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SEVEN BY START, C. J.

ORDERS OF LOWER COURT AFFIRMED IN ALL BUT ONE DECISION

POINT IN HOMESTEAD LAWS

In the Case of One Who Dies Before He is Able to Prove Up, the Property Reverts to the Widow, With Right to Prove Up at the Expiration of the Statutory Time.

The supreme court yesterday handed down seven decisions written by Chief Justice Start, in which the findings of lower courts are affirmed in six cases, and in one instance a new trial is ordered by reason of defects in the order of the trial court.

In the case of Timothy Hays and Bridget O'Keefe against Margaret Carroll, the supreme court holds that the claim of a homesteader who has fully complied with the homestead laws, and who dies before he is able to prove up, property reverts to his widow with right to prove up at the expiration of the statutory five years. In this case the appellant, who was an ignorant woman, and could neither read nor write, presented her proofs to the land office officials who accepted them in good faith, but through some oversight made out the patent to the heirs instead of the widow. The supreme court holds that the heirs only hold title to the land by equity in trust for her. The syllabus is as follows:

Timothy Hays and Bridget O'Keefe, respondents, vs. Margaret Carroll et al., appellants. Syllabus.—A homesteader who complies with the provisions of the act of the United States entered, resided upon, cultivated and improved his claim for more than five years, but died without making his final proofs.

His widow made them and complied in all things with the provisions of Section 2291, U. S. Rev. St. Her proofs were accepted as sufficient by the land officers, but by mistake the patent for the land was issued to her heirs instead of her. Held, that upon such compliance by her with the law she became the equitable owner of the land, and that the patentees hold the legal title in trust for her and that a court of equity will enforce the trust.

2. Leases will not be imputed to one in the peaceful possession of land under an equitable title, for delay in resorting to a court of equity for protection against the legal title. Order affirmed. —Start, C. J.

TRIAL COURT REVERSED.

In another decision the supreme court holds that a suit against a duly authorized insurance company doing business in this state can be maintained in any county in the state. This is a reversal of the trial court. The syllabus is as follows:

William Elchoff, respondent, vs. The Fidelity and Casualty Company of New York, appellant.

Syllabus.—A foreign insurance corporation, although it has complied with the provisions and conditions of the statute as to its right to do business in this state, may

maintain a suit in any county in the state. Order reversed. —Start, C. J.

3. A homesteader who complies with the provisions of the act of the United States entered, resided upon, cultivated and improved his claim for more than five years, but died without making his final proofs.

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IN CHARITY'S CAUSE

BRILLIANT BALL WAS GIVEN AT STANDARD HALL LAST EVENING

EVENT OF THE SEASON SO FAR Fashionable Hebrew Society Participates in Its Annual Dancing Party for Sweet Charity's Sake

—Other Social Events of a Busy Day Locally—Mrs. Floete Receives for 200.

The largest and most brilliant event of the opening season was the Hebrew charity ball given last evening in Standard hall, and which was attended by over 300 prominent Jewish people.

Guests were present from Minneapolis, Stillwater, Chicago and New York, and the elaborate costumes of the ladies made it one of the handsomest seen in St. Paul. An informal reception was held on the main floor of the club house, previous to the dancing, and on this floor, in the long and handsomely decorated dining room, a banquet was served later.

At 10 o'clock the strains of Selbert's orchestra announced the grand march, and the assembly ascended the stairs to the ball room. Brilliant lights and decorations in red, white and blue made the hall attractive, the orchestra being stationed on the platform behind a small grove of palms. Albert Rose and Miss Jeanie Stern led the march.

The reception committee consisted of Mrs. J. Wirth, Mrs. M. Bernheim, Mrs. M. Onheim, Mrs. S. Greve, Mrs. J. Auerbach, Mrs. M. Herz, Mrs. L. Herz and Mrs. J. Rothschild.

The floor was in charge of Albert N. Rose, Isadore Cohn, Louis Frankel, Maurice Govenstein, Dr. E. H. Elias, Edwin J. With, Bennett Buchman, Sam Ditzsch, Leo Rose, Fred Flechner.

The costumes noted were: Mrs. Goodkind, cream satin under white tulle. Mrs. W. Eisner, lavender satin. Miss Fehelmer, of New York, white satin. Mrs. Stein, black net, with trimming of red velvet.

