KNOCKS OUT THE CODE

Judge Otis Renders an Important Decision in the District Court.

The Probate Code of 1889 Declared to Be Unconstitutional,

So Far as Relating to Title of Real Property by Descent.

Appeal Suggested to the Supreme Court for a Final Test.

An important interpretation of the law has been made, which affects the disbursement of real estate and one which will attract general interest throughout the state. This construction was given by an order filed yesterday in the cause of Stina Johnson against Lawrence L. Harrison. The case was heard and determined by Judge Otis upon an appeal from the probate court. The controversy grew out of the alleged constitutionality of the probate code, enacted in 1889, which provides for the descent of real estate—chapter 46—which changed the law so that the surviving husband or wife should take an estate in fee simple instead of a life estate in the homestead. In this case the probate court set off the homestead of the late Mary B. Harrison to her surviving husband, Lawrence L. Harrison, in fee simple, Stina Johnson, the mother of Mrs. Harrison, deceased, appealed from the decision. It is claimed that the act of 1889, which was the authority upon which the probate judge allowed Harrison the homestead, in fee, is unconstitutional, because the title of the act of 1889 establishing a probate code does not embrace the subject: "Title to real property by descent." The act is therefore repugnant to article 4, section 27, of the constitution, which provides that "No law shall embrace more than one subject, and which shall be expressed in its title." In his opinion Judge Otis says: "I cannot avoid the conclusion that the point raised by the appellant is well taken," and proceeds to review one or two grounds upon which he bases his opinion in the following manner:

"While the subject of an act may be very general and comprehensive, yet it should be sufficiently definite and certain so as at least to suggest the matters which it attempts to legislate upon. As tersely stated in the case of The State vs. Kinsella, 15 Minn., 395, the insertion in a law of matters which may not be verbally indicated by the title, if suggested by it as connected with or proper to the more full accomplishment of the object so indicated, is held to be in accordance with its spirit; but a more liberal construction cannot be given without letting in the evils which the provision was intended to exclude."

Unconstitutional.

The dictionary definition of "probate code" here follows, and, proceeding, Judge Otis says:

"The word 'probate' is a specific and not a genuine term, and is not applicable to those general rules and principles defining and governing 'rights of things.' Under the constitution the probate court has jurisdiction over the estates of deceased persons and persons under guardianship, and all laws specially relating to and regulating the jurisdiction, practice and procedure of the probate court properly form part and parcel of a probate code. Descent of property is a legislative regulation, and rights of property are created, acquired and exist wholly independent of any action on the part of the probate court. It is furthermore a matter of much doubt whether any attempt by the legislature to enact, under one title, a code of probate laws, or other general system of law, is not in like manner obnoxious to the constitutional provision referred to. Probate laws relate to diverse subjects, to the administration of estates and to persons under guardianship, and a term which embraces them both, and so used in a title, gives us a law embracing more than one subject. In those states where such legislation has been sustained, this constitutional provision has been construed as directory and not mandatory. Our supreme court has very properly held this provision mandatory, without any express exception. The fact that it has been decreed necessary to incorporate such exceptions in constitutions containing such provisions, and the further fact that the revision of 1886 was adopted and approved chapter by chapter, under an appropriate title specifying the subject, indicates the doubt which the constitutional lawyers who have considered the matter entertained as to the validity of such legislation. I am aware that a nisi prius court should be slow to declare a law unconstitutional, but, if in its judgment it clearly is so, it should not hesitate to declare accordingly, and thereby the sooner secure a review and final determination of the matter in the court of last resort. Besides, as to estates which have been settled in accordance with this statute so declared invalid, and such settlement acquiesced in, the rights of parties and settlements so made are not disturbed or in any manner affected. See Greenwood vs. Murray, 26 Minn., 359. So that there need be no apprehension that titles will be unsettled or hardships result in thus setting aside this provision of the probate code. For the same reason that this provision of the code is invalid the portion thereof repealing chapter 46 of the General Statutes is invalid, so that the law of descent of real property remains in force the same as though the code had not been adopted. The matters passed upon are of very grave importance to the general public. It is exceedingly desirable that there should be a review in the supreme court at the earliest moment possible; and I suggest when an immediate appeal cannot be taken and the attention of that court to the matter, and, perhaps, some arrangement can be made for a hearing at the present term.

CULLED IN COURT.

Judge Otis has filed an order in the case of The St. Paul Barrel Company against John J. Danner and others, in which the defendants are enjoined from enforcing a judgment against the plaintiff as garnishee rendered by C. F. Rhoades in the suit of J. J. Danner against Thomas Becroft.

The Valentine Blatz Brewing company, of Milwaukee, demands $700 from Anna Maria Pontius. It is alleged that an agreement was made by the defendant to pay any balance due the plaintiff from her son-in-law for beer sold, but that in the agreement the name Julius Tessendorf was inserted instead of Joseph Tessendorf. The court is asked to reform the agreement by inserting "Joseph" instead of Julius, and for judgment for $700 against Anna Maria Pontius.

Judge Kerr yesterday tried the following mechanic's lien cases: Beck & Rank against Frick & Co. et al.; John M. Carlson against Alice M. Baker and others; D. M. Finlayson & Co. against Peter Olson et al., and D. M. Finlayson & Co. against Lee & Evjen et al. Findings were ordered in favor of the plaintiffs in each case.

