

UNION OF SON WITH AUNT

ONE MOTHER SAYS IT IS AIM-ED TO DAMAGE HER

Anna Winterhalter Says Her Son Has Taken Her Home, and Will Not Give Her a Hearing Place in Her Declining Years—Decisions Filed by the Supreme Court Yesterday.

Mother is arrayed against son in the complaint in an action filed in the district court yesterday by Mrs. Anna Winterhalter, who sues Joseph Winterhalter and Frances Winterhalter, former and latter to recover her homestead and the latter to prevent the sale of a mortgage note the second defendant is alleged to hold on the property.

Plaintiff alleges that she deeded her home, a house and lot in Mackubin and Marshall's addition, to her son a year ago, under a promise on the part of the young man that he would ever after provide her with a home and support. The value of the property is placed at \$2,400.

Since turning over her house to her son, Mrs. Winterhalter says she discovered that the young man's course in influencing her to do so was a "villainous scheme to defraud his mother," as he later drove her from the place and has since failed to care for her.

Sometime after the transaction Mrs. Winterhalter says her son sold the homestead for \$2,200, receiving \$1,100 in cash and taking a mortgage for the balance due. Then to further his plans, she says, the son had the mortgage made in the name of his aunt, Frances Winterhalter. Plaintiff says the mortgage is about to be sold and in addition to demanding \$2,400 from her son, asks that Frances Winterhalter be restrained from disposing of the security.

FALLING OF FALLING.

Anne Cox Says He Did Not Return to Her \$25.

J. B. Fallin, living at Seventh and Cedar streets, was charged in the police court yesterday with larceny.

The complainant is Anne Cox, who alleges that she entrusted \$25 to Fallin's care, which he refused to return on demand. The demand was made, according to complainant, but the money was not forthcoming and complaint was lodged against Fallin for larceny.

The accused entered a plea of not guilty and the case was set for trial Monday.

ONE OF THE SEVEN CORNERS.

Title to It in Dispute Between Mannheim and Heller.

The suit of Jacob Mannheim against Karl Heller yesterday, occupied the attention of Judge Kelly. The action is brought to quiet the title to a triangular piece of property at Seven Corners.

Some years ago the plaintiff purchased the property from the corporation of George Gruber. The Arlington Hotel is on part of the property, and this was, in 1887, conveyed to Heller, plaintiff retaining the triangular strip of land in dispute. Heller claims an easement on the strip.

Plaintiff's case rested when court adjourned and the defendant will put in his evidence today.

DERRATH'S DUES NOT PAID.

For That Reason Sons of Hermann Refuse to Pay.

Judge Willis was yesterday engaged with a jury in trying the case of Minnie Derrath, against the grand lodge of the Sons of Herman society. Plaintiff seeks to recover a \$1,000 death benefit. Her husband died in Germany while he was a member of the order. It is alleged, but the organization set off the claim that the dues had not been paid. This allegation is met by plaintiff by the claim that no notice of dues payable was sent her husband previous to his death.

LET THE JURY JUDGE.

Danger of Interference by the Bench Agnita Impressed.

The general rule that the jury should be given wide latitude in the judgment of facts is again impressed by the supreme court in its decision handed down yesterday in the case of Isaac Hill vs. F. G. Winston et al. The syllabus of the decision follows: Isaac Hill, appellant, vs. F. G. Winston et al., appellants.

Syllabus—1. Upon the facts of this case it cannot be held that the jury was misled by the doctrine of the "gravel pit" case, plaintiff assumed the risk of employment which caused the injury. On the contrary, this was a question for the jury.

2. Held also that whether the foraman in charge of the gang of men who were at work when injured was a vice principal within the rules laid down by this court was a question for the jury.

3. When the court has excused a juror from service who has been called upon by the summoning of a jury for the trial of a civil action, no challenge having been interposed, contrary showing, that the court acted within the provisions of G. S. 1894, section 7161, and also that it exercised a sound discretion in so excusing.

4. The rules laid down in King vs. McCarthy, 31 Minn. 180, as to the admissibility of evidence of the declarations of a non-party witness, who testified on a former trial, followed and applied by the rules laid down in Minn. Mill. Co. vs. Ry. Co., 51 Minn. 294, as to the admissibility of the testimony of a witness given at the former trial, reiterated in King vs. McCarthy supra, followed and applied. Order affirmed. —Collins, J.

MAY SUIT AGAIN.

Dismissal on a Technicality Not a Bar to a Fair Suit Subsequently.

The following is a syllabus of another decision handed down by the supreme court yesterday: Jacob Swanson, appellant, vs. The Great Northern Railway Company, respondent. Syllabus—If a demurrer is sustained on the ground that a complainant fails to state facts sufficiently to constitute a cause of action there is no bar to a second action, in which there is a good complaint thereon, on the merits. Actions were instituted to enforce the same right. Order reversed. —Collins, J.

