

SAINT PAUL.

PLACED ON RECORD.

E. W. Peet—I will go on record as saying the city and school board are issuing too many bonds. We are building ourselves up too heavily. The bonds will sell now, but the time will come when they will not be so much sought after.

Hon. George N. Baxter—The reference in your Minneapolis letter in Sunday's Globe to my appointment as special assistant United States attorney in the Northern Pacific and Chicago, Milwaukee & St. Paul railway cases has my attention. The imputation upon Mr. Hay is unfair and entirely undesired. In the Northern Pacific case, Attorney General Garland appointed N. W. Hanson Esq., of Denver, to assist me in the conduct of the case, and I was appointed by Attorney General Miller to fill the vacancy occasioned by his recent resignation. In the Milwaukee case, I had already, while United States attorney, requested the appointment of an assistant, and the request had been acceded to before Mr. Hay had been appointed my successor. I did not and do not understand that such appointments were or are a disparagement of my ability or that of Mr. Hay. The department of justice simply recognized the fact that these special cases required more time for their preparation than could be given them by the district attorney without neglecting the other important business of his office. Such appointments are not unusual, the statute makes special provision for them, and there is not a judicial district in the United States in which they have not been made repeatedly.

DOINGS OF A DAY.

Bank clearings yesterday were \$695,591.26. Public Examiner Kenyon is down with a late attack of the grippe.

The Mutual Indemnity association, of William, Minn., has retired from business in the state.

Treasurer James Murray, of the Olympic, is incapacitated for duty by an aggravated attack of the grippe.

The junior pioneers will hold their regular monthly meeting to-night at A. O. B. hall, corner Seventh and Washington streets.

George Butler, of the Lincoln, yesterday filed bonds in the sum of \$1,000 each to answer the charge of robbing mail boxes.

The case of Mary O'Connor against the New York Life Insurance company, yesterday came on for trial before Judge Kelly.

The jury in the case of August Milhausen against the St. Paul & Duluth Railway company, rendered a verdict yesterday in favor of the railway.

The seventeenth annual conference of corrections and charities will be held in Duluth May 14 to 21 inclusive. Quite a delegation will go from St. Paul.

The case of James E. Brady against The St. Paul Furniture company to recover for merchandise sold and not delivered, was submitted to Judge Kelly. A jury was waived.

The health office report yesterday was: Scarlet fever at 473 Jackson, 301 Wilder, 358 East Tenth, diphtheria at 658 Sims; one marriage, eight divorces.

The members of all C. T. A. societies of Ramsey county are invited to attend the funeral of Daniel Leonard from his home, 385 John street, Tuesday morning at 10 o'clock.

The committee on abatement of the Ramsey county board of commissioners met yesterday, and decided to recommend the abatement in assessment of taxes in a number of cases.

The local military order of the Loyal Legion of the United States will hold a meeting at the Hotel Ryan this evening at 8:30. Dr. E. L. Torrance will read a paper upon "The Pennsylvania Reserves."

Mrs. Mary Galvin, the wife of Officer Henry Galvin, who died on Sunday, is a native of Ballymena, County Antrim, Ireland, instead of Athlone, as given in yesterday's Globe.

The fishmonger, Krakowski, who complained to the mayor that an officer took his fish, absconded yesterday by saying that he was convinced of the officer's guilt, and that a messenger from a mail near by had stolen the fish.

A number of ladies and gentlemen belonging to the Central Presbyterian church visited the building and grounds yesterday for the purpose of examining different kinds of window glass, with a view to selecting the glass for the new church.

A fellowship meeting of the Congregational churches of the city will be held at Pacific church, Acker street, this evening at 7:30. Rev. Dr. Heath will preach, and brief addresses will be given by Rev. H. Macy, of Merrimack Park; S. Shephard, of Atlantic, and Wallace Nutting, of Park church.

The board of trustees of the soldiers' home at Minnetonka will visit that institution to-day. They leave here on the 9:15 train this morning, accompanied by a number of invited guests, including ex-army officers, state officials, etc., and will spend the day at the home.

