DIKE FIGHT IS DONE.

Testimony All in and the Commission Will Duly Deliberate.

Yesterday's Evidence Showing Full Price Was Paid for the Land.

City Cuts Short in the Hearing Believing That Enough Was Shown.

Able Arguments Poured Into the Commission's Ears by the Hour.

Yesterday was the last day of hearing of testimony before the West side levee commission, morning and afternoon sessions being held in order that the commission could close the case. At the opening of the morning proceedings City Attorney Phillips sprung a surprise on the opposite side by announcing that he would offer no further testimony on behalf of the city, for the authorities had come to the conclusion that, though they could call a host of witnesses, they would but corroborate the testimony already put in. The contestants had petitioned every public body during the last few years, and had always been defeated in their claims, and now it was sought as a last resort to tie up matters for another two years, in order to defeat bills now before the legislature. He could, on behalf of the city, produce witnesses every day for another week, but did not desire to further take up the time of the commissioners.

Judge Wood objected to the course of the city attorney, for he was anxious to have the commission take an adjournment, in order that the attorneys for the petitioners might prepare arguments and submit further evidence.

W. P. Murray strongly objected to any adjournment. The commissioners had announced that they would not sit beyond that day, but the city was prepared to stay with the other side night and day until they were satisfied their case was complete. He, however, objected to any delay which would jeopardize bills now before the legislature.

Judge Wood—What bills do you refer to?

Mr. Murray—To the bill which provides that the city may grant leases of levee property for manufacturing purposes.

Judge Wood—That is the very bill we want to defeat this session.

Corroborative Evidence.

Messrs. Ansel Oppenheim and William Dawson, who had been invited by the commission to give testimony, arrived at this point, and being informed that the city was ready to submit its case without further evidence, the gentlemen desired to be heard on their own request.

Mr. Oppenheim then stated that in 1879 most of the West side property was under water, and the value of land was nominal. He purchased in that year twenty-four acres of land for $2,200, which was less than $16 a lot. In his judgment he was fully convinced that the owners of the lots not only received full value for their property, but in many cases they received double the value. The original intention of the city was to build a levee for protection, and provide facilities for railroads and factories.

Judge Wood, in cross-examining, brought out the history of how the Minnesota & Northwestern railroad was formed and obtained entry into West St. Paul. Mr. Murray objected to the line of examination, for it had nothing to do with the case, but Mr. Wood persisted that it was very material.

The examination was continued by Mr. Wood and assumed a personal nature between counsel and Mr. Oppenheim until Bishop Ireland interfered and requested that the facts of the case be adhered to.

William Dawson Sr. was then called, and his evidence corroborated that of Mr. Oppenheim and previous witnesses for the city. In his opinion, West side property was increased sixfold in value after the Kansas City road was built. He cited a case where he had sold six lots, for which he paid $600, to Mr. Langevin for $900, and that gentleman had sold them for $6,000. Continuing, Mr. Dawson said: "In my opinion the building of that levee was the one thing which resulted in the building of the railroad on the West side, and I believe that for every dollar's assessment against the property adjoining at least $100 was received by increased value of the property."

No further evidence being offered by either side, Bishop Ireland announced that the commission would take a recess until 3, when the arguments by counsel could be made.

Argument for Complainants.

Promptly at 3 the commission reassembled, and Attorney A. B. Ovitt proceeded to set forth his statements of the case on behalf of the petitioners. He went over the history of the agitation for a levee ten years ago, and then submitted to the attention of the commission four propositions: First, that the city had taken the property for a certain purpose; second, that twelve years had passed and no work had been done on the levee; third, that the city had abandoned its original purpose; and fourth, that the peculiar rights of the petitioners demanded the reconveyance of the lands. The municipal act showed that the lands were acquired for a street or levee, and he claimed that the city must be governed by that law unless it should be repealed by the legislature. Webster's definition of the word levee was "a bank or causeway, especially along a river to prevent inundations." The letter of City Engineer Sewell which had been produced showed that the original intention was to build a levee 200 feet wide to keep the water from flowing over the flats. The city had not carried out the original purpose, but it had leased the property to railroads and factories, which he claimed was an abandonment of the work. The facts spoke for themselves, and he asked the commission if that was a proof of faith on the city's part.