LIABILITY OF DAM OWNERS.

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THEY WAIT ON GOV. CLOUGH

WOULD-BE OFFICERS WHOSE PAPERS ARE LATE

There is Just a Chance That the Rural Visitor May Miss the Particular Haunts Frequented by the Navigators of the Minnesota—How the Case Ended as It Did.

Gov. Clough advised the war department yesterday, that the state of Minnesota would furnish the temporary provision the Fifteenth regiment. The offer of the governor will undoubtedly prove a most popular one, as Minnesota goes on record as being one of the first states to equip one of its volunteer regiments. The governor has been waiting for the proposition to the Washington officials for some time, but the fact that there is a definite nature has been furnished to the war department by the Fifteenth regiment has deferred action. A recent communication from the war department stating that he would be pleased to accept the offer of the state as a peace basis as soon as the present regiments were recruited up to a war footing, has removed all doubt as to the future of the new regiment, and Gov. Clough's action yesterday was well taken.

NEED NOT SUFFER BY IT.

One Ray of Hope for Makers of Illegal Contracts.

The commonly understood rule that an illegals contract will not be protected by a decision of the supreme court in a decision of yesterday, the syllabus of which is as follows: Andrew G. Lindgren, appellant, vs. Swantland, defendant, respondent.

Syllabus—1. A judgment that a certain sale of mortgaged real property, under a power contained in a mortgage and a sheriff's certificate, based on the sale, are null and void and that the party claiming under such certificate has no right, title or interest in or to the property, either by or in virtue of such sale or certificate is no bar to an action subsequently brought to foreclose the mortgage. Proceedings, declared to be illegal and invalid, on the ground of fraud in the sale, do not constitute a bar to an action to extinguish a valid mortgage to satisfy the sale made.

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ALREADY ONE-FOURTH OF A COMPANY VOLUNTEERED

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MID ROSES AND RIBBONS

SOCIETY WOMEN ENTERTAINED BY MRS. ROSCOE HERSEY

In Parlors of Yellow and Red the Fair Sex is Regaled With Fragrant and Frivolous—Torrill Sun's Surroundings is Forgotten in Such Social Gleanings—Items of a Hot Day Gleaned in Social Circles.

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Some of the ladies present were: Mrs. D. A. Montfort, Mrs. George B. Young, Mrs. Theodore Borup, Mrs. C. Livingston, Mrs. George R. Finch, Mrs. E. N. Saunders, Mrs. T. B. Scott, Mrs. A. J. Stone, Mrs. W. M. Meade, Mrs. W. M. Meade, 107 Colonnade.

CAPT. EVA'S WORK.

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WILD RUNAWAY THIS

Farmer's Team Smashes Two Other Rigs in a Mile Chase.

A team of horses belonging to A. Schiltz, a farmer living on the Hudson road, ran away at Sixth and Robert streets yesterday afternoon and dragged a heavy wagon nearly a mile through crowded streets at a wild gallop, wrecking two other vehicles, while half a dozen people narrowly escaped being run down.

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Company I, of the Twelfth, is Now on a War Basis.

Sergeant Crego, recruiting for Company I, the St. Paul Sons of Veterans' company, is the only officer of the Twelfth Minnesota in St. Paul. He is further stated that yesterday a meeting with fairly good success, having secured about twenty men for his company.

TO BUILD A NEW CHURCH.

The St. Anthony Park Congregational church is being secured for the erection of a new church, the edifice will be constructed on Raymond avenue, near Wheeler avenue, and will cost \$4,000.

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Extra Special—One case of Leg-Printed Satens, dark color, stripes and dots, worth 15c a yard, for 7c

Extra-Parasols-Extra.

This has been the greatest Parasol sale yet. To close out all that's left we sell Friday \$3.00, \$4.00, \$6.00, \$8.00 and \$10.00 Parasols for \$1.48, \$2.48, \$3.98, \$4.48 and \$4.98.

Trimmed Millinery Sale.

To close out. A big lot of Leg-Printed, Chips and all kinds of Fancy Braids, trimmed with correct materials for summer wear. Prices have been \$6.00 to \$25.00. For Friday, 92.98 to 99.93.

Upholstery Department.

Friday Specials: 12 1/2 36-inch Silklinens..... 80 15c 30-inch Gold Crepe..... 90 15c 36-inch Printed Muslins..... 10c 20c 30-inch White Muslins..... 12 1/2 30c 30-inch White Muslins..... 20c 60c 30-inch China Silks..... 33c 60c 30c Rope Portieres..... \$2.19 \$4.50 Rope Portieres..... \$3.19 \$1.75 Silkline Summer Com-forts..... \$1.25 Japanese Grass Mats, each..... 7c Old Furniture repaired and re-upholstered.

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