Mrs. Alfred Guterman, blue net over satin. Miss Hest, white and white tulle. Mrs. I. E. Frankel, black tulle. Mrs. M. Rose, black tulle. Mrs. H. Hest, white and white tulle. Mrs. Fishbein, black silk and lace. Mrs. H. Hest, black velvet. Mrs. H. Hest, mauve, unswelling, orange velvet. Mrs. L. Schaffer, black silk and lace. Mrs. Hest, white corded silk, collar of point lace.

Miss Stern, grove crepe. Miss Sternberg, black net over yellow. Miss Glueck, of Minneapolis, white net. Mrs. Hest, white and white tulle. Miss Laura Morganster, white, yellow velvet trimmings. Mrs. A. G. Gutterman, yellow striped satin, violet velvet. Mrs. Goodkind, blue net over silk. Miss Kobes, black and white tulle. Miss Buchman, white over pink satin. Miss Helen Buchman, yellow tulle, white net over dress.

Miss Benjamin, white net. Mrs. M. Benjamin, of Minneapolis, black over orange diamonds. Mrs. Hest, black over red. Among the guests were: Dr. Haas, Messrs. B. L. Goodkind, William Goodkind, Leo Goodkind, Nathan Rose, Edward Wirth, Louis Albenberg, Herman Weiss, Louis Nash, J. M. Parson, M. Bernheim, S. Greve, L. Herz, J. Auerbach, Stein, H. Frankel, Westheimer, Sternberg, Buchman, Govenstein.

Mr. and Mrs. Franklin Floete gave a large reception last evening at the Standard hall, entertaining some 200 people for Mrs. C. C. Bender, of Spencer, Ia. The room was brilliantly lighted and adorned with chrysanthemums and roses. A string orchestra was in attendance. Mrs. Floete was assisted by Mrs. M. Bernheim, Mrs. M. Herz, Mrs. J. Auerbach, Stein, H. Frankel, Westheimer, Sternberg, Buchman, Govenstein.

A Halloween party was given by Miss Kathryn Sinks, at her home, 570 Fuller street, Monday evening. Cards and dancing. Among those present were: Mrs. M. Bernheim, Pearl Hausman, Gertrude Petterew, Minnie Brandt, Edna Allen, Ethel Allen, Gertrude O'Brien, Mrs. W. H. Wright, Mrs. M. Herz, Nina Sinks, Messrs. Sam Swartz, Vernon Pettigrew, Eugene Lafare, Louis Laubare, Willie Hest, Harry Rose, Charles Komsky, Victor Chartier, Arthur Robert and George McGulre.

Mrs. D. B. Finch gave a large dancing party in Bill's hall this evening for Miss Lilla Finch.

Mrs. W. B. Dixon entertains today at an afternoon tea.

The members of Diamond Lodge No. 116, Degree of Honor, an auxiliary to the Ancient Free and Accepted Masons, held a social hop of the season at Sherman hall, last evening. The dance was largely attended, and the refreshments were excellent.

Refreshments were served. The women having charge of the entertainment were Mrs. Julia Schmidt, Mrs. M. J. Hibbard, Mrs. James Walsh, Mrs. M. H. Kinghorn and Mrs. Loran Campbell.

Mrs. W. H. S. Wright, of Portland avenue, entertained at a supper yesterday. The rooms were artistically arranged with pink and green chrysanthemums and graceful floral decorations. There were twenty tables at each. Assisting Mrs. Wright were Miss Anahoe, Miss Jane Clark, Miss Messner and Miss Marlon Ritzinger.

Mrs. McGulre, of Aurora avenue, gave a dinner Sunday for her ten little nieces and nephews, of Minneapolis. Following dinner there were Halloween games, and a very enjoyable time. Mrs. M. J. McGrath, of Superior, assisted Mrs. McGulre.

The Catholic infants' home is to have a benefit Wednesday evening in Cretn hall. Entertainment to be given by a cast made up of local talent under the direction of Miss Emily L. LaFevre. Joseph Pfister will act as master of ceremonies, and Miss J. Zenius as musical director.

Mrs. George B. Young was at home informally Wednesday at her home on Summit avenue.

Mr. and Mrs. E. S. Durum entertain at cards this evening at their home on Osceola avenue.