The city claimed that it was not limited to time in which to finish the work, but the construction of law was that it must be done in reasonable time. If the city had granted leases of the land for thirty years, it could do so for 1,000 years. As to the rights of the petitioners he claimed that they had been taken advantage of by the city when the land was taken. He only asked that the people who had relied upon the city be placed on the same footing with their more fortunate neighbors who had been able to recover through the courts from the city. He claimed that the city had no right to lease the property unless it compensated the petitioners. The last legislature had appointed a commission to decide the matter, but the present legislature had abolished it at the instigation of a member of the Ramsey county delegation. An attempt had been made to defeat justice, and on behalf of the petitioners he begged to submit their case to the commission and abide by its decision.

The City's Version.

Mr. Ovitt, who spoke for over an hour, was followed by Assistant Corporation Attorney Phillips, who said he would take but a few minutes to submit the case for the city. It was admitted by the other side that they had gone before every public body which had jurisdiction, and had never been able to obtain relief. These public bodies had acted according to their best judgment and belief, and, after considerable deliberation, had decided that the property sought to be recovered should be held by the city. The lands had not been abandoned as charged: and, even if such was the case, the petitioners must seek redress in the courts, who should decide if the property should revert? The charter of the city decided that all lands acquired by condemnation were acquired in fee simple, and it was impossible then to question the city's claim. The courts had so decided where suit had been brought to recover. The case cited by the other side, where the courts had declared condemnation proceedings null and void, had no bearing whatever on the matter, for Judge Brill, in his decision, had said that the proceedings were void on a technical point, namely, the failure of the city to set aside a sufficient sum of money within nine months to meet the damages awarded on condemnation.

As to the lands being acquired for a special purpose, the evidence of reliable witnesses had been heard, and he claimed that the city had every right to grant facilities to railroads, factories and for public purposes. As to what rights the city possessed to grant these leases, they were fine points of law to be decided by the courts of law. He felt sure, and had no doubt whatever, that if property had not risen in value the old soldiers or the petition would never have been heard of. It was claimed that the city had taken advantage of ignorant persons by the peculiar wording of the deeds, but Judge Wood and Judge Parker, who were able lawyers, had given deeds, and surely they did not for a moment wish to make the commission believe that they, as able lawyers, had been taken advantage of. The proposition was absurd and could not hold. If the commission should decide that the property should be reconveyed, it would strike not only at the rights of all people on the West side, but also at the interests of the public at large who had contributed to the work of building the levee. He felt satisfied that the learned gentlemen on the commission would not decide that the lands should be reconveyed. Mr. Phillips, who made a most able and convincing address, then begged to submit the question to the commission.

Bishop Ireland then announced that the matter would be taken under advisement, and the meeting was adjourned sine die.

Rich Cut Glass

In more variety and at lower prices than ever before sold in the city.

WEMOTT, HOWARD & Co., Agents.

THE ATHLETIC SIDE.

Y. M. C. A. Boys Preparing for Their Opening.

The Y. M. C. A. will celebrate the moving into their new quarters in the Lowry Arcade by giving their fifth annual gymnastic e xhibition on Thursday and Friday evenings of this week. They are tearing up the equipments in the old quarters, and will spend the coming week in fixing up the new and elegant quarters on the second and third floors of the Lowry block. When fully equipped the new quarters will be exceptionally fine, and will give more than double the space in the old quarters. The gymnastic exercises on Thursday and Friday evenings will take place in the large arcade on the first floor. The programme follows:

First Night—Overture by St. Anthony Hill orchestra, dumb bell drill, tug of war, fencing, tug of war, wheelbarrow race, tug of war, music intermission, horizontal bar, tug of war, 100 yards dash, banjo, tug of war, fencing.

Second Night—Overture, class in club swinging, running high jump, tug of war, running broad jumps, fancy wand drill, wrestling, rope climbing, hop, step and jump; parallel bars, tug-of-war, heavy dumbbell lifting, pole vaulting, tumbling, tug of war, mile run, pyramids.