The board of public works yesterday awarded the contract for grading Rice street, from Maryland to the north city limits, to H. C. Huebner at \$14,770, and the contract for grading Courtland street, from Lake Como to the northern limits, to Charles Nussmecher at \$4,492.

The Imperial Loan, Real Estate and Investment Company of America has filed articles of incorporation with the secretary of state. The capital stock is \$30,000. The incorporators are L. F. Mortimer, of Chicago, and W. H. Mortimer and C. G. Race, of St. Paul.

Marriage licenses were issued yesterday to Andrew C. Peterson and Laura J. Jarvis, Sam Reed and Annie Rowan, Axel William Anderson and Johanna M. Anderson, Charles Boston and Josephine M. Kiehl, to E. Sullivan and Della Flemming, Charles E. Paris and Josephine A. Lynch.

The annual meeting of the Humane society will occur to-day at 3:30 p. m. in the office, 141 East Ninth street. The annual reports will be presented and the election of officers for the ensuing year will take place. All ladies and gentlemen interested in the work are invited to be present.

Leonard Partello, the last of the trio indicted for forgery in the second degree, in what are popularly termed the real estate fraud cases, will be "put upon the country" to-day, as a trial by a jury of his peers is legally impossible. The work of preparing the jury was commenced yesterday before Judge Wilkin, but not concluded.

The jury rendered a verdict of not guilty in the case against Madeline Freilingerhus, indicted for receiving stolen goods, the property of H. P. Hall. She was committed to answer a charge of a similar nature in the case of goods belonging to Mrs. Hatch. During the argument of the case yesterday, the unfortunate Madeline wrung copious tears from her hankers.

The St. Paul Methodist Social union will hold its February meeting this evening at Central Park church. After supper at 7 o'clock, there will be a discussion, in five-minute speeches, upon the topic: "How can the interests of Methodism be best promoted in this city by the union, and how can sociality be increased in the church?" Revs. J. H. Dewart, T. L. Coullis, S. N. McAdoo and Miss M. Anderson will participate in the discussion. There will be singing by Hamlin Glee club and music by Oxford church chorists.

Acker Post No. 21, G. A. R., holds its regular meeting on the 13th inst. at corner of Wabasha and Seventh streets. After a brief business meeting the doors will be open to the friends of the post to listen to an address by Comrade W. H. Burns on "Personal Reminiscences of the Battle of Roanoke Island," after which the post will adjourn to the residence of Comrade R. W. Clifford, 50 West Second street, for refreshments and a good social time.

New Train Service. On and after Feb. 10, the Chicago, St. Paul & Kansas City Railway will have a daily morning train for Mason City and all points South and Southwest, leaving Minneapolis at 7:05 a. m. and St. Paul at 7:45 a. m.

For tickets and information call at No. 9 Nicollet House block, Minneapolis, and at 195 East Third street, St. Paul, or at Union depot in either city.

Well Aware of It. Mamma—When papa comes home he'll whip you for that. The Terror—I don't doubt it.

MUST PAY THE FEES.

A Railroad Company Doesn't Like the Minnesota Incorporation Fee.

And Will Proceed to Test the Constitutionality of the Act.

Prior Incorporation in Another State Cuts No Figure Under the Laws of '89.

The Attorney General to Push the Matter—Supreme Court Decisions.

Will the Sioux City & Northern Railway company be obliged to come down with \$5,000 in cold cash before being incorporated in Minnesota?

The Sioux City & Northern is a railroad company incorporated under the laws of the state of Iowa. It now desires to extend its lines into Minnesota, and desires to become a domestic corporation under the provisions of chapter 225 of the General Laws of 1889, claiming, however, that its prior incorporation in Iowa should free it from the taxes imposed in chapter 225 of the same laws, which provides for the payment of the fees as provided by law.

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The railroad company is obdurate, and Attorney General Clapp yesterday secured a writ of quo warranto from the supreme court, returnable Friday, commanding the railroad corporation to show cause at that time why it should not pay the fees as provided by law. The law seems to be plain on this point, and the only way to fight the matter is by attacking the constitutionality of the act.