The Athletic Association of the Cleveland High School will give an entertainment this evening in the school hall.

AS TO THAT PINE CUTTING STATEMENT BY STUMPAGE CLERK MOLANDER

The Sealing Figures Were Rejected Because Auditor Dunn Was Not Satisfied With Them.

State Auditor Dunn is out of the city, and no personal statement could therefore be secured from him yesterday in regard to the statement made by C. R. Gardner, of Stillwater, in yesterday's Globe.

Swan B. Molander, the stumpage clerk in his office, however, made the following statement as to statements made by the estimator of pine sold which the state will be defrauded on the most liberal estimates could only be \$1,200. The law requiring cash payments for the full estimate of pine sold applies only to tracts on which the estimate places less than 100,000 feet and not 500,000 feet.

Mr. Molander further states that an account of some trouble which was had in regard to the scaling on the tracts in question, the state auditor refused to accept the scaling as returned to the surveyor general, and it was agreed that the lumber should be paid for on a "stump and top" estimate, which will be made early in the winter by R. F.

ESTIMATES FOR SEWERS.

City Engineer Submits a Number to the Board of Public Works.

The city engineer yesterday submitted to the board of public works estimates for sewers on Charles street, between Groto and Dale, and on Sherburne avenue, between Groto and Dale.

The cost of the Charles street sewer is estimated at \$1,522, or 71 cents per front foot to the property owners. The cost of the Sherburne avenue sewer is estimated at the same figure.

The city engineer notified the board that the contractor for the Charles street sewer walks had about 8,000 lineal feet yet to lay, and that the contractor for the Sherburne avenue sewer had about 150 feet per day, and with now on hand. The contractor for the Charles street sewer had not been notified to the fact that the contractor had no attention to the suggestion.

The board ordered the contractor, A. J. Hobbs, to appear before it.

ASSEMBLY PASSES AN APPROPRIATION TO PURCHASE THEM

Concurs in the Aldermanic Resolution Giving Mississippi Valley Telephone Co. Privileges.

The assembly at its meeting last night adopted a resolution appropriating \$150 from the emergency fund with which to purchase cots for the use of the Fourteenth regiment now in St. Paul. Secretary Stine, of the Commercial club, stated that with this sum 500 cots could be procured.

The resolution passed by the aldermen giving the Mississippi Valley Telephone company the right to use certain streets for poles and wires was approved. Although the authority given to the municipal corporation is understood that the lines will be used by a long distance system which will connect with the Mississippi Valley Telephone company.

The ordinance of Ald. Bell prohibiting the erection of any stable or ice house within seventy-five feet of a street without the consent of the owners of the property in the block was passed under a suspension of the rules.

The application of Simon Levinsky for an auctioneer's license at 84 East Second street was referred to the committee on licenses. Assemblyman Benson wanted the license granted forthwith, but this was objected to by Messrs. Albrecht and Denny, who insisted that for the protection of reputable merchants all auctioneers should be investigated before being passed upon.

Miss Lynch was granted a license to sell liquor at 35 East Seventh street. Assemblyman Denny stated that "Mayor" Griffin would have nothing to do with the saloon and an agent for the city brewing company informed the council that the city would have nothing to do with the saloon.

The resolution directing John Ireland to purchase the street and street railway company now on the street car tracks on Randolph street was passed and the city clerk directed to send a copy of the resolution to each of the parties interested.

JUDGE E. ST. JULIEN COX DEAD

PASSING OF A ONCE BRILLIANT FIGURE IN MINNESOTA AFFAIRS

He Had Valiantly Gone From the Scenes of His Early Triumphs to Regain His Shattered Health.

News was received yesterday of the death of E. St. Julien Cox, at one time one of the brightest lights of the Minnesota bar, but in his declining years the victim of adverse circumstances.

E. St. Julien Cox was one of the rising stars of the legal profession in Minnesota in the early '70s and in the legislative sessions of 1874 and 1875 represented the Thirty-fourth district, consisting of Nicollet and Hennepin counties in the state senate. He was a leader and an able attorney and in the fall of 1876 he was nominated for the district bench for the Ninth judicial district.

While on the bench complaint was made that he had become a servile victim of the liquor habit, and in 1882 the senate was called in special session to pass a law of impeachment. The case was a cause celebre and is familiar to attorneys throughout the country as one of the hardest legal battles of its kind.

