SAINT PAUL.

Additional City News on Page 8.

FELL FROM THEIR LIPS.

Prof. Le Brou—I have often wondered who the young man is who poses as French editor on an afternoon paper here. Some of the breaks he makes are not only laughable, but positively indecent. Of course, it's ignorance of the language. I know that, but then a man should be careful. This indescriminate handling of French phrases is dangerous.

President W. M. Bushnell, of the State Fair Association—Let them come on, we're ready for them now. The work done by every man connected with the management of the Fair this year has been phenomenal, but we have got things in shape now, and the machinery will begin to hum Friday morning.

John O'Connor—You may say for me that, although the jockey club meeting is not long over, horses are already being looked for for next season's meeting, and the best in the country will be here. The people of the Twin Cities have showed that they appreciate good running, and the next meeting under jockey club auspices will take the country by storm.

J. C. Munger—I've got all the best pictures in the Twin Cities for the State Fair art exhibit, and have a force of skilled hangers now at work getting them in position. The board partition which formerly obstructed the light in the gallery has been removed, and a much better light will be found on the walls than in former years. Things are going on in great shape in my department.

AFFAIRS OF STATE.

Adjt. Gen. Mullen yesterday accepted the resignation of Capt. F. A. Gans, of Minneapolis, Company B, First regiment.

Capt. Gans has been an efficient officer, and the commander-in-chief, in a general order, regretted that his permanent removal from the state made it necessary to part with him.

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Col. Bobleter, as commander of the state troops at the Fair next week, says all arrangements have been completed for massing the various regiments on the ground.

The First regiment will have 450 men; the Second regiment 400, and the Third regiment 250, with about 100 cavalry and artillerymen.

The outlook is for a very interesting review, with a splendid opportunity for judging the state militia alongside the United States troops.

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Judge Tyler, of the asylum trustees, was at the capitol yesterday. The judge very properly condemns the indecent haste of a morning paper to publish the Curtiss-Kemerer complaint against St. Peter hospital authorities. He says there was not the slightest foundation for the story, as the result of the investigation testified.

C. C. Whitney, of the Marshall Messenger, was a capitol caller yesterday. He spoke glowingly of the crops.

R. Lutz, of St. Cloud, auditor of Stearns county, visited State Auditor Braden.

Hon. Sam Iverson, of the auditor's department, has returned from a week's vacation. He has been warbling prairie chickens between Fillmore county and the Dakota line.

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Secretary Tams Bixby is the registrar of the state under the grain laws.

It was he who appointed George Marchant deputy registrar at Minneapolis, and he says neither Gov. Merriam nor the commissioners had anything to do with it beyond accepting it.

WEST SIDE GOSSIP.

The West Side Pleasure club held a business meeting last evening, looking toward reorganization for the winter. Considerable business was transacted.

A man named Martin Damar, who was under the influence of liquor, made two attempts at suiciding from the Robert street bridge last evening. On both occasions he was prevented by pedestrians. The police were notified, but Martin made his escape.

A fracas occurred on the flats yesterday afternoon between Ole Nelson, a Swede, and Perry Guido, an Italian fruit dealer. Nelson was intoxicated, and helped himself to the other fellow's fruit, leaving no money to compensate him for the amount of fruit consumed. Guido was taking it out of his hide when he caught sight of a blue suit in the distance and thought it wise to desist.

Sixth warders object to the darkness which nightly reigns on the Wabasha street bridge, and are agitating the question of how best to secure better lighting for the structure. An attempt is to be made to induce the city council to order the bridge illuminated during fair time. The illumination of all three bridges is under consideration, but no action was taken by the council last evening.

Mrs. Martha George, who fell down an embankment a few days ago and broke her leg, is lying very ill at her residence, 393 Livingstone avenue. The injured lady is being attended by Dr. J. O. Hawkins, and is expected to recover.

In the Sixth ward court yesterday the cases of J. T. Scott vs. Louis Eller and the West Side Bank vs. Henry Lotta were tried before Judge McMartin.

The ladies of the Hebron Baptist church will give a festival and social entertainment in the church parlors on Friday evening. All arrangements have been made for the success of the event, including the securing of a brilliant array of local vocal and elocutionary talent.

A WILLING HAND

Lent to the Flame Fighters Down at Winona.

Chief Jackson and his subordinates did some lively work yesterday afternoon in answering the appeal for aid from Winona. At 2:50 o'clock the following telegram was received at the mayor's office:

WINONA, Minn., Sept. 5.—The eastern half of the city on fire. Send help at once; all the engines and men you can spare us.
JOHN LUDWIG, Mayor.

