

WARRANT FOR PERCY

COMPTROLLER MCGARDY GETS A FAVORABLE OPINION FROM MR. MARKHAM

INSPECTOR'S AGE ASSUMED

To Be Within the Legal Limit Until It Has Been Shown That He Is Too Old Under the Requirements of the Charter—Mr. Markham Reverses the Ruling of the Supreme Court.

The pay roll of the police department for September reached the comptroller's office yesterday morning, and among the names was that of "M. L. McIntire, license inspector, \$88.44."

Alexander Perry, who has commenced a writ of habeas corpus to recover the right of McIntire to hold the position, made an effort to prevent McIntire from receiving his August pay, but, owing to the action of the officials and the opinion of the corporation attorneys, McIntire was paid his salary for August and will probably receive the money for September, unless the case is decided before the 15th.

The day that Perry commenced the proceedings against McIntire, he filed with comptroller McGardly the following letter: "Please to take notice that an action has this day been commenced by and through H. W. Childs, an attorney general of the state, in the routine of quo warranto, to test the right of Martin L. McIntire to hold and exercise the office of policeman and patrolman of the city of St. Paul, Minnesota."

The following day, Sept. 10, Comptroller McGardly wrote Corporation Attorney Markham, as follows: "The document was filed in my office on the 10th inst. and I understand it to be in the nature of a writ against paying McIntire's license inspector."

The document is a request that attention be given to the fact that the communication of the office of policeman and patrolman of the city of St. Paul, Minnesota, is a public office, and that the person who holds it is a public officer, and that the salary of such an officer is a public debt, and that it is the duty of the comptroller to pay the same, unless it is shown that the person who holds the office is not qualified to hold it."

The peculiar features about McIntire is that he has had anything to do with the city since he was appointed to the position of license inspector, and that he is not qualified to hold the office."

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FACTS, AT LEAST, WE THINK IT INCUMBENT ON PLAINTIFF TO PROVE IN ORDER TO RECOVER THAT HE WAS A DEFECTIVE PATROLMAN, IN OTHER WORDS TO PROVE THAT HE WAS NOT QUALIFIED FOR THE OFFICE.

"If he ever was appointed it was in September, 1892. But that appointment was clearly illegal, because of his ineligibility on account of age. Never having been legally appointed he cannot recover salary for the time he was not actually in office and performing its duties."

TWO POINTED BEARDS.

They Played a Part in Securing the Release of a Prisoner. NEW YORK, Oct. 1.—Pointed beards played an important part in the discharge in the West side police court, of Samuel Rothmiller, an agent of the Equitable Life Assurance society, charged by Mrs. Nannie Hill with stealing a diamond ring valued at \$300.

Mrs. Hill said on the evening of the 27th that a note was written at the Hotel Empire, and signed "J. Hayes," stating that the writer had a letter of introduction to her from friends in Philadelphia and desired to receive the same. She was told by the writer, who she was positive was a prisoner. He remained, she said, for about two hours, and during his stay he examined the ring which she had on her finger, and asked to be permitted to examine it. She handed it to him, and had occasion to go into the next room, and on her return a few minutes later found that her visitor had departed, taking the ring with him.

She reported her loss to Capt. McClosky at police headquarters, and Detective Curry was put on the case. The police were unable to find the thief, but Mrs. Hill kept a sharp lookout for him wherever she went. While going down the street on the 29th she saw a man who she was sure was the thief, who left the car near Pine street and went into No. 100 Broadway, where she followed him and had him arrested by Detective Sergeant O'Brien, who was on duty in Wall street.

Mrs. Hill told a straightforward story and was absolutely positive that the man who had stolen the ring was the man who she was sure was the thief, who left the car near Pine street and went into No. 100 Broadway, where she followed him and had him arrested by Detective Sergeant O'Brien, who was on duty in Wall street.

The next witness called was a clerk in a pawn shop, who, Detective Sergeant Collins said, that in answer to the description of the one stolen had been offered in pledge on June 10. The clerk said that he had refused to take the pledge, and that he had seen the man who had offered it in the pawn shop, and that he had seen him on the ring, but remembered that the man who offered it had a pointed beard. He thought that he would be able to identify him, and after he had refused to take the pledge, the man was placed in a line of half a dozen men selected at random among persons who happened to be in court.