The United States Savings, Loan and Building company has sued Charles E. Magran and his sureties on a bond to pay the monthly installments on 100 shares of its stock. There is now claimed to be due $1,524.50, for which amount judgment is demanded.

The two cases of O. Mosuess against the North British Mercantile Insurance company and the German American Insurance company were submitted to the jury last evening after several days' trial in Judge Egan's court.

In the case of Ella M. Whitemore, as administratrix of the estate of Irving D. Whitemore, against the Wisconsin Central Railway company, the jury returned a verdict in favor of the defendant.

Judge Brill and a jury are trying the right of Alois Schmidt to recover from Frederick Hecker some $400 advanced to pay his way from Germany to America in 1880 when he emigrated to this country.

The action of Paul Hauser Jr. against Thomas T. Smith to recover $1,000 on a mortgage note was dismissed on motion of the plaintiff, after hearing part of the evidence.

Judge Cornish heard the mechanic's lien case of Brooks Bros. against Malcolm McKay et al.

The suit of Pers Person against Ole Johnson was dismissed by stipulation.

ERIC GIVES A FEW POINTERS.

Olson Is Not Satisfied With the Wheat Inspection.

When the wheat committee got to work yesterday morning Eric Olson was called to the stand and questioned as to what he knew of buying and selling wheat at the country warehouses and elsewhere. When asked if he had ever had reason to complain of the local buyers he replied that he had been well enough treated. He remembered once taking a lot of wheat to the elevator that had pigeon seed in it. The grain was tested and he was fairly treated. He knew of no wrong-doing of his own knowledge. He thought wheat should be sold on its merits, and that facilities should be afforded the farmers to clean their own wheat at the local elevators, thus doing away with heavy dockage. He had shipped two cars of wheat himself; on one he received No. 1 hard and on the other No. 1 Northern. He found no fault with the grade, but thought the dockage was rather heavy. Mr. Olson stated that he considered the Minneapolis elevators to be as deep in the mud as the Duluth elevators were in the mire. He referred to the Holcombe stealing and also to a report that oats had been stolen from Elevator A 1, a public elevator, and placed in Elevator A 2, a private warehouse. He had this on the authority of Tom Lucas, whom he had asked to investigate the matter. Lucas in turn had heard it from some one else. Mr. Olson considered Mr. Pillsbury "half bear and half bull."

Mr. Olson did not approve of the way in which the investigation had been conducted either. He thought Mr. Rupley should have been placed on the stand first and the defendants been required to present their case first. He was willing to stake his reputation as an expert accountant that the work of the clerks of the house committee was correct as far as they had had time to complete the work.

L. P. Barry was the next witness called. He testified as to the conditions of the scales in the Duluth elevators. They were usually found in good condition, he said. Occasionally there was a variance, sometimes in favor of the elevator and sometimes against it. He thought the average was as fair to the seller as the buyer.

Chief Weighmaster C. M. Reese, of Minneapolis, took the stand, and testified as to the stealing of wheat from cars on the track in Minneapolis. There was a large amount of it done, he said, and it was hard to secure convictions. In many cases the grain was stolen a bushel or so at a time by boys. Several thieves had been arrested, and they received only light fines or short terms of imprisonment, in accordance with the gravity of the particular instance in which they were detected. same prisoners had, doubtless, stolen hundreds of bushels in the same way. The stealing in this wise amounted to thousands of bushels yearly.

Letters were received during the day from the experts, reporting fine progress. One was also received from Stockwell, who was sent up to assist them in the work, intimating that the experts were progressing so slowly with the work that the elevator men could, if they so desired, cover up any irregularities on the books.

An adjournment was taken until 10 o'clock this morning.

STATE LAND SALES.

Excellent Prices Forthcoming for Public Lands.

State Auditor Bierman left on a land selling tour again yesterday. Last week he sold 3,400 acres of land in Yellow Medicine county. The price ranged from $5 to 10.50 per acre; also 5,460 acres in Chippewa county. Some of this land ranged as high as $14.75 in price. In Big Stone 2,840 acres were sold, one piece as high as $15 per acre. In Wilkin county 2,440 acres were sold at from $5 to $12.25 an acre. In Traverse county 3,600 acres were sold, none for a higher price than $9.25. In Clay county 5,720 acres were sold, the highest price paid being $19.25.

Cost of State Wards.

Secretary Hart, of the state board of corrections and charities, yesterday submitted a financial statement covering the period from Aug. 1, 1890, to April 30, 1891, of the state correctional and charitable institutions. The estimated expenditures for the year ending July 31, 1891, are $774,000, as against $957,000 for the same period in 1890, and $893,000 in 1889. The total average number of inmates in all institutions for the fiscal year was 2,986; total cost per inmate, $184; total cost per inmate, $184; total cost of food per diem, $123; as against $6,348,169, and $124 for the same purpose in the institutions of Illinois. The total number of patients under treatment on April 30 was 3,652. The increase for the year was 261, as against 166 for last year.

PERSONAL POINTERS.

Dr. C. K. Bartlett, of St. Peter, was at the Merchants' yesterday.

E. Hammons, one of the best-known lawyers of the state outside of the Twin Cities, was in St. Paul yesterday. He lives in Anoka.

At the Clifton: Alfred Morrell, Austin; C. J. Hunt, Fargo; A. E. Doe, Stillwater; S. H. Parker, F. G. Hall, Brainerd; G. W. Knox, Aitkin.