The morning session of the supreme court was devoted to the following cases, which were argued and submitted:

Patrick Fox, appellant, vs. Smith Ellison, respondent; Frederick D. Whitney, appellant, vs. E. H. Whitney, respondent; The case of Martin Lawson, appellant, vs. The St. Paul, Minneapolis & Manitoba Railway Company, respondent, was continued and submitted.

The following decisions were filed: A Church Row. Trustees of East Norway Lake Norwegian Evangelical Lutheran Church, of Kandiyohi County, Minnesota, et al., respondents, vs. Johannes Z. Halvorsen et al., appellants. Judgment affirmed.

In an action of ejectment by a corporation against the defendant, who is in possession under one set of claimants, the court, while it can not render judgment as to which of the claimants so as to exclude one set and put another into the office, will determine whether the set which the defendant is in possession of is the one which is entitled to the office. One can not be a de facto officer unless he is acting as such under color of having been lawfully elected or appointed.

In the case of a church congregation, if a majority, not acting within the regular organization, get together and assume to elect trustees, it has not the color of an election by the congregation. Civil courts never assume to determine the validity or invalidity of any religious doctrine. The most they can do is when rights of property are dependent on adherence to or teaching of a particular religious doctrine, to examine what, as a fact, the doctrine is, and whether the particular person adheres to or teaches it. When the contract provides for or by implication contemplates that what is according to or consistent with the particular doctrine shall be determined by some religious judiciary, the determination of such a judiciary duly made, when the matter is properly brought before it, is conclusive on the civil courts. In the case of a religious congregation, what are the doctrines adhered to which is a condition of membership must be determined by reference to the rules, regulations or by-laws of the congregation. Where a congregation in its constitution adopts certain articles as the exponents of its faith and doctrine, and there subsequently arise honest differences of opinion as to the interpretation of the articles and the doctrine in such books, and the constitution is silent as to such matter of interpretation, and provides no mode for determining the differences, the civil courts will not hold that adherence to either interpretation dissolves ipso facto a member's connection with the congregation, so that he ceases to be a member of the corporation it has formed to hold and control its property.

As Had Been Intended. (Edmund Rice and Anna Rice) Anna M. Rice, appellant, vs. John M. Kiehl et al., respondents. Judgment affirmed.

Owners of land caused to be plotted as an addition, caused duplicate plats to be made and recorded, one as original, the other as a certified copy. In the original the lots in one block were by mistake incorrectly numbered, and were correctly numbered in the other. The owners sold lots by the numbering of the copy, but in conveying described blocks by the numbers according to the original, the parties not knowing of the mistake in the plat, in an action by the owners against all the other parties interested in the block, that the court might direct the original to be corrected so as to number the lots as they had been intended to be numbered.

Justified by Evidence. George Fish Jr., appellant, vs. J. M. McDonnell, defendant. Order affirmed.

Evidence held to justify a direction to find a verdict for defendant.

Statement for a Lien. Johnson & Anderson, respondents, vs. James C. Stout, appellant. Order affirmed.

Mechanic's lien filed by one doing work and furnishing material for a contractor with the owner, held to sufficiently set forth the items and state the time.

What is an I. O. U.? L. H. Alexander, appellant, vs. Peter Thompson, respondent. Order affirmed.

A mere written acknowledgment of a sum due is not a complete contract in writing, so as to exclude oral testimony to contradict or explain it. The maker of a written acknowledgment is liable as to any one who may purchase the same, as supposed debt. A general offer to prove the facts stated in a pleading is not proper. The offer should specify the facts proposed to be proved. The proper objection to such an offer is that it is not sufficiently definite and specific. The objection that it is incompetent, irrelevant and immaterial is not a good one.

Duty of a Car Driver. Martin A. Anderson as administrator vs. The Minneapolis Street Railway Company, respondent. Order reversed.