At the close of the evidence, representing the prisoner, noticed that Rothmiller was the only man in the line wearing a pointed beard, and picking out a man who happened to be the man who had offered the ring, and that he had seen the man who had offered it in the pawn shop, and that he had seen him on the ring, but remembered that the man who offered it had a pointed beard. He thought that he would be able to identify him, and after he had refused to take the pledge, the man was placed in a line of half a dozen men selected at random among persons who happened to be in court.

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WOMAN'S ODD EXPERIENCE.

Elopes With a Man Who Suddenly Becomes Her Son-in-Law. ST. LOUIS, Mo., Oct. 1.—Mrs. Marie C. Hunt, forty-three years old, the wife of a farmer near Springfield, Ill., last Monday night eloped to St. Louis with George Davis, twenty-three years old.

The couple arrived here late at night, and on Tuesday morning Mrs. Hunt went to the Four Courts and reported that Davis had eloped with her, and had left with the money. She did not abscond, but thought he had met with foul play.

The sequel shows the young man to be a strategist of high order. As soon as Mrs. Hunt had returned to her home at Springfield, where he met her, she was employed at the coal yard, lots of people gave her a high credit of her peace, and she was with her mother-in-law, who was in St. Louis, asking her blessing.

SLAVE TO DRINK.

Phthal Confession by a College Girl in a Police Court. NEW YORK, Oct. 1.—A richly dressed young woman, who says she is Isabel Searing, of Detroit, was fined \$2 in a police court. She had been found helplessly intoxicated, staggering, on Sixth avenue, near Fifteenth street, and was taken to a police station.

General Manager Scott, of the Omaha road, yesterday said that he had been informed by him from Wisconsin points that that road had broken out again at Cumberland and Oregon, but it was hoped that they would be mastered.

The conditions were good for a fire, but it was thought it would rain during the day.

The railway company has lost two cars at Cumberland and Oregon, but it was hoped that they would be mastered.

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ALL LINES NOW SAID TO BE MAINTAINING STANDARD RATES.

ON PASSENGER BUSINESS. Two More Lines File Their Statements of Business With the Railroad Commissioners—Great Northern Express Company Secures Some of the Territory Formerly Occupied by the Pacific.

Standard passenger rates are now being maintained by all the lines, and there is a feeling of satisfaction in the railroad offices. In spite of the high rates travel has not fallen off to an appreciable extent, except on the trans-continental lines, which do not carry as many passengers as they formerly did, but they now make from one passenger as much as they did from four when cut rates prevailed.

There is a feeling of deep dejection among the Third Street scalpers in consequence of the right adherence by the companies to the standard rate agreement. They are all preparing to go out of business until spring, when it is hoped another rate war may be precipitated.

MISSABE & NORTHERN.

Annual Report Filed With State Railroad Commission. The annual report of the Duluth, Missabe & Northern railway, which was filed yesterday with the railway commissioners, gives the following table of earnings, operating expenses and other accounts:

Table with columns for Operating expenses, Dividends paid on stock, Miscellaneous income, Total income, Interest on funded debt, Taxes, Other deductions, Total deductions from income, Dividends at 1/2 per cent on common stock, Deficit in operation, Surplus June 30, 1892, Surplus June 30, 1893, Total surplus for year.

INTO NEW TERRITORY.

Great Northern Express Company Gets the Pacific Company's Business. Vice President Postner, of the Great Northern Express company, has returned from Portland, Or., where he went several weeks ago to take possession of the Pacific Express company's business in that section.

The Great Northern Express company has succeeded in getting the Pacific on the Oregon road from Portland to Spokane. The territory covers about 600 miles in the lower part of the coast, and has a population of 250,000. The Pacific Express company was very successful in this territory, and the Great Northern Express company has succeeded in getting it.

ST. PAUL & DULUTH Files Its Annual Statement of Business for the Year.

The annual report of the St. Paul & Duluth Railway company was made public yesterday. The report shows that the company's business for the year was very successful, and that the company has succeeded in getting the Pacific on the Oregon road from Portland to Spokane.

GOES TO NEW YORK.

W. W. Owens Enters the General Office of the Adams Express. Warren W. Owens, of the Adams Express company, and son of John W. Owens, general agent of that company at St. Paul, left for New York last evening to enter the general office of that company in New York.

Can Cross the Central.

EAU CLAIRE, Wis., Oct. 1.—In the federal court at Madison the petition of the Chicago & North Western Railway company for a writ of habeas corpus to release the Wisconsin tracks was granted. A long contest between the Chicago & North Western Railway company and the Wisconsin tracks was granted.

