WILLIS GETS HIS FEES.

Judge Otis Files a Decision on the Oil Inspection Law.

The Collector Can Collect Fees for Oil Stored in Tanks.

Appellate Judges Will Next Have to Pass Upon Technical Points.

Father Heffron Non-Committal on the Archbishop's Elevation.

Judge Otis filed an exhaustive opinion accompanying his decision in the oil inspection case yesterday. The action was begun upon an agreed statement of facts by State Oil Inspector H. B. Willis and against the Standard Oil company, the Northwestern Star Oil company and the Independent Oil company. The object of the proceeding was to determine the right to charge fees for inspecting oil; to test the constitutionality of the inspection law, and, if found constitutional, to determine what oil should be inspected, in what character the oil is subject to inspection, and the fees to be charged for the inspection. In his decision Judge Otis orders judgment in favor of H. B. Willis against the Standard Oil company for $3,052; against the Northwestern Car company for $376, and against the Independent Oil company for $279.40, with interest on these sums at 7 per cent from Sept. 30, 1891, together with the disbursements of the action. It is but justice to the Standard Oil company to say that at the hearing it declined to contest the validity of the law, but assented to pay the fees for inspection upon condition that other companies and dealers be required to do likewise. It was understood at the hearing before Judge Otis that the case would be carried

To the Supreme Court

for review, so that the matter may become res adjudicata. The case will go up at once, so as to be placed on the April calendar of the supreme court.

Judge Otis in his opinion reviews the law and gives his reasons for arriving at the decision. On the point of the validity of the law the view is taken that the inspection fee is not a tax, but merely fees charged to enforce a police regulation. It is within the power of the legislature to enact just and equal inspection laws with respect to commodities in such universal use, and so essential to the welfare and comfort of the general public, as is illuminating oil. That it is a proper police regulation is no longer an open question. If chapter 246 of the General Laws of 1889 is valid at all it is to be construed with chapter 6 of the Statutes of 1878, except so far as is necessary to a reasonable construction of the act.

Oil in tank cars, such as is mentioned in section 4, act of 1889, must be oil imported from without the state. All other oils must be inspected at the factory where manufactured or at the refinery, and if the oil is manufactured or refined in the state but one inspection is necessary. Prior to the act of 1889 there was no provision for inspecting oil in "tank cars standing on a railroad track," but since that law was passed illuminating oils imported into the state in tank cars must be inspected before being lawfully transferred into warehouse or storage tanks or unloaded. As to the

Fees for Inspection,

the law provides a scale of fees for the inspection according to the quantity contained in each tank. It is graded the same as if inspected in separate barrels. The law implies that each barrel is to be branded in case the oil is drawn out of the tanks into barrels. There is nothing in the law of 1889 upon which to predicate the claim of unjust discrimination.

The court does not agree with counsel in the claim that the law requires inspection and branding of oils in a huge underground reservoir or elevated stationary tanks, whether located on steamboats or elsewhere. The word package as used in the act is construed to refer to a portable receptacle in which the oil is transported and which upon sale usually goes with the oil. In the language of the people it is never used as a stationary receptacle, but as a wrapping and its contents as a commodity made up ready for transportation. There is serious question whether oil in tank cars is within the definition of a package given in the Century dictionary. The fees provided are not unreasonable. The facts do not show unjust discrimination or inequalities, because the fees for inspecting foreign and domestic oils are practically the same. The law can not be avoided on the theory that it inhibits interstate commerce. There is no unreasonable restraint upon the importation, use and sale of low grade oils. The removal of oil from tank cars before inspection is prohibited. The removal of the oil from tank cars is a misdemeanor, and to allow the guilty parties to escape the payment of stipulated fees for inspection before the wrongful removal would be to allow them to take advantage of their own wrongs. As to the barrels of oil in transitu to a point without the state, there is no warrant of law for making such inspection unless the oil is on sale within the spirit of the act. If the law were intended to require the inspection while in transitu, it would interfere with interstate commerce.

In ordering judgment it was assumed that the oil inspected, after removal from tank cars, for which fees were charged, was removed after the act of 1889 took effect.

For reliable information about Iron-Mining Stocks on the New Messaba Range, address Frank I. Tedford, Duluth, Minn.

QUESTION OF TIME.

The Rumored Elevation of Archbishop Ireland.

Father Heffron was seen last evening, when he stated that no intelligence of any kind had been received with reference to Archbishop Ireland's appointment as cardinal. To make the archbishop a cardinal before the meeting of the consistory in Rome would be without precedent in the history of the church. A consistory will probably be held during the latter part of March, and then the pope may elevate him to the cardinalate, if such a move is to be taken.

A telegram was received by Father Heffron yesterday from Cardinal Gibbons, inquiring if any information had been received from Rome. It was answered that nothing beyond the published rumors were known here.

FOUND BY CORNISH.

A Batch of Creditors Consoled With Judgments.