In the absence of the acting mayor, Secretary White communicated at once with Chief Jackson, who ordered two companies to prepare for the trip. Driving to the office of President Warner, of the board of fire commissioners, he was then given authority to act, and at 3:30 two companies, under command of First Assistant Chief Martin, steamed out of the union depot on a Milwaukee special for the scene of disaster. No. 4 Engine company and No. 1 Supply Hose company were chosen for the work.

TO-DAY 'TWILL BE HEARD.

The Railway Injunction Case---Voiced Court Notes.

The injunction suit against the St. Paul City Railway company will be heard in Court Room No. 1 this morning at 10 o'clock. Judges Brill, Kelly, Simons and Kerr will probably be on the bench.

Beaupre, Keough & Davis sue Martin L. McIntire to recover $882.43 for goods.

In the case of Katty Enwright against John Egan, a new trial has been granted.

A. Flanigan has begun an action in replevin against Ed A. Scribner to recover possession of $500 worth of jewelry.

James E. Egan brings an attachment suit against Amanda C. Handback for $250 for work done.

Safe as Government Bonds.

The American Building and Loan Association is, under the new state law, as safe as government bonds for investment. Home office, National Bank of Commerce building, Minneapolis, Minn. Call and get further information.

Hard Coal. C. G. Kolff.

THE INAUGURAL DAY.

This Morning Will Open the Thirty-First State Fair,

Which Gives Promise of Being the Best of the Series.

An Idea of the Studied Effort to Please and Entertain.

Features of the Fair and Information for Coming Crowds.

The big gates at the State Fair grounds will be thrown open this morning and the crowds which annually throng the grounds during Fair week will begin their accustomed exploration of the wonders prepared for their edification. It is asserted, and with truth, by the managers that since the first Fair was held there has never been so interesting and comprehensive a collection of the best products of the great state of Minnesota as that now arranged in the inclosure. The finest horseflesh the world has ever seen will be there, comprising every class of equine from the heavy draught of the English shire to the light and lithe-limbed native of the Western plain. Herds of cattle there are with pedigrees as long as a French count's, and blood blue enough to satisfy the most exacting stickler for thoroughbred strain. In the main building, specimens of every sort of merchandise handled in Minnesota trade, displayed in a manner so tasteful and artistic as to indicate the pride taken in this the Exposition of their prosperity by the merchants of every town, city and hamlet within the state line.

There perhaps attaches to the machinery exhibit more interest than to almost any other department of the great show. It comprises in itself a complete history of the country's progress, since the day of the sickle and hand-rake. The most perfect devices for use in every branch of agriculture are to be seen on every hand, that product of American genius and application "the twine binder, the wonderful little light-weight mower, warranted to cut twelve acres of slough grass every day without heating a bolt, while in utter contrast by its side reposes a scythe of the pattern of fifteen years ago, rusted, ragged-edged and forsaken. A great feature of the machinery exhibition at the Fair this year is that steam power is provided sufficient to keep the entire exhibit in motion at one time.

For the military end of the attraction the arrangements are full and complete. The paddock was never in better condition to be used as a field for mimic battle, and the troops from all over the state, cavalry, infantry and artillery, will see to it that the visiting thousands go away impressed with the strength and efficiency of the state militia.

The railroad exhibit is the most complete ever seen at the fair, and comprises, in the case of the Northern Pacific, besides beautiful designs in grain of all kinds, sections of every sort of timber available for the manufacture of household furniture, growing on the Pacific coast. In the Manitoba stand there is a newness in design and completeness in detail. One design is to represent the progress of Minnesota, and is in the form of a gigantic ox framed entirely of grains and grasses growing along the company's lines. The design is intended to show the evolution of the country traversed by the Manitoba road from small grain raising to cattle ranching. The ox also signifies the pet scheme of the president of the Manitoba, that of introducing a good breed of cattle along the line of the road, and inducing the farmers to take interest in that branch of farming. That the scheme has been a success is exemplified in the wondrous herds of lowing descendants of the thoroughbred bulls presented by President Hill to the farmers along the road. There are Herefords, small of bone, but all beef; Devons, Swiss, Polled Angus, Galloways, Jerseys, and every other sort of stock known to the breeder, as fine a lot of cattle as ever was bred.

The Texas Vaqueros gave a wonderful exhibition of horsemanship yesterday afternoon in the presence of 4,000 people. The performance was received with great enthusiasm by the crowds in attendance, and the applause the riders received was deserved. The principal feats consisted in picking a nickel from the ground with the horse at a full gallop; roping and tying steers against time, and other equally interesting maneuvers.

The racing begins to-day with the Minnesota bred horses, and the day will be devoted to racing between horses bred in Minnesota only, and not over two years old.

