Also,

Sidewalks on Third Street—

Committee to whom the report of the Board of Public Works "relative to stone sidewalks on Third street" was referred, recommend that stone sidewalks be laid on said street from Sibley to Wabashaw streets, and that the same be laid of the Oakland blue stone.

Accepted.

Ald. Otis moved that said report be amended by striking out the words "Oakland blue stone" and insert in lieu thereof the words "Euclid stone."

The motion prevailed, yeas, 11, and the report as amended read and adopted. Yeas 11. (See resolution.)

MISCELLANEOUS.

Claims presented—

Griggs & Foster, $517; John Dowlan, $68; M. McNutly, $6.

Committee on Claims.

By Ald. Cornish—

An order for a gas lamp at northeast corner of Arundel street and Laurel avenue.

Committee on Gas—

By Ald. Fischer—

An order instructing the City Engineer to cause College avenue between Oak and Tenth street to be put in a passable condition at an expense not to exceed $100.

Committee on streets.

Vacation of part of Jackson and Sycamore streets—

Ald. Van Slyke moved that the matter of said vacation be again taken up.

The motion prevailed.

Ald. Otis moved that E. F. Drake, Esq., who was present and interested in the matter, be heard in regard thereto.

No objection being made Mr. Drake addressed the meeting relative thereto.

Upon the conclusion of the speaker's remarks the matter was referred to the Committee on Streets.

Ordinance—

An Ordinance was read entitled an Ordinance granting permission to Mary E. Robinson to remove frame building.

On motion the rules were so far suspended as to allow said ordinance to pass to its second reading, by the following vote:

Yeas—Ald. Dowlan, O'Connor, Robert, Fischer, Otis, Cornish, Johnson, Van Slyke, Starkey, St. Peter, Mr. President—11.

Ordinances.

ORRINANCE No. 400.

An ordinance granting permission to Mary E. Robinson to remove a frame building, et