Judge Cornish has filed a decision making amended findings in the cause of Peter Moe against Martin Mathisen, J. L. Forepaugh and a number of others. Peter Moe is given a judgment against Mathisen for $149.18. Also the following judgments are rendered against Mathisen: Oliver J. Cook, assignee of Otto Ross, $215.83; Edward Gilsen, $111.22; N. Etier, $55.40; C. L. Westlund, $72.97; C. W. Youngman, assignee of O. Mathisen and John Nelson, $356; Katie M. Meyer, assignee of Olsen & Mark, $391.45; John McDonald, $10; Hugh Ryan, $20; John Henrickson, $27.84; John Steinan, $81.09; Omeyer & Thori, $300; Lauer Bros., $407; St. Paul Brick and Manufacturing company, $122.84; Charles F. Arrol, assignee of A. Patient, $550; P. M. Boyle, $18; Ekberg & Christopherson, $499.25; Peter Ekberg, $24.75. The following judgments are declared against Peter Ekberg and Charles Christopherson: John Olson, $51.25; Peter Johnson, $42.86. All of the above judgments, except those of Ekberg & Christopherson, Edward Gilsen, N. Etier and John Henrickson, are declared to be specific liens on the real estate described in the complaint, as of the date April 28, 1890. Other judgments and liens are also found as follows: Otto Geisenhbymer, $8; Alex Patnot, $8; J. F. Fenis, $40.60; A. Hansen, $10; C. Hansen, $7; Charles Nelsen, $6; John Bervler, $34.10; James Mulverhill, $32.22; Peter Jorgenson, $28; F. C. Loomis, $11.89. The lien of Ekberg & Christopherson of $395.14 only, The above liens are without priority. A. F. Peterson, Henry Peterson, A. E. Nelsen, Mary E. Huvson, Frederick Nelson, the Union Lime company and John Kelliher are declared to have no liens. The action was dismissed as to Mary A. Forepaugh. The defendant, J. L. Forepaugh, has a lien subsequent to the foregoing liens for $3,500, which may be paid by Martin Mathisen or his assigns within sixty days. In case all the liens are not paid within sixty days the lot of Mathisen is ordered sold to satisfy them.

HIS MEMORY DEAR.

Resolutions Testifying the Great Work of the Late Mr. Lindeke.

The funeral of Hon. William Lindeke will take place from the family residence, 77 Central avenue, at 2 o'clock this afternoon. The wholesale stores of the city will be closed from that hour in respect to the deceased. The following gentlemen will act as pall-bearers and honorable pall-bearers:

Pall Bearers—Joseph Lockey, P. H. Kelly, T. L. Schurmeier, Henry Kroeger, Gebhard Bohn, Adam Finck, Channing Seabury, Frederick Driscoll.

Honorary Pall Bearers—Gov. W. R. Merriam, G. H. J. B. Sanborn, R. Warner, M. Auerbach, J. A. Wheelock, J. H. Allen, Uri Lamprey, J. H. Weed.

The executive committee of the business men's union met at the office of the Bohn Manufacturing company yesterday afternoon. Gov. Merriam and Albert Scheffer were instructed to draw up proper resolutions to be placed on the records of the union and copies furnished the press. The resolutions are as follows:

The St. Paul Business Men's union, through its executive committee, desiring to testify to the high character and business ability of its late president, Mr. William Lindeke, hereby directs its secretary to enter the following resolutions upon the record book:

Resolved, That by the death of Mr. Lindeke the St. Paul Business Men's union has lost one of its most earnest members, and the city of St. Paul one of its most honored citizens.

Resolved, That he was untiring in his efforts to effectuate those results that would redound to the future greatness of our city, whose commercial interests and growth were close to his heart.

Resolved, That we tender to his bereaved family our sympathy in the great sorrow that has come upon them.

It is further requested that a copy of these resolutions be transmitted by the secretary to the family of our deceased friend.

The board of water commissioners also met yesterday and drew up these resolutions:

Whereas, The members of the board of water commissioners of the city of St. Paul have learned with profound regret of the death of their friend and associate, William Lindeke:

Resolved, That in his death the board has lost a wise and efficient member, whose services were of the greatest value, and whose place will be difficult to fill.

Resolved, That we, his associate members, tender to his family our heartfelt sympathy in their affliction, and that, as a mark of our friendship and esteem, we will attend his funeral in a body.

Resolved, That the secretary be instructed to enter these resolutions upon the records of the board and transmit a copy of the same to the family of the deceased.

SOME OLD WARRANTS.

People Who Fail to Collect From the City.

Comptroller Ponthan is engaged in checking up the old warrants that lie in his office. It is surely an anomaly, but it is true none the less, a great many of St. Paul's shrewdest business men fail to collect the little amounts due them from the city, even after they are ordered paid by the council. There are unpaid warrants running back as far as 1868, and some of them are running to laboring men for labor performed, while the most of them seem to be for supplies furnished. There are about 300 of these warrants, and they aggregate several thousands of dollars. One particular warrant that has laid in the office upwards of a year calls for more than $500 and runs to a prominent firm. Mr. Ponthan is sending out notices to the parties interested and many will be made happy in consequence. It is likely, however, that quite a number of the people have moved away and that they will not be reached. Then the question arises as to the best mode of procedure. It is probable that the council will be recommended to cancel all warrants not called for in a reasonable length of time and that the money will revert to the general fund. In case the proper claimants turn up in the future, new warrants can be drawn, so no one's interests can suffer by this course.