The following letter was yesterday sent by President W. M. Bushnell, of the State Fair, to the representatives of Sioux Falls, S. D., now in the city:

Gentlemen: It will afford me much pleasure, as president of the Minnesota State Agricultural society, to tender you the freedom of our grounds to-morrow, Friday, Sept. 6; and, to this end, permit me to request your honorable body to present itself for admission under the guidance of A. S. Tallmadge, secretary of the St. Paul Chamber of Commerce.

I trust that I shall receive your acceptance at once, and that it will be my good fortune to extend to you individually the right hand of welcome while my left points out to you the varied resources of this great commonwealth accumulated on our Fair grounds.

The foregoing invitation was verbally accepted by Hon. Charles E. Baker, secretary of the Commercial Club of Sioux Falls, S. D., who states that about fifty of their number will present themselves for admission to the fair grounds, leaving by the Manitoba at 10:45 this morning. They will probably be attended by their band of some twenty pieces, and all will be accompanied to the grounds by A. S. Tallmadge. It is expected that they will take the 3:30 train in the afternoon for Minneapolis, and will spend the evening in viewing the sights at the Exposition.

Everything points to the fact that the attendance will be the largest this year in the history of the Fair organization, and certain it is that there never was a more thorough exposition of the resources and products of a great state than is presented in the myriad exhibits now arrayed for public inspection and admiration at Hamline.

THEY DISLIKE SCHEFFER

After Getting a Taste of His Drunk Law.

There was a light docket in the municipal court yesterday morning, and few cases of more than passing interest. John O'Dell and John Mann, the youthful sneak thieves arrested for entering the house of James Kelly, at 637 Cedar street, were held to the grand jury. Although flame, lean and hungry-looking, Peter Peterson was a lively contradiction of the old saying that it takes nine tailors to make a man. Peter was so much of a man that he succeeded in alienating the affections of the wife of Charles Berg, a big Minneapolis carpenter, who had been arrested on a charge of adultery. The case was continued until to-day. Mrs. Cooney, an old offender, declared herself as "no friend of Senator Albert Scheffer," as she was committed for three months for drunkenness. William Johnson, who got drunk and stole a suit of clothes from Christ Johnson, got a similar tip from Judge Burr that his conduct was unbecoming a gentleman. M. Anderson got thirty days for thrashing the ground with Mrs. Anderson. Katherine Olson, an habitual drunkard, went out for ninety days.

THE DEAD SENATOR.

News Received With Regret—Col. Bobleter's Order.

The death of Senator Goodrich, of Blue Earth City, exclusively announced yesterday in the GLOBE, created widespread regret in St. Paul, where the deceased was well and favorably known. Adjt. Gen. Mullen caused the capitol flag to be at half mast, and Col. Bobleter at once issued the following general order to the staff and members of the Second regiment.

With profound sorrow the commanding officer announces the death of Capt. D. F. Goodrich, of Company H, which occurred at his residence in Blue Earth City, at 8:30 p. m., Wednesday, Sept. 4, 1889.

Capt. Goodrich was born in Maine in 1838, and settled in Minnesota in 1867. In the dark days of the rebellion he served his country faithfully as sergeant major of the Seventh Maine infantry, volunteer, and later as first lieutenant of Company K, First regiment, Maine veteran volunteers, serving in the latter capacity until the close of the war. He became associated with the National guard March, 15, 1883, when he was commissioned captain of Company H, and at the time of his death he was third in rank of captains. During his service as commandant of Company H his abilities and conscientious performance, obtained for him the respect and confidence of all his associates, officers and men with whom he came in contact.

"As a citizen in the pursuit of his chosen profession, and as a legislator, he gained an enviable reputation, not alone for his brilliant talents and sound judgment, but also on account of his genial social qualities, which endeared him to all his fellow citizens. Thus the bar of the state loses one of its brightest ornaments and the state one of its most useful citizens."

The commanding officer, in closing this announcement, offers his personal tribute to the memory of an efficient officer and good man, whom the national guard could ill afford to lose.

The officers of this company, when on duty, will wear the usual badge of mourning for thirty days.

The funeral takes place this afternoon. The immediate cause of death was cancer of the liver.

A WOMAN'S TERRIBLE FATE.

Crushed by a Manitoba Train---The Remains Unidentified.

About 6 o'clock last night an unknown woman was run down and killed by a Manitoba train near the Rice street bridge. She was walking along the tracks in the freight yards, and did not hear the train as it approached her from the rear. She was almost instantly killed, her skull being fractured and many bones broken. The body was brought to the city and removed to Dampier's undertaking establishment, where no one had called to identify the remains up to a late hour last night. She was apparently about forty-five years of age, was shabbily dressed in black, and had greyish blue eyes and dark-brown hair, tinged with grey. The unfortunate, whose face is badly disfigured, strongly resembles Annie, or Mary, O'Neill, a dissolute woman who has been many times before the police judge for drunkenness and disorderly conduct. A call at her home in the Wagner block, West Seventh street, brought out the fact that she left home early yesterday morning, and had not been heard from afterwards.