At the Clarendon: F. A. Noble and wife, Northfield, Minn.; C. S. Brooks, Haverhill, Mass.; J. J. Sweeney, Superior; John, H. Smith, John McNichol, Detroit.

Hon. Thomas Cole, of Fergus Falls, the Farmers' Alliance "legislative expense" champion of the last session, is in the city. He denies that he is here to aid in the wheat investigation.

At the Ryan: E. B. Rogers, Mankato; J. L. Kennedy, Henry Wingeland, George A. Meade, Sioux City; S. H. Jones and wife, Lowell, Mass.; W. E. McCord, Chippewa; Mrs. W. H. Patton, Mrs. W. F. Berry, San Francisco; F. M. Lee and wife and wife, Marshalltown, Io.; F. L. Holbrook, Winona.

At the Merchants: F. F. Heinrich and wife, Rush City; John Lohse, Winona; A. Gowan, Cloquet; J. E. Conklin and wife, Madison; S. L. Campbell, Wabasha; M. W. McDonald, Winona; L. E. Coe, J. R. Howard, Sauk Center; Carlos Boynton, Madelia; J. G. Eberle, Windom; J. B. Wakefield, Blue Earth City; A. L. Sackett, St. Peter; F. E. Briggs, Moorhead; Joseph S. Field, Willmar.

Henrietta J. Reiff, George K. Hagaman, Edward E. Lovgar, Albert W. Zaspel and Frank T. Hallett, of the North St. Paul school, have been admitted to the city high school.

WEARERS OF ERMINE.

Fourteen Cases Disposed of by Judges of the Supreme Court.

The Orders of the Lower Courts in a Few Instances Reversed.

Hamline University Exempt From Paying Taxes Upon Its Real Estate.

Legal Elucidations Which Every Lawyer Should Carefully Scrutinize.

Fourteen decisions were yesterday filed in the supreme court.

John H. Schurmeier, appellant, vs. Daniel English, respondent. Judgment reversed. MITCHELL, J.

In an action by a vendor against his vendee for the purchase price of personal property, a claim in the answer for damages for the breach of a warranty of the quality of the property constitutes a "counterclaim." The objection that the facts set up as a counterclaim do not constitute a cause of action is not waived by a failure to reply. When the answer admits plaintiff's cause, and sets up a counterclaim which is admitted by a failure to reply, there is no issue to try, and judgment should be ordered on the pleadings.

Sparks From Locomotives.

Henry Hoy, respondent, vs. The Chicago, Milwaukee & St. Paul Railway Company, appellent. Order affirmed. MITCHELL, J.

While the railway companies are not bound to use every possible precaution which the highest scientific skill might have suggested to prevent the escape of fire from their locomotives, yet they are required to exercise a degree of care reasonably proportionate to the risks to be apprehended; and in view of the great danger to property from fires communicated from passing locomotives, reasonable care requires that they should avail themselves of the best approved practicable applicances for the prevention of fires. Whether in this case the defendant was negligent in continuing the use of a certain kind of engine was, under the evidence, a question for the jury. In an action to recover for the destruction of a grove of trees standing upon a farm, the measure of damages is the value which the trees added to the farm, which may be proved by the value of the farm with the trees standing on it, and then its value with the trees destroyed; following Carner vs. Railway Company, 43. A witness having testified that he saw the fire which caused the injury start from another source, it was proper, for the purpose of impeachment, to ask him if he had not stated at another time and place that it started from the locomotive. While an instruction that "it was the duty of the defendant to supply the engine with the best known and ascertained appliances to prevent the escape of fire," considered as a general abstract statement of the law, may not be strictly accurate, yet in this case, when taken in connection with other parts of the charge modifying or explaining it, and considered in the light of the only evidence to which it could be applied, it contained no prejudical error. Rules laid down in former decisions as to granting new trials on the ground of newly discovered evidence considered and applied.

The Lodge Wins.

Joseph Balm, respondent, vs. The Brotherhood of Railway Brakemen et al., appellant. Judgment reversed. COLLINS, J.

Plaintiff's son became a member of one of one of the subordinate lodges of defendant association, thereby becoming entitled to and receiving from the defendant its certificate or policy of insurance, in which he designated his lodge as a beneficiary in case of his decease. The lodge aappearing as defendant was a voluntary unincorporated associasion for the mutual aid benefit and insurance of its members. Held, upon the death of the assured son, that the father could not be permitted to question the legal existence of the lodge or its capacity to take as such beneficiary.

Burden of Proof.

Zoe Roussain et al., appellants, vs. John F. Patten et al, respondents. Order reversed. COLLINS, J.

On the trial of this action, which was brought to determine adverse claims to real property, and to cancel and set aside, with the record thereof, certain deeds and mortgages relating to the same, the plaintiffs were not entitled, as a matter of strict right, to the verdict of a jury upon any question of fact. An alleged error in the rulings of the court with respect to the admissibility of certain testimony considered and disapproved of. Whether, as against an unrecorded deed of said property held by the plaintiffs, the defendants were purchasers of the same in good faith and for a valuable consideration, was one of the principal issues between the parties upon the trial. Held first, that the burden of the proof was upon the defendants to show that they were such purchasers, and second, that it was error for the court to order judgment against the plaintiffs without finding as a fact that the defendants were purchasers in good faith and for a valuable consideration, or facts equivalent to such finding.

A City Ordinance.