A STOCK CONTRACT.

Suit by a Stockman Against the Milwaukee.

In the cause of William Dodge against The Chicago, Milwaukee & St. Paul Railway Company, Judge Otis has sustained the demurrer to the complaint on the theory that the complaint does not allege a case that places the conductor of the train in the wrong. The plaintiff was traveling on a freight train in charge of stock. In a memorandum the court asserts that it was necessary that the plaintiff should allege that he not only exhibited his stock contract, but that he tendered it to the conductor as a fare, and also set out that he was a passenger. It is also held that it was the duty of the conductor to accept the stock contract and send it in with his report.

HOMESICKNESS

Sends Norma Leander to the Asylum.

Norma Leander, twenty years old, was adjudged insane in the probate court yesterday and ordered sent to the Rochester hospital. She has been working as a domestic and is a comely looking young woman. The immediate cause of her disordered intellect is homesickness. She imagines she sees her relatives, who live in Sweden, about her. She declined to allow a deputy sheriff or her brother to go near her yesterday, but walked quietly by the side of Dr. Ancker to the court room and to jail after the hearing. Dr. Ancker remarked to her friends yesterday that the better way for them to do when she shall be discharged from the hospital is to send her back to Sweden. He also volunteered the statement, based upon observation, that the Swedes are adicted to become deranged through homesickness.

Still They Come.

Henrietta Porter has entered a suit for $1,000 damages against the St. Paul City Railway company and the Minneapolis Street Railway company. She was ejected from a suburban car on Wabasha street after paying her fare, was humiliated in the presence of passengers, and compelled to walk to her home, over a mile distant.

Spring Neckwear.

We received yesterday a large invoice of choice Spring Neckwear of Fisk, Clark & Flagg's make. The shapes are new, and patterns of silk, elegant and rich. Price, $1. The reputation of Fisk, Clark & Flagg for Neckwear is like Brokaw for Clothing—none better in the land. The Boston, Third and Robert.

CHANGED HIS STORY.

Frank Gaul's Glib Tongue Places Him in an Awkward Light.

Judge Brill Orders His Arrest on a Charge of Perjury

In a Suit for Personal Damages Against the Soo Road.

Secretary Rusk Will Supply Farmers With Sugar Beet Seed.

Frank Gaul stepped down from the witness stand in Judge Brill's court yesterday into the arms of a deputy sheriff, and was taken to jail in default of $2,500 bail, to await the action of the grand jury on a charge of perjury. The court room was packed even to standing room at the time, and the incident created a sensation. He was a witness in the case of Charles Gibson against The Minneapolis, St. Paul & Sault Ste. Marie Railway. Gibson was a locomotive engineer, who sued for $50,000 damages, alleging permanent disability by reason of a foot rest in his engine breaking down and allowing him to fall and strike his back against the side of the cab. At a former trial he got a verdict of $10,000. This verdict was set aside upon affidavit of Gaul, to the effect that he had sworn falsely at that trial. Gaul was fireman on the engine with Gibson at the time of the accident. He swore at the former trial that he picked Gibson up when he fell, and then ran the engine to the end of the run for him. On the stand yesterday he admitted that he swore falsely before, and said he was a friend of Gibson's, and wanted to help him through sympathy. He was called as a witness for the railway company yesterday, and while he admitted that he had seen Gibson fall, said he did not now recollect if it was at the time of the injury. He also denied in substance his former story on the stand. Judge Brill, who tried the case before and granted the new trial, is also trying the case this time. He closely observed the witness on the stand yesterday, especially when John D. O'Brien, counsel for Gibson, subjected him to a rigid cross-examination. C. D. O'Brien, counsel for the railroad company, then asked the witness a question on redirect examination, and he was stepping with alacrity from the witness stand, smiling at getting off as he thought. He dropped back into his seat, however, when Judge Brill said severely: "Stop, sir!" The court then addressed the witness further to the effect that he was much surprised at the action of the witness, and after an expression or two of surprise astonished the witness, as well as the crowded court room, by saying:

"You have perjured yourself, sir. I don't say whether you have done it today or at the former trial. It is my duty to take cognizance of such willful perjury, and I cannot escape from doing my duty now by ordering your immediate arrest for perjury. Sheriff, take charge of this man and confine him in the county jail."

The court fixed his bail at the sum named. County Attorney T. D. O'Brien was in the court room at the time, and he will call the attention of the grand jury that is now on duty to the matter.

FOR BEET SUGAR.

Agricultural Department Will Furnish Farmers With Special Seed.