LOCAL NEWS CORRAL.

Bank clearances yesterday were $558,392.

Diptheria prevails at 468 Minnesota street.

John Johnson was sent to the Rochester insane asylum yesterday.

An adjourned meeting of the board of fire commissioners will be held to-night.

Mrs. Dr. Smith, of Marshall avenue, gave a ladies' reception yesterday afternoon.

Eight births, two deaths and five marriages were bulletined at the health office yesterday.

Capt. Hays, inspector of steam vessels, went to Stillwater yesterday to inspect the Borealis Rex.

The St. Paul Trust company has been appointed administrator of the estate of the late David McClasky.

The Episcopal Mission church at St. Anthony Park will erect a temporary frame church at a cost of $1,500.

Divine services and sermon at the Temple, Tenth and Minnesota streets, at 7:30 o'clock this (Friday) evening, and at 9:30 to-morrow morning.

Marriage licenses were issued yesterday to Paul Gross and Annie Flebuch, Mathias Wauer and Wilhelmine Clarisl, James P. Wagner and Augusta Anderson.

Messrs. Scott and Gale have invited the children of the Protestant and St. Joseph orphan asylums to attend the Saturday matinee of the "Twelve Temptations."

The fire department was called out about 11 o'clock last night by a blaze in the frame dwelling at the corner of St. Peter street and College avenue. The damage was slight.

Mrs. Fred S. Bryant yesterday afternoon entertained a large number of ladies at a reception at her home on Portland avenue. In the evening a dancing party for children was given.

Mrs. Agnes M. De Foe, of 127 East Eleventh street, returned home last week Portland, Or., and Seattle, W. T., where she has been visiting friends for the past two months.

A company of fifty Minnehaha Sioux Indians arrived at South Park last evening. The Kaposo band, located in that district, celebrated the event with a dance and carouse.

The Minnesota Transfer Dressed Meat company has amended its articles of incorporation. The name of the corporation will henceforth be the Twin City Hide and Tallow company.

Rev. J. N. Lloyd, of the Church of the Ascension, is lying dangerously ill at his old home in Jordan, N. J. A letter received by Bishop Gilbert holds out little hope for his recovery.

Rev. Dr. Forbes, presiding elder, is visiting the churches in the city, and will preach in the First M. E. church on Sunday morning next and in Central Park church on Sunday morning, the 15th.

The matter of grading Mackubin street from Como avenue to Front street, at an estimated expense of $615, came up before the board of public works yesterday. A favorable report was returned to the council.

The council committee on streets has agreed to meet the committee of seven appointed from the chamber of commerce to consider street railway matters. The conference will be held to-night at the council chamber

The state contract for the supply of printing paper the ensuing year was yesterday awarded to Averill, Carpenter & Co., of St. Paul, for $1,515.50. The unsuccessful bid was that of F. Driscoll Jr., of the Pioneer Press, $1,552.52.

The St. Peter's guild gave a pleasurable entertainment last evening in the guild room, corner of Fourth and Maple. Addresses were delivered by Rev. Mr. Wright, of St. John's, and Rev. Mr. Haupt, of Christ church, and Rev. S. Mills, city missionary. Several anthems and solos were sweetly rendered.

E. E. Rice's gorgeous spectacular production "The Corsair," will be seen at the Newmarket theater during the whole of next week. The collection of female bric-a-brac in the company is all that could be desired by lovers of anatomical shows, and the cast, which is a large one, is said to be exceptionally strong. A number of clever European specialists have been added to the company since the piece was last seen in St. Paul. The sale of seats opens this morning.

Improvements in Passenger Cars.

The Wagner Palace Car Company is revolutionizing the equipment of its cars and making them superior to anything of the kind in the world. One of the greatest improvements is the lighting of the cars with gas. The New York Central & Hudson River Railroad Company is also equipping its passenger coaches with gas. About one hundred of them running out of New York City have been so equipped. The gas is compressed in a cylinder under each car, and one filling of a cylinder will last the round trip between New York and Chicago. The gas is made from petroleum, and furnishes a 60-candle power light as against a 16-candle power light under the old method. Coaches lighted with gas are as light as a parlor, and passengers can read as well in the night as in the daytime.—From the Rome (N. Y.) Sentinel.

Removal.

The Wisconsin Central ticket office in St. Paul has been removed to No. 162 East Third street, corner of Jackson treet.

Water Rates on High Service

Are now due. A discount of 5 per cent will be allowed if paid on or before Sept. 6.