The tug of war terms are as follows: Y. M. C. A. senior, Y. M. C. A. junior, Hamline university, Minneapolis Athletic club, Duluth Y. M. C. A., Company E, N. G. S. M., Kansas City railroad, Company D, N. G. S. M., Company H, N. G. S. M.

The prizes in the tug of war contest will be a gold medal for the best team, and a silver medal for the second best team.

Tickets to the entertainment are on sale at Mussetter's drug store. The admission fee to the Y. M. C. A., including the privileges of the gymnasium, is now $5 per year. After April 15 it will be advanced to $7.50, as the removal to the Lowry Arcade building, while affording much better facilities, entails great expense upon the association.

Free Fare Offered

To California by the California Colonization Company, 389 Sibley street, St. Paul, to all parties purchasing $2,000 of the earliest and very best Fruit Lands in the Capay Valley, only ninety miles from San Francisco. See advertisement in to-day's paper.

THE THIRD TIME GOES.

Increasing Verdicts Call a Halt on New Trials.

A jurist of more than local reputation once facetiously remarked: "It depends a good deal on who has the last guess at the law as to how a case will be decided. The frequent reversals of cases and the way the verdicts of juries are set aside and the way decisions and verdicts have been received by the populace illustrate this somewhat homely corrolary. A Southern judge once promptly set aside the verdict of a jury and made a side remark to the effect that he wanted it understood that it required thirteen men to steal the farm of a citizen in his bailiwick. The frequency with which judges set aside verdicts has led some people to advocate dispensing with jury trials. On the same principle it might be urged that intermediate courts be dispensed with, because they are reversed. That juries disagree as to the measure of damages in actions is not better illustrated than in the action brought in the district court by Grace F. Gardner against Joseph Minea and Asahel G. Wedge. She alleged that these gentlemen were responsible for her home being invaded by an officer of the law and her personal effects removed therefrom, subjecting her to humility and disgrace. She told a pitiful story of how humiliated she was, and how even her private wardrobe was scattered about, and asked for $10,000 damages. Three times was the case tried in the district court and three times juries were moved by her story of wrong and three times a verdict was rendered in her favor in increasing proportion. The first verdict was for $1,000, the second for $1,350 and the third for $1,627. The first two verdicts were set aside by different judges in the district court on the ground that the preponderance of the evidence was against the verdicts. A motion was made to set aside the third verdict on the same grounds. Judge Kelly filed a decision yesterday refusing to set the verdict aside in toto, unless the plaintiff will not agree to a reduction of the verdict to $1,000; if she agrees to the reduction the verdict for that amount shall stand. The opinion is expressed that the defendants have had ample opportunity to ascertain the judgment of their peers upon the matter, and that the last verdict ought to stand after being modified as to the amount. Under the circumstances the verdict of the jury ought not to be totally disregarded.

Mrs. Thompson,

Of 68 East Third street, is assisted by a corps of competent designers and trimmers, and is prepared to please the most fastidious.

BOILED TO BREVITY.

Yesterday's Law Proceedings Told In a Nutshell.

The following routine business was disposed of in special term of the district court yesterday:

By Judge Kelly—John B. Olivier vs. J. W. Smythe, motion for new trial submitted; A. Stromberg et al vs. Joseph Lemke et al; defendants ordered to appear before a referee next Saturday to answer in supplementary proceedings, otherwise to be committed for contempt. In the matter of the application of Clark Harris for an order to require E. Tyson Butcher to show cause why he should not pay over certain moneys collected. Mr. Butcher filed an affidavit claiming that he had paid the costs and turned over all balance except $15, which he retained as attorney fees. The court continued the case one week to allow the applicant opportunity to file additional affidavits. Geo. Hunter vs. John F. Benson et al., motion of plaintiff for judgment by default submitted.

By Judge Cornish—Annice G. Barteau vs. William L. Barteau et al., motion to discharge receiver heard and taken under advisement; John A. McConnell vs. Ann Mooney et al., leave given to amend complaint and to file an answer; Gerhard Toensing vs. Frederick Dedolph et al., motion to require the St. Paul Trust company to appear and defend as administrator of F. Dedolph, deceased, taken under advisement.