Seward D. Allen, appellant, vs. Duluth Gas and Water Company, respondent. Order affirmed. COLLINS, J.

That part of an ordinance of a municipal corporation wherein was fixed the maximum rates or charges to be made to the consumers of water furnished by a corporation organized for that purpose, construed. In the schedule of rates or charges a certain maximum tariff was fixed for a "residence occupied by one family for domestic purposes, one to five rooms," and also the tariff for each additional room. The tariffs for a "bath, with heating apparatus, private" for "water closets" and for "water basins," were also specified. Hot water heaters, used for warming the house, were not mentioned; but it was provided that special rates should be made for supplies not enumerated. Held that the tariff fixed for private residences did not included or warrant the use of water for a bath tub, for closets, for basins or for a heater in plaintiff's private residence.

Change of Venue.

W. McNamara, respondent, vs. William H. Eustis et al., appellant. Order reversed. COLLINS, J.

In an action brought against four defendants in the county wherein one resides, it is not error for the court to deny a motion for change of place of trial to a county agreed upon by three of the defendants and in which two reside, when the plaintiff will lose the benefit of a term of the court held in the county to which the change is demanded, and where said defendants have neglected to move for a change until the case is called for trial. A declaration of one person that another is not present, is his life partner, is not competent evidence in proof of partnership to charge the other, although proper as against the party making the declaration.

An Election Contest.

In re contest of election, etc., of Sibley county, Horace Soper, appellant, vs. Board of County Commissioners of Sibley County et al., respondent. Order affirmed. MITCHELL, J.

The failure to post a list of the electors ten days prior to the election is not sufficient ground for rejecting the votes of the precinct following former decisions. Neither is the refusal of the judges to allow an elector to be present in the room as a challenger of votes in the absence of evidence that any injustice resulted. Nor is the fact that the polls were kept open after the hour for closing, in the absence of any evidence that any votes were cast after that hour. A notice that an election will be contested on the ground that "a large number of legal voters desired and attempted to cast their votes, but, with the knowledge, consent and connivance of the judges of election, were by violence and threats prevented from so doing," is too general and indefinite as a specification of a ground of contest. It is not error to dismiss the proceedings on the ground of the insufficiency of the specifications of points upon which an election will be contested, at least in the absence of any offer or application for leave to amend the specifications.

Indorsed a Note.

Tonhegan National Bank, respondent, vs, A. J. Boardman, appellant. Order reversed. MITCHELL, J.

Action against the defendant as indorser upon the following promissory note:

$1,000. MINNEAPOLIS, May 12, 1884.

Six months after date we promise to pay to the order of A. J. Boardman, treasurer, one thousand dollars. Signed: Minneapolis Eng. and Machine Works, by A. L. Crocher, secretary. Endorsed: A. J. Boardman, treasurer.

Held that the indorsement is prima facie the individual contract of defendant, but that evidence is admissible to show that he made it only in his official capacity as treasurer of the corporation.

A Highway.

State of Minnesota, plaintiff, vs. Peter Thompson, defendant. Judgment affirmed. MITCHELL, J.

In fixing the definite line of a highway, supervisors may exercise a reasonable discretion in making such variations from the general course stated in the petition as public interest requires; and this discretion is not taken away or limited by the fact that the petition describes a definite and particular line.

Done by an Agent.

George C. Trenton, respondent, vs. Nicholas Pothen, intervenor, appellant. Judgment reversed. MITCHELL, J.

Evidence held not to justify the findings of fact. To charge the principal with knowledge possessed by an agent, the facts of which the agent has notice, must be within the scope of his agency, so that it is his duty to act upon them or communicate them to his principal. Notice by an attorney, acquired in another transaction, of the pendency of a suit which may affect the title to real property, cannot be imputed to one who employs him for the sole and special purpose of examining an abstract of the title of the property and giving an opinion thereon.

Deeded Upon Conditions.

Jeremiah H. Triggs, respondent, vs. J. Blackburn Jones, appellant. Order affirmed. MITCHELL, J.

The plaintiff alleged that he intrusted to defendant J a deed to defendant C, with instructions to deliver it only upon fulfillment of conditions; that J delivered it wrongfully and contrary to instructions, and that C subsequently conveyed to defendant G. The relief prayed for was that the deeds be canceled, and that G be compelled to reconvey. J appeared and answered. The court refused to grant any relief against G on the ground that he was an innocent purchaser for value, and that plaintiff had delayed to disaffirm the act of J in delivering the deed, but gave judgment against J for damages. Held that this relief was consistent with the case made by the complaint. Also that the proper measure of damage against J was the value of the property at the date of delivery of the deed, with accrued interest.

Judgment Set Aside.

John B. Mueller et al., plaintiffs, vs. Bernhard Reimer, defendant. Stanford Newell respondent, vs. Annie Reimer et al., appellants. Order affirmed. MITCHELL, J.

A judgment, void for want of jurisdiction appearing on its face, may be set aside on motion of one, not a party to the action who has an interest in the property affected, but he is not entitled to such relief as a matter of right. It appearing in this case that the party making the motion claiming to have succeeded to the interests of the judgment debtor in land sold under the judgment, had brought suit against the purchaser at the execution sale to determine his claim to the property, the court properly refused to vacate the judgment on motion, but left the party to try the question on his action.

A Double Decision.