VITAL POINTS IN LAW

Involved in the Contest Against the Street Railway Company.

Grounds on Which the Defendant Must Base Its Claims.

Rights of Community to Demand All Not Explicitly Granted.

Celebrated Cases Which Involved the Very Points at Issue.

A GLOBE reporter last night dropped into a room in the court house, where were gathered, as if by chance, a half-dozen lawyers, who were conversing about the street railway imbroglio. One of the gentlemen was a distinguished Maryland lawyer. He was delivering an off-hand opinion of the matter, and the other members of the group were listening with deference. From the remarks of the speaker and the comments of his hearers, the following is drawn:

As I understand the affair, the St. Paul City Railway company asserts that title to its privileges is derived from ordinances of the city council, enacted for the benefit of its predecessors, which were acquired by it through purchase from them, and which rights were subsequently confirmed and validated by an act of the legislature. The grant was to lay a line of railway with single or double track "in any or all of the streets of St. Paul," and the cars or carriages to be used thereon were to be propelled "by none other than animal power."

The rival companies to which grants have been recently made discard animal power, and availing themselves of the light of modern science, will use electricty as a motive of propulsion.

GROUNDS OF DEFENSE.

The action of the city council will, it is presumed, be resisted on the following grounds:

First—That by virtue of the grant to Merriam and others—to whose rights the city railroad company succeeds—it was entitled in perpetuity to the use of streets in St. Paul.

Second—That this right was exclusive.

Third—That the city had not the right to establish other lines of travel on any of its streets; and

Fourth—That the grant to the city railway was a contract on the part of the city and state, and that the grants of the city council to rival companies impairs the obligation of that contract.

To succeed, the city railway company must show that the terms of the contract between it and the city council have been violated. In other words, the company must show that the city had entered into a contract with it, or with those whose successors it claims to be, to exclude all rival companies from the streets. It must be premised that on the grant from the city council to the city railway the word exclusive is nowhere used. Nor does the railway company assume any undertakings beyond those of pledges to a faithful performance of its duties to furnish transportation to the public. There was no moneyed consideration for the grant of rights and privileges, as valuable as they are extensive. The charter of the railway company is a written instrument which must speak for itself and be interpreted by its own terms. It is the grant of certain franchises by the public to a private corporation, and in a matter where the public interest is concerned. The rule of construction in such cases is well settled, both in England and by the decisions of our own courts. In the case of the proprietors of the Stone Bridge canal against Wheeler and Others, 11. B. & A., 793, the court says: "The canal having been made under an act of parliament, the rights of the plaintiff are derived entirely from that act. Thus, like many other cases, is a bargain between a company of adventurers and the public, the terms of which are expressed in the statute, and the rule of construction in all such cases is now fully established to be this: That any ambiguity in the terms of the contract must operate against the adventurers and in favor of the public, and the plaintiffs can claim nothing that is not already given them by the act."

RIGHTS OF THE COMMUNITY.

In the case of the United States versus Arredendo & Peters (United States supreme court), the leading cases upon this subject are collected together by the learned judges who delivered the opinion of the court, and the principle recognized that in grants by the public nothing passes by implication. In the case of Beaty versus Lessee of Knowles, IV. Peters, U. S. S. Ct., the court says: "That a corporation is strictly limited to the exercise of those powers which are specially conferred on it will not be denied. The exercise of the corporate franchise being restrictive of individual rights, cannot be extended beyond the letter and spirit of the act of incorporation."

Again Chief Justice Marshall, of the supreme court of the United States, in the Providence bank vs. Billings, IV. Peters, 574, in speaking of the taxing power, says: "As the whole community is interested in retaining it undiminished, that community has a right to insist that its abandonment ought not to be presumed in a case in which the deliberate purpose of the state to abandon it does not appear."

The grant from the council to the city railway company confers on it the ordinary facilities of a corporation for the purpose of building and operating the road. It authorizes the corporation to lay lines of railway "in any or all the streets of said city, to be operated by none other than animal power" (Third street excepted). This is the grant. Although it gives to the city railway company the right to operate its cars in any or all the streets, it does not give the company the exclusive right to do so. It does not arm the corporation with powers to prevent other persons from establishing lines of travel in the streets. There is no agreement on the part of the city that rival lines shall not be established, no undertaking not to sanction competitors, none that improved channels of communication shall never be authorized or established. Upon all these subjects the charter is silent. No words are used from which an intention to grant exclusive rights can be inferred; if the railway is entitled to them, it must be simply implied from the nature of the grant, and cannot be inferred from the words by which the grant is made.

The whole community are interested in this inquiry, and they have a right to exact that the powers of promoting their comfort and convenience, and of advancing the public prosperity by providing safe and cheap ways of transportation shall not be construed to have been surrendered by the city, unless it shall appear in plain words that it was intended to be done.