The driver of a street car should be in a place and in a condition to exercise a reasonable degree of care and vigilance in watching and observing the street ahead of him, so as to prevent collisions and avoid injury to pedestrians, children as well as adults, who may be upon the public way. A driver may have been performing his duty to

his employer, such as making change for a passenger, at a time when he should have been watchful of the rights and safety of others, but such fact will not relieve the employer from a charge of negligence in a case where it appears that had not the driver's attention been engrossed in the duty imposed by his employer, he could have avoided the accident. The driver's attention being engrossed in the duty imposed by his employer, he could have avoided the accident. The driver's attention being engrossed in the duty imposed by his employer, he could have avoided the accident.

No New Trial. A. D. Smith, appellant, vs. C. B. Maben, respondent. Order affirmed.

Application of the rule that, in determining whether instructions to the jury are erroneous, the whole charge relating to a particular subject may be construed and considered together. Rules upon admissibility of certain testimony held error without prejudice.

An Order is a Contract. George A. Kessler, et al., respondents, vs. John F. Smith, appellant. Order affirmed.

An order for goods, which is sought and procured by the seller, is to be deemed by him at once, and if signed by the buyer, becomes a contract binding on him within the statutes of frauds. The terms of such contract cannot be varied by parol evidence showing that at the time it was made, it was intended that the buyer might countermand the order. Delivered to the carrier at the seller's place of business, is a warranty of the water power company, were here last summer and made many mysterious trips to the Dalles of St. Louis, and since the purchase of valuable acreage near there, by Dr. W. S. Webb, of the Wagner Palace Car company, and the Vanderbilts, people have felt that something was on foot for early development. Some time ago it was announced in the Globe that the Northern Pacific had secured additional track rights between Duluth and Fond du Lac, and the prospectus made that a bridge across St. Louis river was the next probable step. At that time

SURVEYORS WERE RUNNING LINES across the river, below and above Fond du Lac and across the Wisconsin division of the main line of that road, five miles south of the company's headquarters were busy looking up titles, and then purchasing agents negotiating for rights of way or other purposes. At the same time the company's Water Power company, of which Jay Cooke, Butler and Houtz are the leading names, had a corps of surveyors in the field for several weeks running lines on both sides of the river and back some distance into the country. The principal object of the survey was to find out what additional land was wanted along the river front between Fond du Lac and the head of the upper rapids at Cloquet. The last deeds were signed two days ago, and now the company owns every strip of available river front between the head of the upper rapids and the head of the lower rapids on the south side. The railroad company has also secured what is called the head of the lower rapids. To-day three corps of surveyors are in the field, close to Fond du Lac. One is running lines on the Wisconsin side, another on the Minnesota side, and the third about the creeks and highlands south of the river and near Carlton; and the other two are locating dams for the water power company.

It is expected that the bill allow the construction of a bridge will be presented in congress this week and that work on the line will be completed next summer. A glance will show that such a line will shorten the hauling of freight from the West from ten to four hundred miles. It is not certain that the company, as at present constituted, will carry out this work. An option for the purchase of the rights of the company, its lands, surveys and holdings of corporate gifts, was given some time to leading capitalists in New York. It expired on Jan. 10, but was, however, renewed, and is still in force. This option is for \$1,000,000, and it is believed is quite likely to be taken up. If it is, development may go on even more rapidly than at present.

Big Thing for Lead City. Special to the Globe. Lead City, Feb. 10.—The Black Hills & Ft. Pierre railroad is advertising for 40,000 ties to be delivered along the line of the survey of its road, from its present terminus to its intersection with the Fremont, Elkhorn & Missouri Valley railroad. This means the extension of this road at once, and will be a great thing for Lead City. The road will intersect the F., E. & M. V. near Tiford.

Railroad Miscellany. General Passenger Agent Tassell and General Freight Agent Clark, of the Omaha, left last evening for Chicago.

Agent J. C. Neitham, representing the Milwaukee at Fond du Lac, was in the city yesterday.

P. Barry, commercial agent of the Wisconsin Central, returned yesterday from Lyons, Ia.

J. C. Mitchell, ticket agent of the Northwestern at Council Bluffs, was in the city yesterday.

The Kansas City road will to-day inaugurate its morning train service to St. Louis and Kansas City, and points South and Southwest via Mason City, Ia.