Secretary D. R. McGinnis, of the Grand Forks, N. D., chamber of commerce, was in the city yesterday, en route from Washington city to Grand Forks. Mr. McGinnis while in Washington, in company with Messrs. Labrie, Lambien and H. P. Rucker, called on Secretary Rusk and presented to him the advantages of North Dakota for the beet sugar industry. They succeeded in arranging with the department for the distribution of sugar beet seed, lately imported by the department from Europe, among representative farmers in North Dakota. Instructions will be sent by the department with the seed, giving the proper method of cultivating the same, and samples of the beets will be returned next fall to the agricultural department at Washington, where they will be analyzed and the results published in the official bulletins. Great hopes are entertained by the department for the extension of the sugar beet industry in Minnesota and the Dakotas, and in North Dakota in particular, as it appears by the records that that state has a climate and soil especially adapting it to the cultivation of the beet root.

The officials of the department of agriculture are strongly impressed by the phenomenal wheat crop of North Dakota and the Red river valley, special remarks being made of the fact that Grand Forks, Walsh and Pembina counties yielded over 18,000,000 bushels of wheat during the past season.

The department has decided that the wheat yield of the Northwest having become one of our most important national factors, it will establish a special state weather and crop reporting bureau for North Dakota, and an official of the weather bureau has been instructed by Prof. M. W. Farrington, chief of the United States weather bureau, to proceed to Grand Forks to open up an office for the state, and from which crop and weather reports for North Dakota will be forwarded to Washington, to be used by the department in its official reports to the country.

Mr. McGinnis says that the fact that the 135,000 people of North Dakota produced nearly 64,000,000 bushels of wheat last year, raising that state to the front rank in the production of that crop, has aroused universal and favorable comment throughout the East. The attention of capitalists and home-seekers is now directed to the Northwest in preference to that of any other section of the country, and we are now entering upon an unexampled era of development and prosperity.

READY FOR BUSINESS.

Iron Companies Continue to Blossom and Pay Incorporation Fees.

The companies incorporated with the secretary of state yesterday were:

The Comstock Iron Company of Duluth, with a $5,000,000 capital stock and the following incorporators: George T. Porter, Oconto; Franklin W. Merritt, George A. Elder, Duluth; Alex D. Thomson, Oconto; Marcus Simpson, Burlington, Io.; Wallace M. Folbrook and Horan V. Winchell, of St. Paul.

The Cosmopolitan Sun company, with a $4,000,000 capital stock, and John McKinley and F. W. Winship, of Duluth, and A. E. Humphreys, of Charleston, W. Va., as incorporators.

The Equitable Land Company of Minneapolis, the Stock Investment Company of Minneapolis, and the Bankers' Stock Company of Minneapolis, each with a $50,000 capital stock, filed articles late last evening.

THE GIRLS LOST.

Suit Brought by Fur Sewers Against Their Ex-Employers.

In the two cases of Maggie Kauth and Frances Overburg against A. B. Driscoll, Mary Ahern and James Ducan, tried in Judge Egan's court, verdicts were returned in favor of the defendants. Each of the girls sued for $1,000 for arrest on pretended charges of larceny, which caused them to lose situations in a furrier establishment which paid them $5 a week. They were employed at the establishment of the defendants, known as McKibbin & Co., and were indirectly charged with the larceny of a muff and some linings. They were called into the office of Mr. Driscoll and quizzed about the matter and a policeman called and threatened with being sent to jail if they did not confess. They protested their innocence with tears, and were allowed to go, and discharged from their positions as fur sewers.

INDORSES THE WOMEN.

The World's Fair Commission Prepares for Business.

The Minnesota world's fair commission held an executive meeting at the capitol all day yesterday, adjourning in the evening to meet at the call of the president. Two resolutions were adopted, one pertaining to the women's auxiliary to the world's fair commission, as follows:

Whereas, the board of world's fair managers of Minnesota, at its meeting held on March 11, 1892, has received and considered a constitution approved and adopted by the women's auxiliary to the world's fair commission of Minnesota, at a meeting held in St. Paul Feb. 25, 1892; and whereas, officers and managers were elected and the organization completed for the end proposed.

Resolved, That this board extends to the organization so effected its grateful recognition, and cheerfully welcomes it as an auxiliary to the work which lies before it.

Resolved, That we commend the business like methods which characterized the women of the state in maturing their plans, and the spirit and enthusiasm which they have manifested, and we congratulate them on their opportunity in giving aid to and in sharing the honor of rendering Minnesota's exhibit at the forthcoming Columbian anniversary worthy of the state.

The other resolution related to the death of Hon. M. B. Harrison, of Duluth, who was the Minnesota member of the world's fair commission and an auxiliary member of the state board. It was drafted by a committee consisting of O. V. Tousley, Senator Jay La Due and G. N. Lamphere, appointed for that purpose and was adopted by a rising vote. It follows:

Whereas, Hon. M. B. Harrison, representative of this state on the World's Columbian commission, a member ex-officio of the board of world's fair managers of Minnesota, has been removed by death; therefore

Resolved, That this body bears testimony to the esteem in which the deceased was universally held; their appreciation of his wise and generous co-operation in the deliberation of this board and their sense of the loss which the business interests of the state has suffered by his untimely death.