It may be asked how the city railway can be injured by the establishment of rival companies. None of the franchises have been revoked by the city council, and its right to operate its lines and collect fares granted by the charter remains unaltered. Its income may be diminished when competing lines are in full operation. But this remote and apprehended danger might have been guarded against at the proper time by apt stipulations. It did not do so, and it must abide the consequences. It will be readily conceded that the city railroad is without power to operate any cars, except those propelled by animal power." Conceding, for the sake of argument, that its rights to this mode of propulsion are exclusive on the streets of St. Paul, yet the improved means of transporting passengers, whether by cable or electricity, could be employed by it only after gaining permission of the common council. But on the face of a grant of franchises which is

SILENT AS TO EXCLUSIVE RIGHTS,

and where existence can only be inferred by implication, would not a court of justice hesitate before pronouncing a decree that would stop the march of improvement in this young and growing city, exclude rapid transit and maintain in perpetuity the ascendency of street cars propelled by "animal power?"

It would present a singular spectacle if, while the supreme court of the United States and the courts of other states are restraining within the street car limits the spirit of monopoly and exclusive privilegs in the nature of monopolies, and are confining corporations to the privileges plainly given them in their charters, the courts of this state should be found enlarging these privileges by implication and construing a statute more unfavorably to the public and to the rights of the community than should be done in a like case by the United States supreme court, and the courts of other states of the union.

A case in many of its main features almost identical with that of the city railway was decided by the supreme court of the United States XI. Peters 419. In that case, as in this, the charter was silent as to exclusive privileges, but the aid of the court was invoked to maintain a monopoly and to establish the exclusive nature of the grant by implication. Chief Justice Taney, as the organ of the court, said:

"The object and end of all government is to promote the happiness and prosperity of the community in which it is established, and it can never be assumed that the government intended to diminish its power of accomplishing the end for which it was created. And in a country like ours—free, active and enterprising, continually advancing in numbers and wealth, new channels of communication are daily found necessary both for travel and trade, and are essential to the comfort, convenience and prosperity of the people. A state ought never to be presumed to surrender this power, because, like the taxing power, the whole community have an interest in preserving it undiminished. And when a corporation alleges that a state has surrendered for seventy years its power of improvement and public accommodation in a great and important line of travel along which a vast number of its citizens must daily pass,

THE COMMUNITY HAVE A RIGHT

to insist, in the language or the court, 'that its abandonment ought not to be presumed in a case in which the deliberate purpose of the state to abandon it does not appear.' The continued existence of a government would be of no great value if, by implications and presumptions, it was disarmed of the power necessary to accomplish the ends of its creation, and the functions it was designed to perform, transferred to the hands of privileged corporations. The rule of construction announced by the court was not confined to the taxing power, nor is it so limited in the opinion delivered. On the contrary, it was distinctively placed on the ground that the interests of the community were concerned in preserving undiminished the power then in question; and whenever any power of the state is said to be surrendered or diminished, whether it be the taxing power or any other affecting the public interest, the same principal applies and the rule of construction must be the same. No one will question that the interests of the great body of the people of the state would in this instance be affected by the surrender of this great line of travel to a single corporation, with the right to exact toll and exclude competition for seventy years. While the rights of private property are sacredly guarded, we must not forget that the community also has rights, and the happiness and well-being of every citizen depend on their faithful preservation."

School Attendance Thus Far.

City Superintendent of Schools Gilbert yesterday received the number of students registered in the public schools Monday. They are: High school, 550; Cleveland, 700; Lincoln, 410; Mattocks, 15; Sibley, 323; Madison, 615; Murray, 60; Lafayette, 228; Ramsey, 42; Manual Training, 40; Jefferson, 486; Adams, 370; Longfellow, 170; Nancock, 104; Monroe, 343; Webster, 481; Van Buren, 760; Franklin, 750; Gorman, 286; Jackson, 433; Scheffer, 195; Humboldt, 410; Baker, 70; Douglas, 136; Grant, 150; Deane, 53; Rice, 195; Hendricks, 402; Irving, 124; total, 8,466. The Burlington Heights and Tilden schools will be opened Monday next.

ST. PAUL PERSONALS.

Mrs. H. Martin, of Spooner, is at the Windsor.

J. C. Flynn, of Little Falls, is at the Merchants'.

A. C. Weiss and wife, of Duluth, are at the Clifton.

Lieut. W. C. Rivers, of Fort Custer, is at the Ryan.

Mayor Sutphin, of Duluth, was in the city yesterday.

Mrs. E. C. Wilcox, of Hayward, is a Windsor guest.