By Judge Egan—F. R. Bostwick vs. William F. McMillan and the Great Northern Railway Company, garnishee; referred to George N. Hillman to take disclosure. Catherine M. Flint vs. Frederick Reichow et al.; sale by sheriff confirmed. Eureka Brick Machine Manufacturing Company vs. St. Paul Brick Manufacturing Company; sale of property confirmed. In the matter of the assignment of Alfred Lastborn; submitted upon a petition for limitation of proofs. Northwestern Fuel Company vs. Andrew O. Olson and John Fogleberg, garnishee; referred to M. Beckhoefer to take disclosure. John Savart vs. Winnie Savart; action for divorce dismissed. The Savings Bank of St. Paul vs. Sarah G. Froiseth et al.; submitted upon a proceeding for foreclosure. Anderson & Conkling vs. H. Barton; motion to suppress depositions denied. Thomas A. Buckley vs. Emma E. Humason et al.; application to strike out portion of amended answer denied. Helen Lough vs. George Lough; divorce granted. The West St. Paul Real Estate and Syndicate Company vs. Odin T. Wick et al.; final decree in foreclosure proceedings granted.

Gilt Wall Paper, 5 Cents a Roll.

Frank S. Weidenborner, 205 East Seventh street, corner Sibley.

The State Savings Bank,

Germania Life Insurance Company's Building, corner Fourth and Minnesota streets, has received a new supply of miniature safes. These safes will be given to child depositors only, who are under twelve years of age and have not been supplied before. Children wanting safes must present their bank books.

JOB LOT OF TOUGHS.

Central Station Officers Kept Busy Landing Prisoners.

Lieut. Schweitzer and Jailor O'Keefe, of the central, were two of the busiest men in town last night. It was one of the rare old-time Saturday nights—the town seemed to be on the rampage and the capacity of the old lock-up was tested by the numerous public offenders who were sent in by vigilant officers.

The first prisoner registered on the "tab" was the most distinguished one of the night. His name is Claude Smith, and his attire is in keeping with Hotel Ryan society. In fact he was a guest at the elegant Ryan until Detectives Dan O'Connor and Mike Daly moved him up to the more desirable Hotel de Keefe. His offense is swindling, and it seems that he is an old hand at the game. Friday night he went to the pawnshop at 45 East Seventh street and negotiated a loan of $50 on two stones—supposedly diamonds. But they were not diamonds, and therein lies the trouble. The glare of the gaslight fooled the susceptible broker, and he gave up fifty large, shining dollars for two pieces of ordinary glass. Of course he discovered his mistake when he examined the stones at daylight yesterday morning. And it was a fortunate thing for this money lender that Smith got drunk yesterday afternoon and attempted to repeat his little game by daylight. He brought in a third stone and wanted $25 more, but he didn't get it. Instead, he got two good detectives on his track, and last night he was thinking what a good thing it was to "let well enough alone," as he lounged in a cell at the central station.

Right underneath Swindler Smith's name on last night's "tab" is enrolled the cognomens of ten young members of the Clampers' club. They made as big a load as the patrol wagon ever handled. Sergeant John Zirkelbach had the pleasure of escorting this big load of offenders into the station. They were arrested upon complaint of Mr. Michaud, who owns the Bowers block, 818 West Seventh street. It was in the basement of this building where "The Clampers" held their meeting last night. This meeting wasn't quite as quiet as it might have been—several kegs of beer were on tap, and the members of the club were having a high old time. Their regular Saturday night meetings, held on West Seventh street, have been a source of great annoyance to residents of that part of the city. Last night's "pull" will probably disband the club. The names of those arrested are John Rickard, Charles Burt, William O'Brien, William Ryan, William Murnane, Robert Fitzgerald, John Keefe, William Minot, John Walsh and Dan Rickard. They all bear good reputations, but seem to be a little bit too fond of "joy" on Saturday nights.