President Stickney, of the Kansas City, has returned to the city.

The way in which the Northwestern Railroad has recently "gone for" the officials of the Chicago & North Western, in the absence of an advertisement of the Burlington in the Railroad anything to do with it.

GIGANTIC SCHEMES.

Millions to Be Expended in Developing St. Louis River Water Power.

All of the Available Acreage Now Held by Big Corporations.

It Will Be Used as Sites for Manufactories of Magnitude.

The Northern Pacific in the Deal and Will Build a Branch.

Special to the Globe. DULUTH, Minn., Feb. 10.—This afternoon particulars of a gigantic scheme of developing the water power of the St. Louis river in the Northwest were fully matured, and were given to the public. There have been for many months rumors of extensive development in connection with the St. Louis river water power. Since Messrs. Butler and Houtz, of the water power company, were here last summer and made many mysterious trips to the Dalles of St. Louis, and since the purchase of valuable acreage near there, by Dr. W. S. Webb, of the Wagner Palace Car company, and the Vanderbilts, people have felt that something was on foot for early development. Some time ago it was announced in the Globe that the Northern Pacific had secured additional track rights between Duluth and Fond du Lac, and the prospectus made that a bridge across St. Louis river was the next probable step. At that time

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A LAND GRANT DECISION.

Affecting Settlements Made Prior to Railroad Surveys.

Special to the Globe.

WASHINGTON, Feb. 10.—In the case of Frank P. Olney vs. Hastings & Dakota Railroad company, involving the northwest quarter of sec. 15, town 120 north, range 43 west, Benson land district of Minnesota, Secretary Noble reverses Commissioner Sparks' decision that settlements made prior to the survey of a railroad grant were allowed to be perfected, and that the effect of withdrawing the lands from the grant, Noble says: "If settlement rights could be acquired in lands subject to grant, after the line of a road has been definitely located and notice thereof given to the settler, and prior to survey thereof, it is manifest that such lands, being enhanced in value by their proximity to the line of road would be rapidly acquired by settlers, and the grant be virtually defeated." As a number of settlers are on the Northwest quarter in the same position, this decision is of vast importance.

TO-DAY WILL SETTLE IT.

To-day the Burlington's notice of a reduction in freight rates between Chicago and St. Paul will come before the Western Freight association. The Burlington's proposition is to reduce freight rates to a basis of 40 cents first class. At the same time the company proposes the reduction, claiming that the present rate of 60 cents is just and fair and that to obtain attack revenue will be unwise. There is little expectation of the Burlington conceding these claims, and, in conformity with the rules of the association, it will not give, and has required ten days' notice of the reduction.

MANAGER MULIKEN RESIGNS.

DETROIT, Feb. 10.—J. B. Muliken, vice president and general manager of the Chicago & West Michigan and Detroit, Lansing & Northern railroads, has resigned, to take effect March 1. Mr. Muliken has been succeeded by Charles M. Head, formerly of the Philadelphia & Reading railroad.

BURLINGTON & NORTHERN FINANCES.

BOSTON, Feb. 10.—The financial statement of the Chicago, Burlington & Northern railroad for 1889 shows: Gross earnings, \$2,917,159; decrease from 1888, \$30,115; net operating expenses, \$2,010,066; total charges, \$791,419; decrease, \$88,127; deficit, \$126,709; decrease, \$302,093. After paying operating expenses and taxes the company failed to earn the interest on its bonds by \$34,383, against a deficit under interest of \$277,812 in 1888 and \$111,314 in 1887.

WILL BE EASY TO BUILD.

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THE COURT WAS RIGHT.

John King, appellant, vs. Frank La Crose, respondent. Judgment affirmed.