J. N. Cherry, of Madelia, is a guest at the Clarendon.

N. J. F. Muchholland was at the Clarendon last evening.

R. J. Montague, of Crookston, is registered at the Clifton.

A. B. Elding, of Spring Park, was at the Ryan yesterday.

Mr. and Mrs. John Nullman, of Duluth, are at the Merchants'.

D. W. Edwards, of Austin, was at the Clarendon yesterday.

Mr. and Mrs. P. Gaum, of Hinckley, are stopping at the Clarendon.

M. McClure, editor of the Devil's Lake News, is a Clarendon guest.

A. D. Southworth, of Wabasha, registered at the Merchants' yesterday.

H. H. Ruger, of Devil's Lake, took dinner at the Merchants' yesterday.

C. L. Allerman and L. A. Moore, of Mankato, were at the Windsor yesterday.

H. S. Hurter, formerly of this city, but now of Washington, D C., is at the Clifton, together with his wife.

A. C. Hayden, of Albert Lea; L. C. Drayton, of Aberdeen, and W. Howard and wife, of Woodville, are among the Windsor guests.

Mrs. C. A. Boynton and Henry L. Lloyd, of La Moure, N. D., and Miss Ella E. Noble, of Santa Barbara, Cal., form a party at the Ryan.

The following were among the arrivals at the Clifton last evening: J. S. West, of Brownton; A. N. Lawler, of Slayton, and T. W. Merritt, of Oneota.

T. N. Lindley Jr., of Jackson: B. B. Brower, of St. Cloud; A. P. Halstead, of Jamestown, N. D., and L. Spielman, of Dayton, O., registered at the Clarendon last evening.

The late arrivals at the Merchants' were R. L. McCormick, of Hayward, Wis.; Alexander Griggs, of Grand Forks, S. D.; S. G. Anderson, of Hutchinson, and W. H. Buchanan, of Milwaukee.

Among the guests at the Ryan last evening were the following: L. H. Pinney, of Granite Falls; J. C. Mellett and family, of Watertown, Dak.; C. M. Harrison and wife and J. B. Kelly and wife, of Huron, Dak.

Hood's Sarsaparilla 100 Doses One Dollar

All Run Down from the weakening effects of warm weather, by hard work or from a long illness, you should take Hood's Sarsaparilla, which will purify your blood, expel scrofula and all impurities, regulate the liver and other organs, cure headache, give strength and create an appetite. Be sure to get Hood's.

Hood's Sarsaparilla is sold by all druggists. $1; six for $5. Prepared by C. I. Hood & Co., Apothecaries, Lowell, Mass. Give it a trial.

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A St. Paul Clothing House Exclusively Owned and Controlled by St. Paul Men.

ESTABLISHED, 1870.

GENTLEMEN'S CLOTHING.

WHERE WORDS COST.

Writing a telegram requires no little thought to convey the meaning without wasting words, as "words cost money." We'll surprise you this season when we show you our grand assortment of Finest Tailor-Made Suits for Business or Dress Wear. We've carefully selected the most desirable styles of Suits from the best known makers of finest clothing in this country, and the result is that we can show you by far the largest assortment of Reliable and Fashionable *Tailor-Made Suits* that were ever shown in the West. Neat, genteel patterns they all are; not an undesirable Suit in our immense stock, and not a Suit but that we we guarantee to give good wear for the price we sell it for.

Men's Clothing Department, first and second floors.

We are exclusive agents for Brokaw Brothers' Fine Custom Ready-Made Clothing.

WHO IS YOUR HATTER?

We call special attention to our large and complete assortment of Hats, including all the latest and most fashionable shapes in Fall Styles. As usual, our prices for these Fall Hats are a little lower than same make and shape are sold for elsewhere.

We are exclusive agents for the celebrated Youmans Hat, the fall shapes of which are now ready.

Some specially stylish shapes and colors in Young Men's Hats.

Our Young Man's Silk Hat is the popular Silk Hat this fall for all young men.

Novelties and Specialties in Boys' and Children's Hats and Caps.

Why not make us your Hatter?

Hat Department, side first floor.

BOSTON ONE-PRICE CLOTHING HOUSE,

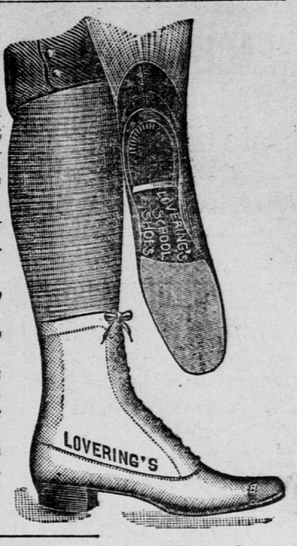
THIRD STREET, Corner of Robert.