Referred to the Managers.

The executive officers of the four carrying lines met in the state railway commission's plan of action, and they directed the managers of the four lines to meet in Minneapolis and make an arrangement.

Fires Break Out Again.

General Manager Scott, of the Omaha road, yesterday said that he had been informed by him from Wisconsin points that that road had broken out again at Cumberland and Oregon, but it was hoped that they would be mastered.

Western Express Company Report.

The Western Express company yesterday filed a report with the state railway commissioners. The company operated at Minnesota in the state amounting to \$12,983.75, and its expense on the "wrong side" of \$7,476.55.

ON FIRE IN A CAR.

Woman's Clothing Burns While Riding on a Baltimore Line. BALTIMORE, Md., Oct. 1.—A woman in flames on a street car in a crowded part of the city caused a sensation here today. The bravery of two firemen saved her life. Her name was withheld.

ENORMOUS RECEIPTS AND INCREASING RUSSIAN OFFERINGS. THE CAUSE.

CORN AND OATS STAGNANT. Declines Are Noted in All Lines of Cereals—Estimates of Large Crops Here and Abroad Were at the Bottom of the Weakness in Wheat—Trading Was Excessively Dull Despite Lower Prices.

December, Minneapolis, 1.90; Chicago, 1.85; St. Paul, 1.80; Duluth, 1.75; New York, 1.70. The market for wheat was very dull, and prices were lower than they were a few days ago.

CHICAGO, Oct. 1.—Enormous receipts of wheat at primary Western points, increasing Russian offerings and estimates of large crops here and abroad, and the bottom of the weakness shown by wheat today. Besides trading was excessively dull. December closed at 1 1/2, and the market was very dull.

The opening in wheat was at a slight advance over yesterday's closing, December being 1 1/2, and the market was very dull. The price of wheat was very low, and the market was very dull.

AMONG THE SHIPPERS.—The following shippers were on the market yesterday: Uhlman, Ellensberg, 21 loads sheep; Evans and Crooks, Elma, 10; L. M. Weston, Walpole, 10; L. M. Weston, Walpole, 10; L. M. Weston, Walpole, 10.

There was very little trading in corn, and prices were very low. The market for corn was very dull, and prices were lower than they were a few days ago.

Provisions were dull and heavy. The market for provisions was very dull, and prices were lower than they were a few days ago.

Estimated receipts for Monday: Wheat, 100,000 bushels; corn, 50,000 bushels; oats, 20,000 bushels. The market for grain was very dull, and prices were lower than they were a few days ago.

Wheat—The quotations are for new wheat, old wheat of corresponding grade commands a premium of 1 cent. Corn—No. 2 yellow, 1.80; No. 3 yellow, 1.75; No. 4 yellow, 1.70; No. 5 yellow, 1.65; No. 6 yellow, 1.60; No. 7 yellow, 1.55; No. 8 yellow, 1.50; No. 9 yellow, 1.45; No. 10 yellow, 1.40; No. 11 yellow, 1.35; No. 12 yellow, 1.30; No. 13 yellow, 1.25; No. 14 yellow, 1.20; No. 15 yellow, 1.15; No. 16 yellow, 1.10; No. 17 yellow, 1.05; No. 18 yellow, 1.00; No. 19 yellow, 0.95; No. 20 yellow, 0.90; No. 21 yellow, 0.85; No. 22 yellow, 0.80; No. 23 yellow, 0.75; No. 24 yellow, 0.70; No. 25 yellow, 0.65; No. 26 yellow, 0.60; No. 27 yellow, 0.55; No. 28 yellow, 0.50; No. 29 yellow, 0.45; No. 30 yellow, 0.40; No. 31 yellow, 0.35; No. 32 yellow, 0.30; No. 33 yellow, 0.25; No. 34 yellow, 0.20; No. 35 yellow, 0.15; No. 36 yellow, 0.10; No. 37 yellow, 0.05; No. 38 yellow, 0.00; No. 39 yellow, 0.00; No. 40 yellow, 0.00; No. 41 yellow, 0.00; No. 42 yellow, 0.00; No. 43 yellow, 0.00; No. 44 yellow, 0.00; No. 45 yellow, 0.00; No. 46 yellow, 0.00; No. 47 yellow, 0.00; No. 48 yellow, 0.00; No. 49 yellow, 0.00; 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