Resolved, That we tender to the family and relatives of our deceased friend and co-worker our sincere sympathy in this hour of their bereavement. That this proceeding be incorporated in the minutes of the secretary and a copy of the foregoing resolutions be transmitted to the widow of the deceased.

O. V. TOUSLEY,
G. N. LAMPHERE,
JAY LA DUE.

A committee consisting of G. N. Lamphere and Supt. Hunt was appointed to draft a request, and cause the same to be published, asking the different organizations and societies of Minnesota that to desire to make an exhibit at Chicago to submit an estimate of the cost of transporting and preparing the exhibits.

Supt. D. L. Kiehle was appointed superintendent of instruction for the commission, he to have as assistants Prof. John F. Downey, of Minneapolis, who is to have charge of the higher education; Supt. C. B. Gilbert, of St. Paul, in charge of city and graded schools; President Irwin Shephard, of Winona, in charge of normal schools, and Supt. J. L. Noyes, of Faribault, who is to superintend the Min nesota Institute for Defectives exhibit.

President J. M. Underwood and Secretary A. W. Latham, of the Minnesota State Horticultural society, appeared before the commission and asked that the sum of $15,000 be set aside for the exhibit of the horticultural society. The commission thought the amount too large and delayed action, as it did with the request of the Minnesota state game and fish commission, asking for an appropriation of $12,000 to be used in making the exhibit of the commission, $1,000 of which they desire to use in placing their present stock in proper order, $3,500 to be used in adding to same, $5,000 to be used in securing a complete line of game birds and animals, and $2,000 in placing the entire exhibit in place at Chicago.

The matter of erecting a building for Minnesota, and the cost and design of the same, came up, but, owing to the negligence on the part of certain counties in raising their quota of the additional fund wanted, no action was taken.

The failure of Hennepin county to raise its quota of the extra amount required for the contemplated exhibit was explained very satisfactorily by Prof. Tousley, who was called before the commission for that purpose. It seems, according to Prof. Tousley's statement, that enough Minneapolis business men have signed a document expressing a willingness to sign the notes required to raise the amount, but, as yet, have not signed the notes. This is owing to the fact that Col. C. McC. Reeve, who is now on his way to Russia, left without leaving the list of signers in the proper hands to secure the signing of the notes. Col. Tousley promised that the notes would be signed and the money raised on them by the next meeting, even if the list that was left with Col. Reeve does not show up before that time. The failure of Col. Reeve to properly attend to this matter was the cause of the commission not taking any action on the proposed building, but can only be attributed to the colonel having too many state matters in charge.

COURT ECHOES.

Mary Tiffany was granted a divorce from Edward A. Tiffany.

Ella Miller was granted the relief she asked for against James Miller.

The personal injury case of Gibson against the "Soo" Railroad Company is still in course of trial in Judge Brill's court.

In the cause of Jacob Olsen against M. K. Gerry and Maria Kernan, Judge Cornish directed a decree in favor of Olsen.

The cause of Willrich & Lambert against Ernest Schrader, administrator, etc., to recover $100 attorney fees was submitted to Judge Kerr yesterday.

Asa W. Daniels has begun an action against John Joseph Oswelier to secure a partition of lot 11, block 9, of Rondo addition. Each of the parties claims a half interest in the lot.

Robert Stricker has begun an action against Frank B. Kellogg and Lucy C. Hayes to recover $449.08 for labor performed by the plaintiff and Peter Danielson. The work was done for Kellogg, and Lucy C. Hayes guaranteed the payment.

Judge Cornish has filed an order in the mechanic's lien case of Dwight L. Brooks et al. against Malcolm McKay et al., in which the former conclusions of law are amended as to the priority of the mechanics' liens and as to certain rights of mortgage claimants.

Philip Gleich & Co., the plumbers, were given a verdict of one cent against Albert Zschocke, the architect, for injury to their business reputation by reason of some of their work being ordered torn out of a building by Zschocke. The plaintiffs asked $5,000 damages.

PERSONAL POINTERS.

Rev. Dr. Kemp, of Duluth, spent last evening in the city on his way to Omaha.

L. M. Cushman, of the Helena (Mont.) Journal, was here yesteaday and left last evening for home.

Supt. W. G. Denney, of the St. Paul Union Stock yards, returned from a business trip to St. Louis yesterday.

E. S. Dickinson, of Dickinson's Glass block, has gone East on an extended business trip for spring and summer novelties.

Commander-in-Chief John Palmer, of the G. A. R., will arrive here this morning, and will be at headquarters, 202 Endicott block, at 10 o'clock.

At the Sherman—J. H. Kistner, Chicago; H. E. Baker, Sprague, N. Y.; M. W. Campbell, St. Louis; A. D. Warner, Minneapolis; J. W. Wagenar, Hollis; F. Fredeen, Taylor's Falls; T. H. Romdy, Grafton; C. H. Junker, Mankato; C. H. Hoyt, Wabasha.