Cox had only a few minutes to serve before the case was concluded. He returned to practice at his home and lived down the scandal of the past, but insidious disease then added to his troubles and he died in poverty. He died at his home in Minneapolis, recently by a trip to California, but in vain.

Government Abandons the Wrecks. SHINGTON, Nov. 3.—Secretary Long said this afternoon that the government would take no further steps to raise the rest of the Spanish war ships destroyed by Admiral Schley's fleet, but would receive propositions to that end from any private firm that cared to undertake the work.

JUST BEFORE ELECTION TAKE A RUN INTO THE COUNTRY

To the many hunting resorts located on the line of the Saint Paul & Duluth Railroad, Admit Schley's fleet, but would receive propositions to that end from any private firm that cared to undertake the work.

Helena Starts for China. BOSTON, Nov. 3.—The gunboat Helena, Commander Wainwright, left the navy yard today for the China station, by way of the Suez canal.

No Successor Named Yet—A successor to the late John M. Grace, inspector of customs, has not yet been appointed.

YOUR IGNORANCE

By Using Stomach Medicines, Sprays, Douches and Atomizers

To Cure Catarrh, Congas, Colds, Bronchitis and Consumption.

The Medical Profession now admits there is no other way of reaching these diseases excepting through the air we breathe.

"Hyemil" is the only dry-herb germicide known which nature permits to enter the bronchial tubes and lungs.

WAS PASSED PERHAPS

THAT CAUSED THE SUDDEN DEATH OF MRS. ANDREW MARTINOWSKI

WAS TAKEN ILL ABOUT NOON

Within a Few Hours She Was Dead

—Coroner Nelson Suspects That Strychnine Poisoning Was the Cause, and He Will Hold an Autopsy Today—Woman Leaves Seven Young Children.

In the sudden death of Mrs. Antonio Martinowski, living at 773 Topping street, shortly after 3 o'clock yesterday afternoon, Coroner Nelson found grounds for a suspicion that the woman died from strychnine poisoning and will today investigate her death by holding an autopsy on the body.

Mrs. Martinowski complained of illness when her husband returned from work yesterday noon. She was then seized by the case, which soon compelled the woman to take to her bed. The husband thought nothing serious about it, and returned to his employment, leaving her resting somewhat more comfortable than when the pains first seized her. During the afternoon he decided to go home to see how his wife was getting along, and when he reached the house at 3 o'clock, found Mrs. Martinowski suffering intensely. Dr. Ryan was hurriedly summoned, but before the physician's arrival she had expired.

Coroner Nelson was notified of the death and from the result of the cursory investigation possible last evening, says that the case looks like strychnine poisoning. It was impossible to learn to a certainty last evening, that this was the case, but today Coroner Nelson says that the case looks like strychnine poisoning. It was impossible to learn to a certainty last evening, that this was the case, but today Coroner Nelson says that the case looks like strychnine poisoning.

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BAD CROSSING ACCIDENT

W. O'DELL NARROWLY ESCAPES BEING A FATAL VICTIM

One of the Horses Killed and a Car of Stock Thrown From the Track.

William O'Dell, a driver in the employ of the American Biscuit company, narrowly escaped death in a railroad accident at the foot of Jackson street yesterday morning. The wagon he was driving was run down by a freight train. O'Dell was seriously hurt, but he escaped with only a few bruises, while one of the horses was killed and a car of stock thrown from the track.

The accident happened while O'Dell was waiting to cross the tracks, after having delivered a load at the Jackson street wharf. Driving close to the track upon which the freight train was standing O'Dell drew his team up to wait for an incoming passenger train to pass. Without the drivers' notice the freight train was backed up by a Great Western freight train. The baggage street car tracks on Randolph street was passed and the city clerk directed to send a copy of the resolution to each of the parties interested.

The accident happened while O'Dell was waiting to cross the tracks, after having delivered a load at the Jackson street wharf. Driving close to the track upon which the freight train was standing O'Dell drew his team up to wait for an incoming passenger train to pass. Without the drivers' notice the freight train was backed up by a Great Western freight train. The baggage street car tracks on Randolph street was passed and the city clerk directed to send a copy of the resolution to each of the parties interested.

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