In an action in replevin originally brought in justice's court, defendant, by general and specific denials in his answer, put in issue all of the allegations of the complaint, which was in the usual form. He further averred in the answer that he was the owner of the property in dispute, but the previous statements of the plaintiff do not appear to have been predicated upon this claim of ownership. Held, that it was not error for the trial court to admit in evidence a certified copy of the chattel mortgage upon the property, executed and delivered by its owner, not the plaintiff, to a third person, it having previously appeared from the testimony that the defendant's possession was as the authorized agent of said third person, and in accordance with the terms of the mortgage. 2. Other alleged errors considered and disposed of.

THE RIGHT OF EGRESS.

F. A. Bemis, respondent, vs. Coleman Bridgman, appellant. Order affirmed.

When a party had settled upon land and made lawful improvements thereon as required in order to be entitled to enter and purchase the same under the laws of the United States, and without fraud on his part, subject to an entry therefor, sells and conveys the same to a purchaser who knows the nature of the title, and that the same is subject to be contested by another claimant, he may recover of the purchaser the sum agreed to be paid, as the consideration of such deed. The purchaser of real estate has it in his power to exact covenants in the deed, as a condition of his purchase, otherwise he must ordinarily be considered to have assumed the risk of the title, and the deed is deemed to be regulated accordingly.

DONE BY A DAGO.

What may yet prove a fatal affair occurred last night about 11 o'clock in the Swede saloon at the corner of Third and Washington streets. The trouble was between Domenico Angelo and Francesco Palumbo, two Italian railroad laborers, and Pat Clancy, a young Irishman. The story of Clancy is that he and a companion entered the saloon and went up to the bar for a glass of beer. The two Italians were playing pool, and without any provocation rushed upon him with a knife, cutting a long and deep gash in his left groin and narrowly missing the femoral artery. After the cutting, the two Italians ran out of the place, and an hour later were arrested at Jackson and Seventh streets by Officer Convey, the two having been described to all the police, who were on the lookout for them. Assistant City Physician Cogsway was called and he pronounced Clancy's wound. He pronounced it a very dangerous one, which might prove fatal if not pulled off his coat and to his home, 755 Park avenue, in the central park wagon.

ONLY PANORAMA!

Monitor and Merrimack. Class positively Feb. 16. LAST WEEK. PRICE, 10 CTS. TO ALL.

ST. PAUL MUSEUM

Week Feb. 10. See what you get for 10c. or less. After the cutting, the two Italians ran out of the place, and an hour later were arrested at Jackson and Seventh streets by Officer Convey, the two having been described to all the police, who were on the lookout for them. Assistant City Physician Cogsway was called and he pronounced Clancy's wound. He pronounced it a very dangerous one, which might prove fatal if not pulled off his coat and to his home, 755 Park avenue, in the central park wagon.

AMUSEMENTS.

NEW MARKET THEATER.

TO-NIGHT!—TO-NIGHT! "LORD CHUMLEY." Messrs. Mille and Belasco's masterpiece, Wednesday night, by request of the first success, "THE HIGHEST RIDER." Coming Attraction—KELLAR. Seats now on sale.

Miss Amelia B. Edwards' ILLUSTRATED LECTURES

By Stereopticon and Chalk Illustrations, at the PEOPLE'S CHURCH TUESDAY, FEB. 11th. WEDNESDAY, FEB. 12th.

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AMUSEMENTS.

HARRIS' THEATER!

Extra Matinee To-Day, 2:30. ADA GRAY "EAST LYNNE." NEXT WEEK—FRANK MAYO!

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GUSTAVE HEINEMANN, ANNOUNCEMENT

EXTRAORDINARY!

WHIRL WIND OVERCOATS!

PERSIAN SILKS 39c.

Surah Silks 49 Cents

45-Inch Flouncings!

45-Inch Flouncings!

45-Inch Flouncings!

45-Inch Flouncings!

59 Cents!

BEAUTIFUL ASSORTMENTS

VAN DYKE EMBROIDERIES

New Tuscan Silks!

New Regina Silks!

New Silk Drape d'Almas!

New Tartan Plaids!

Ombre Cashmeres!

The finest line of Satens, in Cashmere finish, ever shown in any country.

New! Novel! Beautiful!

Dress-Making

Ladies