Southern Tours.

Tourists and others contemplating a trip South will find it to their interest to call at "The Burlington" City Ticket Office for low excursion rates. Maps, folders, etc., and information in regard to connections furnished on application.

CHAS. THOMPSON, C. T. A.,
164 East Third Street, St. Paul.

BACKED BY THE LAW.

Martin's Bequests to Sheltering Arms and St. Barnabas Hospital.

Provisions of Will Held to Have Been Faithfully Carried Out.

Society Women Flock to Hear Miss Hilliard's Clever Readings.

A Wisconsin Central Switchman Decapitated in the Freight Yards.

The supreme court yesterday affirmed the orders of the lower courts in the two cases of Isaac Atwater et al., trustees and executors of the last will and testament of Richard Martin, deceased, respondents, vs. Anna J. Russell et al., appellants. Richard Martin made a will Sept. 24, 1884, at which time he was the owner of two valuable tracts of land near Minneapolis, a house and lot in Red Hook, Duchess county, N. Y., and nearly $100,00 in notes, mortgages, lands, etc. His only heirs, when he died, were a brother and two sisters, and after amply providing for them willed certain property to the St. Barnabas hospital and the Sheltering Arms, of Minneapolis. He made a codicil to his will before he passed away, and in this codicil he used language that caused some doubt as to his real intent in leaving property to the two charitable Episcopal institutions. The trustees took the matter into court to obtain a construction of the will and codicil, and Judge Hicks held that the Sheltering Arms was entitled to lots 8, 9, 10, in section 8, town 28, range 23, Minneapolis, and the balance of his property not mentioned in his will, and valued at many thousand dollars, to go to the St. Barnabas hospital and the Sheltering Arms, both under the protection of the Episcopal churches of Minneapolis. The supreme court, in affirming the order, filed the following syllabus:

A certain will and codicil construed and held that it was the intention of the testator by the codicil to substitute the residuary bequest in the will in lieu of the legatee mentioned in it, a new beneficiary brought in by the codicil, although that instrument made no express reference to the residuary claim in the will. A devise of real estate to executors in trust to sell as soon as in their judgment the same can be sold for a reasonable price, does not suspend the power of alienation.

The other case is where Martin, before death, assigned about $200,000 worth of property to Isaac Atwater, Edward Martin and William W. Folwell, as trustees, with instructions to convert the property into cash within ten years and give the proceeds to the St. Barnabas hospital, in case the trustees were satisfied that the Episcopal churches of Minneapolis were going to make the hospital a permanent institution; otherwise the proceeds were to go the St. Luke's Hospital of New York. The trustees also applied for a legal construction of these powers, and, when Judge Hicks decided that the trustees had a right to dispose of the property as prescribed, Martin's heirs appealed. But the supreme court sustains the order of the lower court, and gives the following syllabus:

A declaration of a trust, or a power in a trust, must be reasonably certain in its material terms and this requisite of certainty includes the subject matter of property embraced within the trust, the beneficiaries, or persons, in whose behalf it is created, the nature and quantity of the estate which they are to have, and the manner in which the trust or trust power is to be executed.

A certain deed examined and construed. Held, that the power of alienation of the real property therein described was not suspended by the terms of the instrument, nor was there effected a suspicion of the ownership of the proceeds of a sale, obnoxious to the rule of the common law in force in this state against perpetuities. Held, further, that in respect to the several matters in which reasonable certainty is required, as above stated, the said instrument was sufficiently definite and certain.

SOCIETY WOMEN APPLAUD.

Readings by Miss Hilliard for the Home of the Friendless.

Few houses in St. Paul can be converted into so large and admirable a concert hall as the Upham home on Summit avenue, and even its by no means meager capacity was taxed to the utmost yesterday afternoon on the occasion of Miss Evelyne Hilliard's third reading. Miss Hilliard stood in the archway of the reception room, and her audience sat in the drawing rooms, the dining room, the entrance hall, and overflowed to the stairs. It was a representative gathering of society women of all ages, buds of the season, and charming maidens who will not forsake the school room for the ball room till two seasons or more have waxed and waned. There was enthusiasm and to spare, and although the audience was so distinctly feminine applause was not stinted.