The Clampers' club had just been shown to their quarters when Charles Alexander walked into the station and registered a very forcible complaint against a West side barber by the name of Hankins. Alexander's right eye was as big as an apple and as black as a coal. Blood wrs oozing from the injured optic, and streaming down Alexander's cheek. It wasn't necessary for him to tell the officers that he had been roughly handled. They guessed that much. And Alexander only had to say that Hankins hit him and hit him hard. The eye is in very bad condition, and it is doubtful that he will ever recover its utility. He will get a warrant for Hankins' arrest Monday morning.

Officer Jo Davis wouldn't be left out of last night's hurrah, and so he sent in a load of miscellaneous prisoners—black and white. The center of Davis' group was no less a personage than Minnie Charlestown, the Minnesota street celebrity. Minnie was caught in her room with a white man named Pat Harris. While the officer was waiting for Minnie and Pat to don their wearing apparel a colored man by the name of Lane mixed himself up in the affair. And so Davis made it a party of three.

All the other arrivals at the station last night were of minor importance, but there were plenty of them. Drunken men with battered heads, black eyes and bleeding noses were in the majority.

Wall Papers Way Down.

10c papers at..... 2c
15c papers at..... 5c
20c papers at..... 10c
25c papers at..... 12½c

At Smith's, 61 East Third street, Monday, Tuesday and Wednesday.

April Weather Predictions.

If a peck of March dust is worth a king's ransom, and April showers bring forth May flowers, is it not right to predict that every day in every month the Electric-Lighted Vestibuled Limited trains of the Chicago, Milwaukee & St. Paul Railway will continue to run on the Short Line between St. Paul and Minneapolis and Milwaukee and Chicago?

City Ticket Office, 184 East Third street.

Robbed of His Collections.

John Roth, a farmer of McIntosh county, has cause to regret his visit to the city. He arrived April 1, for the purpose of buying seed wheat for destitute farmers, and had $208, collected and given him by Rev. Mr. Matzka, of Ashley, for the purpose. When he reached St. Paul he went to the Union hotel, on Rssabel street, and feeling very tired, went to bed. When he awoke in the morning he found that his money was gone. He is now engaged in soliciting subscriptions so as to be able to make his loss good, and declares if he gets a clue to the thief he will make things red hot for the light-fingered pilferer.

Convenient
Soden Mineral Pastilles.
Active
Soden Mineral Pastilles.
Pleasant
Soden Mineral Pastilles.

For Sore Throat, Hoarseness, Coughs, Colds, Bronchitis and all catarrhal inflammations, the Soden Mineral Pastilles are the most C. A. P. remedy. The genuine must have the testimonial and signature of SIR MORELL MACKENZIE around each box. Price 50 cents.

200 Pieces New All-Silk Ribbon Will Be Opened on our Ribbon Counters.

NO. 5, NO. 7, NO. 9, NO. 12, NO. 16.

All at One Price! Your Choice, 9 Cents Per Yard.

DUROCHER AND WESSEL.
SEVENTH AND CEDAR.

HERZ-:-BROTHERS! CLOTHIERS!

275-279 East Seventh Street, Corner Rosabel.

SPRING SUITS! -:- -:- -:-
See our elegant Cheviot Men's Suits for $12.

SPRING OVERCOATS! -:- -:-
A full assortment, all latest shades and styles.

STYLISH HATS! -:- -:- -:-
The latest in Hats, all colors, $1.50, $2 and $2.50.

BOYS' AND CHILDREN'S DEPARTMENT
Is the most complete in the city. Suits at $1.25, $1.75, $2, $2.50 and $3. These prices cannot be duplicated at any other store.

HERZ BROTHERS, CLOTHIERS,
275-279 East Seventh, Corner Rosabel.
P. S.—Mail orders promptly attended to.

GREAT WALL PAPER SALE
—AT—
SMITH'S!
61 EAST THIRD STREET,
Monday, Tuesday and Wednesday
OF THE COMING WEEK.

10c Wall Paper at 2c per Roll.
12½c Wall Paper at 3c per Roll.
15c Wall Paper at 5c per Roll.
25c Wall Paper at 10c per Roll.
40c Wall Paper at 15c per Roll.

BORDERS ARE SOLD AT SAME DISCOUNT.