Charles S. Bardwell et al., appellants, vs. W. A. Mann et al., respondents. Herbert B. Gardner et al., appellants, vs. Arthur Leck et al., respondents. Order affirmed in the first and reversed in the latter. MITCHELL, J.

The lien law of 1889 (laws 1889, ch. 200) held unconstitutional. Where all the material or labor for a building had been performed or furnished before the law took effect (Oct. 1), the provisions of the old law relating to lien statements applied, although such statements were not filed until after such date; but where part of the material was furnished before and part after Oct. 1, the provisions of the new law applied; following former decisions.

University Property.

In the matter of the proceedings to enforce payment of taxes on certain real estate belonging to Hamline university. State of Minnesota, plaintiff, vs. Hamline University, defendant. Judgment affirmep. MITCHELL, J.

Chapter 43, Laws of 1854, incorporat-Hamline university, provided that all corporate property belonging to the institution, both real and personal, is and shall be free from taxation. Held that this exemption applies to all property of the corporation, and is not limited to the site. Held also that the territorial legislature had the power to grant this exemption and tried the future state thate; following 1st Div. St. P. & P. Ry. Co., is Parcher, 14 Minn., 297.

Routine.

The following cases were heard by the supreme court yesterday.

Owen J. Evans, appellant, vs. Rebecca Goodrich et al., respondents; argued and submitted. Henry H. Kruger, respondent, vs. The Railway Track Cleaner Manufacturing Company, appellant; argued and submitted. John Bradford, respondent, vs. Richard Karl, appellant; argued and submitted, James C. Flynn, respondent, vs. Julien Lenlieux, appellant; argued and submitted.

Manual Training Graduation.

The graduation exercises of the Manual Training school will be held to-morrow afternoon at 4 o'clock. The shops and drawing rooms will be open for reception of friends of the school, and students will be at work as usual. There will also be a complete exhibition of the year's work of the school. The members of the graduating class are:

Business course—Edward S. Selby, Oscar R. J. Wermuth, Harry B. Drake, Hans Miethe, Frederick G. Bradbury, Charles A. Weber.

Preparatory course—Fred D. Crawshaw, Frederick H. Roemer, Frederick P. Hoelzel, Martin Giesen.

IN AND ABOUT THE CITY.

The Field day of Macalester college will be held Monday on the college campus.

The Ramsey county grand jury will assemble in adjourned session to-morrow.

Cases of scarlet fever at 395 Livingston avenue and 796 Cherokee street, were reported at the health office yesterday.

Assistant City Physician Spencer has resigned his position, and Dr. C. L. Green has been appointed to succeed him.

County Attorney Thomas D. O'Brien left last night for Litchfield to try a murder case at the request of the attorney general.

The Hebrews will observe the Pentecostal feast beginning Thursday. The orthodox Jews will observe two days and the reformed Jews one day.

The committee on streets of the board of aldermen will meet to-night. The much-talked-of Langford avenue line will be up for consideration.

Dora J. Gibson, formerly principal of the Neill school, died last evening at the Merchants'. Her remains will be shipped to-day for burial in Ontario.

The board of public works held a meeting yesterday and considered the question of grading Richmond street and sewering and paving Sixth street from Broadway to the Sixth street bridge.

The graduating exercises of the training school of the Free Kindergarten society will be held in the hall of the relief society, 141 East Ninth street, at 4 p. m. to-day. Ten young ladies will graduate as kindergartners.

The city attorney reported yesterday that the final papers for the transfer of the site for the new public building from the city to the government would be signed this week and forwarded, with the abstracts of titles, to Washington.

The municipal court yesterday dealt with the usual number of drunks and vagrants rounded up Saturday and Sunday. Fines varying from $5 to $20 and sentences of ten to thirty days were distributed by Judge Cory with an even hand.

The affable county auditor, Michael F. Kain, will to-day lead to the altar Miss Alice O'Connor, daughter of Capt. M. J. O'Connor. The ceremony will be performed at the cathedral at 10 a. m. Miss Kitty O'Connor, sister of the bride-elect, will be the maid of honor, and Assistant County Attorney Pierce Butler will be best man.

The Wilbur Opera company gave the "Grand Duchess" to another large audience at the Metropolitan last evening. The opera will be presented all this week, with matinees to-day, Thursday and Saturday. The specialties introduced in the third act, the Amazonian march, the Chinese specialty and the gaiety skirt dance, are very pleasing.

The board of school inspectors failed to meet yesterday according to announcement. It was found that the committees could not accomplish the vast amount of work they have to report upon in time for the session. Therefore President Baker postponed the meeting until Saturday afternoon at 3 o'clock.

Peter Berkey having refused to act as treasurer of the chamber of commerce at yesterday's meeting D. A. Montfort was elected to fill the vacancy. Messrs. Peet, Montfort and Langford were elected a committee to consider a proposition to change the time of meeting from Monday to Wednesday.

INDICTMENT QUASHED.

Gibson Let Out by the United States, But Not by the County.

The indictments that were brought by the county grand jury against Gibson will not be quashed, said states attorney Longenecker this evening. There are three against, one for having explosives, the second for conspiracy to commit a felony with parties unknown, and a third for attempted arson. The first is the one on which he will be tried mainly.

A Possible Murder.

NEW HAVEN, Conn., June 8.—Charles Kehoe, of this city, and two others, while walking in the woods near Allington yesterday, came across a spot where a severe struggle had evidently occurred. The grass was much trampled and covered with blood, and near by lay a man's hat and coat and a pair of shoes. A handkerchief covered with blood and a lady's glove with the fingers torn off were also found. The police, during their search, picked up a lady's bracelet and also discovered traces of blood leading to the river.