The programme began with two piano solos by Mrs. Gardner Moore. The first was Jensen's "Electra," interpreted with rare understanding and admirable technique. "Waltz Poetique," by Strelezki, followed. Miss Hilliard's first reading was selections from Henry V., among them the scene before Harfleur, Henry's wooing and the famous speech by Henry, encouraging his soldiers. Miss Hilliard reads Shakespeare admirably, coloring her impersonations vividly. Her gown was a graceful creation of black velvet en princesse, with a Medici collar, and a petticoat of black lace over red satin. Herr Oscar Lienau sang De Koven's delightful "O Promise Me," a song well suited to his range. It was sung so pleasingly that here and there in the audience a dainty glove was ruined in the hearty and persistent applause which followed. Recalled, Herr Lienau sang "Meet Me Again." The amusing story of an Irish maid and a member of the King's Daughters was Miss Hilliard's second selection, and preceded Bret Harte's familiar poem, "Luke," which was exquisitely read. Next came "The Haystack by the Floods" by William Morris, an unusual poem, vividly colored, yet decidedly weird and tragic. Miss Hilliard gave it with the intensity and depth of feeling its lines demand. Mrs. John Snapp's soprano voice with its fresh quality and abundant colleratur made Rheinhold Becker's "Spring Tide" a thing of joy. "I Promised My True Love," an entertaining little story of Irish love, given in the quaint brogue in which Miss Hilliard excels, was enthusiastically received. By request "Calisthenics" was repeated. James Whitcomb Riley's "Curvature of the Spine," a Hoosier child poem, with the mixture of pathos and humor Riley understands best of all American's poets, further displayed the reader's dialectic talent, and the entertainment closed with "How We Hunted a Mouse," a prose mono'ogue which fairly brought down the house.

Among the women present yesterday were:

Mrs. William F. Graves, Mrs. Lane K. Stone, Mrs. William Rhodes, Mrs. C. E. Furness, Mrs. Lewis Baker, Miss Baker, Mrs. Blood, Mrs. Hardenburgh, Mrs. Pope, Mrs. Charles McIntyre, Mrs. Brooks, Mrs. Kirke, Miss Davidson, Miss Armstrong, Mrs. Monfort, Mrs. Paines, Mrs. J. C. Wall, Mrs. Frederick Driscoll, Mrs. John Jackson, Mrs. Carpenter, Mrs. E. E. Davidson, Mrs. Pascal Smith, Mrs. Owens, Mrs. Weyerhaeuser, Mrs. Edward Smith, Mrs. Gardner Moore, Mrs. John Merriam, Mrs. Corliss, Miss Newport, Mrs. Squires, Miss Upham, Mrs. Abbott, Miss Mary Gilfillan, Mrs. Robertson, Miss Guthrie, Mrs. Beecher, Mrs. Foster, Mrs. A. E. Boyeson, Miss Kibbee, Mrs. Haynes, Mrs. Ickler, Mrs. Fairchild, Mrs. Mead, Mrs. Saunders, Miss Saunders, Miss Vincent, Mrs. Braden, Mrs. Noyes, Mrs. Elmer, Mrs. Farrington, Mrs. Kibby, Miss McMillan, Mrs. Beals.

The women who were instrumental in arranging the Hilliard readings for the Home of the Friendless will give a benefit for Miss Evelyne Hilliard at the Aberdeen Friday evening. The programme has not been arranged, but the entertainment, which is public, will undoubtedly be one of the most delightful Lenten events. The patronesses are Mrs. William R. Merriam, Mrs. L. K. Stone, Mrs. Graves, Mrs. Hardenburgh, Mrs. Edward Smith, Mrs. Blood, Mrs. Flagg, Mrs. Pope, Mrs. Winslow, Mrs. Selmes, Mrs. Furness, Mrs. Beecher, and a number of other prominent women.

SEVERED HIS HEAD.

John Jordan Meets a Horrible End on the Railroad.

John Jordan, a Wisconsin Central switchman, was instantly killed in the company's yards yesterday morning. He was coupling cars near the corner of Third and Olive streets, and had stepped from between two cars on to the Omaha track. A moment afterward he was struck by Switch Engine No. 151, of that road, and run over, his head being severed from his body. Jordan was a single man, thirty years of age, and boarded with his sister at 555 Temperance street. His brother is employed in the city engineer's office. He only commenced work for the Wisconsin Central yesterday morning, and the accident was probably due to his not being familiar with the yard. No inquest was held.

WHO IS HE?

A Minnesotan Wanted by the Law Officers of North Dakota.

A requisition from Gov. Burke, of North Dakota, calling for the person of a Minnesota citizen has been received and honored by Gov. Merriam. All efforts to learn any particulars about the matter were fruitless, as the officials are very reticent. It is rumored, however, that the man wanted is of some prominence.

TERSELY TOLD.

Diphtheria was reported yesterday to the health commissioner from 757 Mendota avenue.

There have been $212,000 already realized by the city for saloon licenses issued for the fiscal year.

Patrick Griffin, who struck Louis Bader the fatal blow in the Great Northern shops, was arraigned in the police court yesterday and his case continued to await the action of the grand jury.

Rev. W. S. Tail will preach again in the Grand opera house tomorrow on "Disputed Scriptural Texts," taking for a subject the question "Was There a Garden of Eden?"

Abraham Silberstein, fifteen years of age, was arrested at the corner of Seventh and Jackson yesterday afternoon for attempting to pick a lady's pocket. This is said to be the third time he has been arrested for the same offense.

Miss Evelyne Hilliard will give a Shakespearean lecture to the pupils of St. Catherine's school Monday morning, and will read to the high school pupils Tuesday afternoon. She will lecture on Shakespeare to the general public soon, but the date has not yet been determined.