Don't Forget the Place, 61 E. Third Street.

HATS! HATS!

SPRING STYLES
Dunlap & Co.'s Celebrated Hats
NOW ON SALE AT
R. A. LANPHER & CO.'S,
153 East Third Street.
Four Doors Above Merchants' Hotel.

DUROCHER AND WESSEL.
SEVENTH AND CEDAR.

SPECIAL INDUCEMENTS
TO SEEKERS OF
BARGAINS!

Open to-morrow for your inspection.

The Multitude Will Visit Our Store This Week.

500 Spring Jackets
Elegant Quality Black Stockinet. Worth $5.
—AT— $3.50

200 Fine Tailor-Made
STOCKINET JACKETS!
Value $6.00.
—AT— $4.50

Stockinet Jackets!
¾-Length. Worth $7.50.
—AT— $5.00

100 Black Stockinet Jackets
Elegant Tailor-Made Garments. The best value that has ever been offered at $6.50, $7.50, $8.50 and $10.

200 Cheviot Blazers!
Extraordinary value, bound all around with black silk cord, satin and silk facings, at $5, $6.50, $7.50, and $10.

50 New Paris Capes!
Handsomely Trimmed, at Our Popular Low Prices.

Attractive Feature of this sale will be
LADIES' SUITS!
ALL READY TO WEAR.
Made out of Turkish Mohair and Persian Flannel. Only $10.00

Ladies, bear in mind this is an opportune occasion to buy a Handsome Dress at a nominal price. These Suits are made in our own Dressmaking Department, under the supervision of MADAME FAVRE, who does not need any introduction at our hands.

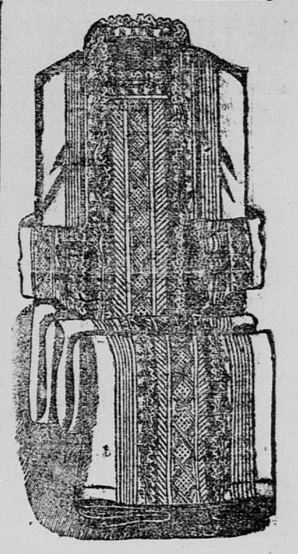
Wash Dress Goods
DEPARTMENT.
150 Pcs. New Challies
We shall open them at Beautiful shades and patterns.
6c Worth 10c.

100 Pieces New Printed Momie Cloth!
Styles and patterns equal to any of the 40c and 50c goods. Other houses sell them at 15c.
—AT— 11½c

1,000 NEW SUN UMBRELLAS!
—AT—
$1.43
Each. Worth $2.50.

3 BALES BROWN MUSLIN!
5c Yard.
Worth 7½c.

DUROCHER AND WESSEL.
SEVENTH AND CEDAR.



Cts. 50 Cts.

25 dozen Night Gowns, similar to above cut, will be open on second floor. This will cost you 75c and 80c at all other sales.

We sell the most for the least, but to demonstrate it anew we shall offer to-morrow all our

DOLLAR KID GLOVES
AT
59 Cents
Per Pair.

DUROCHER AND WESSEL.
SEVENTH AND CEDAR.

200 Pair Stamped
Pillow Shams!
On Fruit of Loom Muslin, at
22c PAIR.

50 dozen new Polka Dot
Handkerchiefs.
The latest styles, worth 20c and 35c, at
15c and 20c.

100 Dozen
Ladies' Black Hose
Reduced from 30c to
19c.
Absolutely fast color or money refunded.

DUROCHER AND WESSEL.
SEVENTH AND CEDAR.

200 dozen Ladies' Sleeveless Cream Jersey Ribbed Vests, worth 25c, at to-morrow's sale only
12½c Each.

100 dozen Gents' Hemstitched Cambric Handkerchiefs, formerly sold at 15c and 20c.
To-Morrow 6c.

100 dozen Lawn Tennis Shirts reduced from 75c to
50 Cents.

DUROCHER AND WESSEL.
SEVENTH AND CEDAR.

We deliver goods to all suburban places every day. All electric cars reach our corner within one block, thus it will be convenient as well as profitable to trade at our store.