Maxwell's Companion Suicides.

DENVER, June 8.—Ada Vernon, whose record is pretty well known in Boston and other Eastern cities, killed herself yesterday. She first came into prominence in the West as the companion of Maxwell, whose murder of Preller made a sensation on both sides of the Atlantic. After Maxwell was hanged she came to Denver, and has been living with a well-known politician for more than a year. A quarrel with her lover was the cause of the suicide.

Gibson's Indictment Quashed.

CHICAGO, June 8.—Judge Blodgett this morning quashed the United States indictment against George J. Gibson, secretary of the whisky trust, charged with conspiracy to destroy the Shufeldt distillery. The decision was on the ground that the case was one for the state and not for the United States courts, in which there is no statute providing a penalty for the crime for which Gibson was indicted.

Another Husband Poisoned.

ROME, N. Y., June 8.—The inquest on John Sorgenfrie, who was found dead in bed at his house on Laurel street, May 26, revealed some suspicious circumstances, and his wife is now in Utica jail on suspicion of having caused his death. Traces of paris green were found in the food he had eaten.

Hung When Dead.

LOUISVILLE, Ky., June 8.—At Wickliffe, Ky., at midnight last night, Evan E. Shelby, charged with the murder of Mrs. Sallie Moore, was taken from the jail by a mob of unknown men and hung. The jailer resisted and was roughly handled. Shelby fought desperately and badly hurt several of the mob. He was practically dead before they got him out.

Black Hills Pioneers.

Special to the Globe.

CHAMBERLAIN, S. D., June 7.—The meeting in Custer City to-morrow of the Black Hills Pioneer society will be the greatest event in the history of the Hills. Thousands of people from all portions of the Black Hills and Western Nebraska will be present to assist in celebrating the event, when the old and exciting times in the early days of the Hills will be talked over and discussed

LOST IN SPECULATION.

A Tennessee Bank Clerk Defaults for $18,000.

NASHVILLE, Tenn. June 8.—It was brought to light here to-day that W. E. Minchin, for some years past the individual bookkeeper at the American National bank, of this city, was a defaulter to the extent of about $18,000. Minchin left the city in company with his wife May 25, stating he would be absent only a couple of days. His continued absence caused an investigation of his books with the above result. The bank will lose nothing, as he was bonded by a reliable guarantee company, whose agent is on the ground and will take active steps to catch and prosecute him. Minchin is thirty-seven years of age, was born and raised here and stood very high with all who knew him. His defalcation was a surprise to the community. It is supposed he had lost the money in speculation.

FACTS AND FANCIES.

Mrs. Winslow's Soothing Syrup for children teething rests the child and comforts mother.

SICK HEADACHE—Carter's Little Liver Pills
SICK HEADACHE—Carter's Little Liver Pills
SICK HEADACHE—Carter's Little Liver Pills
SICK HEADACHE—Carter's Little Liver Pil

MARRIAGES, BIRTHS, DEATHS.

MARRIAGE LICENSES ISSUED.

Michael F. Kain	Alice O'Conner
Joseph Gaertsner	Agnes Schlinkert
J. W. Wampler	Lizzie R. Boyer
Fred Weinard	Ottie M. Pool

BIRTHS REPORTED.

Mr. and Mrs. Andrew Peterson	Girl
Mr. and Mrs. Joseph Pilley	Girl
Mr. and Mrs. M. Grin	Boy
Mr. and Mrs. B. Nelson	Boy
Mr. and Mrs. J. H. Rose	Boy
Mr. and Mrs. H. L. Collins	Girl
Mr. and Mrs. Fred Hostman	Girl
Mr. and Mrs. Oscar Gardelin	Girl
Mr. and Mrs. Charles Thomas	Girl
Mr. and Mrs. Charles Johnson	Girl
Mr. and Mrs. J. Chamberlain	Boy
Mr. and Mrs. F. Smith	Boy
Mr. and Mrs. F. Tschida	Boy
Mr. and Mrs. J. Linch	Boy
Mr. and Mrs. G. Bryant	Girl
Mr. and Mrs. George Robertson	Boy

DEATHS REPORTED.

Baby Guiness, 846 Lincoln av	2 months
Ellen A. Waed, 136 Granite st	32 years
Elizabeth Kriger, St. Joseph's hosp'l	44 years
Richard Frisk, 838 Van Buren st	2 years
Sarah Nilson, South St. Paul	17 years

DIED.

HARBAUGH—At White Bear Lake, Minn., June 8, 1891, George W. Harbaugh, aged forty-eight years. Remains will be taken to Bellefountaine, O., for interment.

GIBSON—In St. Paul, last evening, at Merchants' hotel, Dora J. Gibson, formerly principal of the Neil school, this city. Her body will be taken to Ontario for burial. Services in the parlor at 4:30 this afternoon.

ANNOUNCEMENTS.

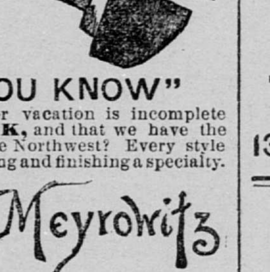
DR. C. N. DORION HAS REMOVED his office to rooms 17 and 18, Germania bank building, opposite the postoffice. Office hours, 10:30 a. m. to 12 m. and 2 to 4 p. m.