ST. PAUL

N. B.—Out-of-Town Orders solicited. Goods sent on approval to any part of the West. Price List and Easy Rules for Self-Measurement mailed free upon application.

JOSEPH McKEY & Co.

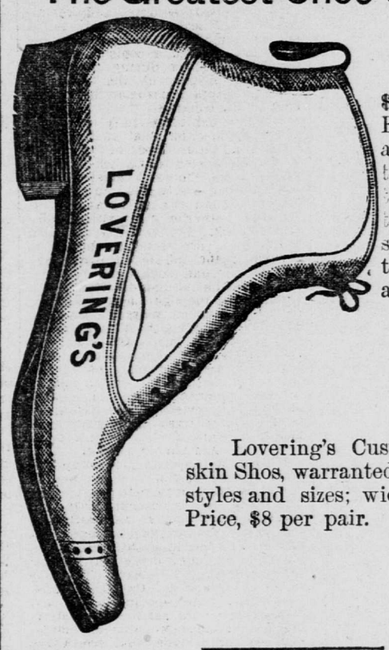
Fall Shoes



School Shoes are now in great demand. See that your children are properly fitted with good, reliable Shoes. Our Shoes are all solid leather, and, quality considered, are the cheapest in the city.

Boys' Button or Lace, sizes 2½ to 5½, $2 to $3.50 per pair.
Youths' Button or Lace, sizes 11 to 2, $1.50 to $2.50 per pair.
Misses' Heel or Spring Heel, sizes 11 to 2, $1.50 to $2.50 pr pair.
Children's Spring Heel Shoes, sizes 4 to 7½, 75c to $1.25 per pair.
Childrrn's Spring Heel Shoes, sizes 8 to 10½, $1.25 to $2.25 pr pair.
Ladies' Spring Heel Shoes, sizes 2½ to 6, $3 per pair.

The Greatest Shoe on Earth.



Lovering's Great $3.50 Calf Shoe. Fine, light, stylish and durable. Equal to any $5 Shoe in the market. But ton, lace or elastic sides. Plain or cap toe. Sizes, 5 to 12 all widths.

Lovering's Custom French Calf skin Shos, warranted not to crack. All styles and sizes; widths, AA to EE. Price, $8 per pair.

The Largest and Finest Retail Shoe House in the United States.

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THE SHOE MAN ST. PAUL, MINN.

All goods sent C. O. D. on approval to any address

Open Evenings. Opposite Postoffice.

Shoes Made to Order.

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STERLING **ORGANS** NEW ENGLAND

Prices Low. MUSICAL INSTRUMENTS, Terms Easy
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HIGH ART JEWELRY!

AND EVERY NOVELTY KNOWN TO THE TRADE AT

E. A. BROWN'S,

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ENGINES, BOILERS & MACHINERY

OF EVERY DESCRIPTION.

QUALITY HIGH, PRICES LOW

Northwestern Machinery Co.

360 Jackson St.,

ST. PAUL, - - MINN

McGrath & Co.

Perfection in Fit and Materials. The largest line of

FINE -:- IMPORTED -:- SUITINGS

Ever shown in the West. 146 East Third St., St. Paul.

SOMETHING

NEW!

We beg to announce for the information and accommodation of borrowers that we are prepared to lend

MONEY!

In large or small amounts, at lowest rates on first-class improved St. Paul business and residence property, and to give the borrower the

VALUABLE PRIVILEGE!

Of paying the whole or any part thereof, not less than $100, on any interest day.

"On or before" you see applied to regular mortgages.

Building loans made with the same privilege.

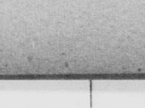
How does this strike you?

R. M. Newport & Son,

Drake Block, Opp. Merchants Hotel.

FRANK HEITZMAN

JEWELER AND SCIENTIFIC



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LENSES GROUND. Eyes Properly Fitted with Spectacles.

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DR. FELLER

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Speedily cures all private, nervous, chronic and blood and skin diseases of both sexes, without the use of mercury or hindrance from business. NO CURE, NO PAY. Private diseases and all old, lingering cases, where the blood has become poisoned, causing ulcers, blotches, sore throat and mouth, pains in the head and bones, and all diseases of the kidneys and biadder, are cured for life. Men of all ages who are suffering from the result of youthful indiscretion, or excesses of mature years, producing nervousness, indigestion, constipation, loss of memory, etc., are thoroughly and permanently cured.

Dr. Feller, who has had many years of experience in this specialty, is a graduate from one of the leading medical colleges of the country. He has never failed in curing any cases that he has undertaken. Cases and correspondence sacredly confidential. Call or write for list of questions. Medicines sent by mail and express everywhere free from risk and exposure.

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