Johanna Arnolds, an old woman living on Dayton's bluff, who was released from the Rochester insane asylum on parole a short time ago, has become violent again, and was arraigned in the municipal court for disorderly conduct yesterday morning and committed to jail. The asylum officials have been notified, and she will probably be returned there today.

The Sisseton Indian Reservation.

The secretary of the interior officially advises the Chicago, Milwaukee & St. Paul Railway that this reservation will be opened for settlement on or about April 15, 1892. The Chicago, Milwaukee & St. Paul Railway is the direct route to this reservation, and intending settlers should bear this fact in mind. For further particulars apply to the company's agents.

Did Gould Fear Capture?

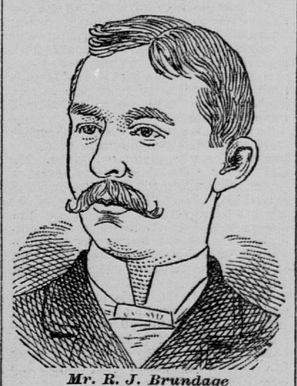
CHICAGO, Ill., March 11.—A New York special says the reason Mr. Gould abandoned his proposed visit to Mexico was because he had received an intimation that if he ventured into the country in its present unsettled condition, he would be kidnapped and held for ransom by the revolutionary party.

Doing Nicely at 112.

CORYDON, Ind., March 11.—Alexander Hockaway, of Blue River township, is today celebrating the 112th anniversary of his birth. He was born in 1780, in what is now Kentucky. He is a blacksmith. He has never taken medicine but once, and that after he was 100 years old. He is in excellent health.

Oil Trust to Dissolve.

NEW YORK, March 11.—S. T. C. Dodd, solicitor of the Standard Oil trust, stated this afternoon that it was the intention of the concern to dissolve at the coming meeting, and not to reorganize in any way. The stock held by the trustees will be returned to the various companies and the affairs of the trust wound up.



Mr. R. J. Brundage

Of Buxton & Brundage, expressmen, Norfolk, Ct., says it is

No Wonder

People Speak Well of

Hood's Sarsaparilla

He was a long time seriously troubled with

Indigestion

And Dyspepsia. Has taken three bottles of Hood's Sarsaparilla and **has not felt so well for years.** Seldom has distress in the stomach now. Read this from

Mr. B. H. Rose

Well known as head of the firm of Rose & Eddy, wholesale and retail dealers in general hardware and house furnishing goods, at 137 East Main Street, Rochester, N. Y. The statement of so prominent a man must

Command Attention

"I send this **unsolicited** as I feel to congratulate myself that I used Hood's Sarsaparilla. Six months ago my digestion was very bad, and I had almost a case of

Chronic Dyspepsia

I was also broken down by overwork, so that I could not sleep nights. My stomach is now perfect, my nerves in excellent shape, and I have gained 10 pounds in 6 months. For all this benefit my gratitude is due Hood's Sarsaparilla. Accept my best wishes for

Hood's Sarsaparilla

The best medicine in the land." B. H. ROSE, of Rose & Eddy, Rochester, N. Y.

Hood's Pills act easily, yet promptly and efficiently on the liver and bowels, cure headache.

FIELD, MAHLER & CO.

INDUCEMENTS.

At all times and seasons you'll find something in our advertisements worth reading—something in our stock that may be a source of money saving. Today we have a number of the latter.

MUSLIN UNDERWEAR.

Our special sale of Muslin Underwear was received with much favor last week. We make a similar offer today.

Muslin Gowns, material of extra quality, 36 small tucks and two rows of insertion in yoke, Hamburg embroidery trimming, at

$1.05

each, reduced from $1.50.

Fine Cambric Corset Covers, low neck, V-shaped, finished with very small tucks and neat Hamburg edge, at

45 CENTS

each, reduced from 65 cents.

Luster Wool Skirts, with fancy borders, all colors, $2.

KID GLOVES.

Genuine "Jouvin" Glace Gloves of first quality, 4-button lengths, tan and black, and 5-hook Glace Gloves, tan, brown and black, will be sold today at

$1.25 Per Pair.

They're fully equal to any Gloves usually retailed at $1.75.

8-button length Suede Mousquetaires, brown and gray, at $1.65 per pair, reduced specially for this sale from $2.

SMALL WARES.

Clearing sale of a lot of Silver-Plated Hair Pins at

5 Cents Each;

reduced from 15, 20 and 25 cents.

Another lot at 10 cents, formerly 35c.

Best Triple Extract Perfumes, in bulk, all odors, 25c per ounce.

Down Pillows at nearly half-price, in the Linen Room.

18-inch Plain Pillow, $1.

18-inch Ruffled Pillow, $1.35.

16-inch Ruffled All-Silk Pillow, $1.75.

18-inch Ruffled All-Silk Pillow, $2.25.

This is less than actual cost of materials, to say nothing of making. Next week may be too late for these.

Mail orders have our best attention.