Highest of all in Leavening Power.—U. S. Gov't Report, Aug. 17, 1889.

Royal Baking Powder

ABSOLUTELY PURE

KODAKS



"DO YOU KNOW"

That your summer vacation is incomplete without a **KODAK**, and that we have the largest stock in the Northwest? Every style in stock. Developing and finishing a specialty.

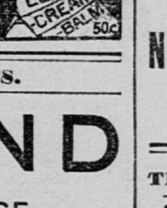
E. B. Meyrowitz

OPTICIAN.
(Formerly Meyrowitz Bros.)
75 EAST THIRD STREET.

ELY'S CREAM BALM applied into nostrils is quickly absorbed, Cleanses the Head, heals the Sores, Cures

CATARRH

Restores Taste and Smell, Quickly Relieves Cold in Head and Headache. 50c. at Druggists or by mail. ELY BROS., 56 Warren St. NY



AMUSEMENTS.

GRAND

OPERA HOUSE.

St. Paul Pays Homage to Merit.

ENTHUSIASM SUPREME.

JACOB LITT'S PLAYERS.

The Grandest Success Ever Known in the Northwest,

THE ENSIGN

The Greatest of All War Plays.

NOTE—Positively No Increase in Prices.

METROPOLITAN OPERA HOUSE.

L. N. SCOTT, MANAGER.

"Companies come and companies go,
But the Wilburs remain giving a big show."

MATINEE 2:30 TO-DAY

And All the Week. The Favorite

WILBUR OPERA CO.

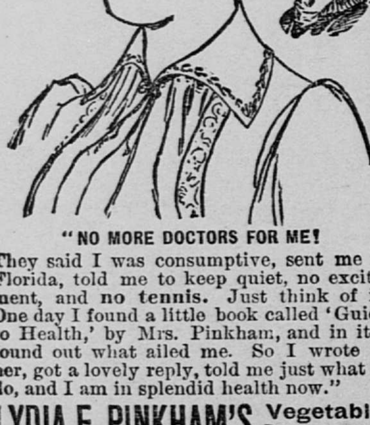
And SUSIE KIRWIN,

In Offenbach's brilliant 3-act comic opera,

THE GRAND DUCHESS

Prices: Matinees, 15 and 25 cents. Nights, 15, 25 and 50 cents. Next Week—FALKA.

DR. Le DUC'S PERIODICAL PILLS Acts upon the generative organs and cures all suppression of the menses. Should not be used during pregnancy; $2, or 3 for $5. Am Pill and Med. Co., Royalty Props., Spencer Io. Faber & Co., cor. 7th and Wabasha St. Paul; Melendy & Lyman, St. Louis, drug stores, and Hoffin & Co., Minneapolis, agent.



"NO MORE DOCTORS FOR ME!

They said I was consumptive, sent me to Florida, told me to keep quiet, no excitement, and no tennis. Just think of it. One day I found a little book called 'Guide to Health,' by Mrs. Pinkham, and in it I found out what ailed me. So I wrote to her, got a lovely reply, told me just what to do, and I am in splendid health now."

LYDIA E. PINKHAM'S Vegetable Compound

conquers all those weaknesses and ailments so prevalent with the sex, and restores perfect health.

All Druggists sell it as a **standard article**, or sent by mail, in form of Pills or Lozenges, on receipt of $1.00.

For the cure of **Kidney Complaints**, either sex, the Compound has no rival.

Mrs. Pinkham freely answers letters of inquiry. Enclose stamp for reply.

Send two 2-cent stamps for Mrs. Pinkham's beautiful 88-page illustrated book, entitled "GUIDE TO HEALTH AND ETIQUETTE." It contains a volume of valuable information. It has saved lives, and may save yours.

Lydia E. Pinkham Med. Co., Lynn, Mass.

When Baby was sick
We gave her Castora
When she was a Child
She cried for Castoria.
When she became Miss
She clung to Castoria
When she had Children
She gave them Castoria

DR. PRICE'S DELICIOUS Flavoring Extracts

NATURAL FRUIT FLAVORS.

Vanilla, Lemon, Orange, Almond, Rose etc. — Of perfect purity. Of great strength. Economy in their use. Flavor as delicately and deliciously as the fresh fruit.

BROWNING, KING & CO.

Our Tearing-Out and Rebuilding Sale continues until July 6th.

Our First Great Offer is Every $25, $28 and $30

Business, Prince Albert, Cutaway and Sack Suit in our store

Goes for $20.

Second,

Every Broken Lot or Odd Suit in Our Store Goes for

JUST HALF

Its Original Price.

$15 and $20 go for $7.50 and $10.

Here is a grand opportunity if your size is here. Come while there is a choice.

BROWNING, KING & CO.

ST. PAUL, MINN.

DOVE GIN!

The finest of all Gins, of most exquisite flavor and bouquet.

Chemists and physicians pronounce it a PURE, RELIABLE article, and especially recommend it for medicinal purposes, where purity is demanded.

Challenges comparison with any Gin made in the world as to quality, purity, age and flavor.

Connoisseurs hold it is the PEER of all Gins.

Sold in cases of 15 bottles, containing 5 gallons.

-:J. A. BURICHTER & CO.,:-

Agents and Distributers for Northwest,

13 WEST THIRD STREET, - ST. PAUL, MINN.

Hand-Turned.

$3

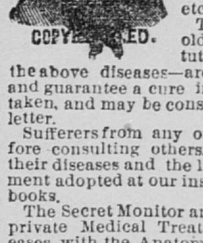
Per pair. Worth $5.

NEW ENGLAND SHOE CO.,

133, 135 & 137 E. Seventh St.

Galenic Medical Institute

No. 67 E. Third St., St. Paul, Minn.



Established in 1861 for the cure of private, nervous and chronic diseases including Spermatorrhoea, or Seminal Weakness, Nervous Debility Impotency, Syphilis, Gonorrhoea, Gleet, Stricture, Varicocele, Hydrocele, Diseases of Women, etc.

The physicians of the old and Reliable Institute especially treat all the above diseases—are regular graduates—and guarantee a cure in every case undertaken, and may be consulted personally or by letter.

Sufferers from any of these ailments, before consulting others, should understand their diseases and the latest improved treatment adopted at our institute by reading our books.

The Secret Monitor and Guide to Health, a private Medical Treatise on the above diseases, with the Anatomy and Physiology of the Sexual System in Health and Disease, containing nearly 300 pages and numerous illustrations, sent to any address on receipt of reduced price, only Twenty Cents, or value in one or two-cent stamps.

Pamphlet and chart of questions for stating case sent free.

All business strictly confidential. Office hours, 8 a. m. to 6 p. m., Sundays excepted.

Address letters thus:

GALENIC INSTITUTE, St. Paul, Minn.

THE ST. PAUL TRUST COMPANY —Offices, Endicott Block, Fourth Street—Acts as executor, administrator, guardian, trustee, assignee, receiver, etc.

NOTICE OF GUARDIAN'S SALE OF Real Estate—Notice is hereby given that under and by virtue of the order and license of the probate court for Ramsey county, and state of Minnesota, made and entered in the matter of the guardianship of Anna A. Thiekamp, Elizabeth G. Thiekamp, and John H. Thiekamp, minors, dated the 4th day of May, A. D. 1891, the undersigned, as guardian of said minors, will, on Monday, the 6th day of July, A. D. 1891, at 10 o'clock in the forenoon, at the front door of the court house, in the city of St. Paul, in said county of Ramsey, offer and expose for sale, at public auction, to the highest bidder for cash, all and singular the following described real estate, situate, lying and being in the county of Ramsey and state of Minnesota, viz:

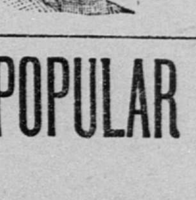
The undivided two-thirds of the west fifty (50) feet of lots numbered five (5) and six (6) of Kuhn's subdivision of block five (5) in Rondo's addition to St. Paul, according to the recorded plat thereof on file in the office of the Register of Deeds in and for said county of Ramsey, together with all the tenements, hereditaments and appurtenances belonging and appertaining to the said undivided interest in said real estate.

THE ST. PAUL TRUST COMPANY, Administrator,
By CHARLES W. EBERLEIN, Secretary.
HARVEY OFFICER,
Attorney for Administrator.
Dated June 9th, 1891.

NOTICE OF ASSIGNEE SALE—I WILL receive bids for all the stock of goods now in my hands unsold belonging to the estate of John Cogan, insolvent, at my office at the Park Theater, in the City of St. Paul until and including the 17th day of June, A. D. 1891. The stock consists principally of books, and can be inspected at any time upon application to me. Bids will be received for the whole stock, and also for such separate portions of the same as any party may desire.

These goods will be sold to the highest bidder, for cash, subject to the approval of the District Court for Ramsey county, Minnesota. All bids received will be reported to the District Court for Ramsey county, at a special term thereof to be held at the Court House, in the City of St. Paul, on June 20, A. D. 1891. ANDREW DELANY, Assignee.

PROPOSALS FOR MILITARY SUPPLIES. —Office of Chief Quartermaster, Department of Dakota, St. Paul, Minn., JUNE 2, 1891.—SEALED PROPOSALS will be received at this office, or at the following named posts, and at Helena, Mont., until 12 M., on July 1, 1891, and opened immediately after in presence of bidders, for furnishing and delivery of such OATS and BRAN during the fiscal year commencing July 1st, 1891, as may be required at St. Paul and Fort Snelling, Minn.; Forts Abraham Lincoln, Buford, Pembina and Yates, North Dakota; Forts Bennett, Meade and Sully, South Dakota; Helena and Forts Assinniboine, Custer, Keogh, Missoula, Shaw and Camp Poplar River, Mont., and Fort Yellowstone (late Camp Sheridan), Wyo., and HAY at Helena and Forts Custer, Keogh and Shaw, Mont., and Fort Yellowstone, Wyo., as called for in requirements of this date. Preference will be given to articles of home production or manufacture, conditions of quality and price (including in the price of foreign productions or manufacture, the duty thereon) being equal. Blank forms of proposals and full instructions to bidders will be furnished on application to this office, or to the Quartermasters at the various points named.—JOHN V. FUREY, Quartermaster, U. S. Army, Chief Quartermaster.



HIRES ROOT BEER THE GREAT HEALTH DRINK. Package makes 5 gallons. Delicious, sparkling, and appetizing. Sold by all dealers. FREE a beautiful Picture Book and cards sent to any one addressing C. E. HIRES & CO., Philadelphia.

POPULAR WANTS.