

THE GRAND JURY ACT

GOV. LIND REFERS THE CHARGES AGAINST REGISTER METCALF TO COUNTY ATTORNEY

ACT CHARGED IS CRIMINAL

If It Can Be Sustained by Competent Evidence the Governor Says, and the Courts and Grand Jury Have Better Facilities for Getting at the Facts Than Has the Governor.

GULL'S MINNEAPOLIS OFFICE, 20 WASHINGTON AV. SOUTH.

Formal charges, referred to in yesterday's Globe, filed with Gov. Lind by Reinhold Zeglin, of Minneapolis, against Register of Deeds Frank C. Metcalf, of Hennepin county, charging malfeasance in office, were yesterday referred to County Attorney L. A. Reed, of Minneapolis, for investigation by the chief executive.

Zeglin charges Metcalf with losing a deed, and to shrink the responsibility makes, it is alleged, a fraudulent entry of the missing document and gives a certified copy of the deed, which is neither in his office or his possession.

Prominent Minneapolis Republicans called on the governor yesterday and asked that Metcalf be immediately removed from office. The governor, however, referred the matter to County Attorney Reed, accompanied with the following letter:

From a careful reading of the charges it would appear that the gist of the alleged malfeasance is the alleged falsification of the records of the office. It is possibly accidental, of an instrument from a public office cannot in itself be regarded as malfeasance in office. A charge of malfeasance could be predicated on that fact, standing alone, but where, as in this case, it is charged that for the purpose of covering up an accident of that character, for such is the only motive, if any, disclosed by the complaint, a public officer has falsified a public record, by assuming to make a record as an actual record of an instrument which in fact has never been, in fact, lost before recording, it is unquestionably a criminal act, and as such, it seems to me, ought better to be investigated, at least in the first instance, by the grand jury or the courts. In view of the fact that there is no reason of the grand jury in your county within a very short time, I have concluded to transmit these papers to you with the request that you lay the matter before the grand jury for such action and investigation by that body as may seem to you proper.

As suggested above, I take this course largely for the reason that the grand jury and the courts have better facilities for making an investigation of this character than the executive department. But it is not my purpose to shrink the responsibility imposed upon me upon the executive, and I stand ready to supplement whatever may be taken by the grand jury by such action as a proper administration of the duties of my office may require.

The following is a copy of the charges filed with the governor by Mr. Zeglin: To His Excellency, MINN. LIND, Governor of the State of Minnesota, Reinhold Zeglin, a citizen and taxpayer of Hennepin county, state of Minnesota, does hereby complain against the public officer, Register of Deeds of Hennepin county, as follows:

First—Complainant alleges that at the last election said Frank C. Metcalf was duly elected register of deeds of Hennepin county for the term ending on the 31st day of January, 1900, that said Metcalf duly qualified as such register of deeds, and since the 1st day of January, 1899, has officiated as the duly qualified register of deeds of Hennepin county, and as such has had the care, custody and control of all public records pertaining to said office.

Second—That complainant, on or about the 10th day of April, 1899, purchased from said Metcalf, as aforesaid, a certain plat of land in block 2 of Clark's subdivision to Minneapolis, according to the plat of said addition of land, which said plat of land is the same as published in the office of said register of deeds, and received from said Metcalf and husband a certain deed in and to said land, which said deed is a copy of the original as provided by law.

That on the 10th day of April, 1899, at 10:15 o'clock in the morning, complainant in the office of said Metcalf, as aforesaid, on said day such deed was, after the same had been duly stamped with the necessary internal revenue stamps, duly witnessed and acknowledged, filed in the office of said Metcalf, as aforesaid, as a record of deed, and said Metcalf, as aforesaid, and said register of deeds, entered the same for record in the reception book in his said office.

Third—That thereafter, in the month of July, 1899, the said complainant is unable to state, the said complainant and also your complainant, and also your complainant, at different times that said deed had been lost while in the custody of said register of deeds, and that said deed had not been recorded and could not for that reason be recorded. That said register of deeds repeatedly by said Metcalf, as aforesaid, that he would procure a new deed, to be executed by said Metcalf and husband in lieu of the one lost, and that said deed had been recorded, and that said register of deeds, as aforesaid, had made a copy of the original as provided by law, and that said register of deeds, as aforesaid, had made a copy of the original as provided by law, and that said register of deeds, as aforesaid, had made a copy of the original as provided by law.

Fourth—Your complainant further alleges and charges the facts to be that on the 1st day of August, 1899, said Frank C. Metcalf, as said register of deeds, furnished your complainant with a certain deed, which your complainant filed as aforesaid, by said register of deeds hereto attached and made a copy of the original as provided by law, and that your complainant is informed and verily believes and so charges the facts to be, that that deed is a copy of the original as provided by law, and that your complainant is informed and verily believes and so charges the facts to be, that that deed is a copy of the original as provided by law.

Fifth—That on the 1st day of December, 1899, said register of deeds, as aforesaid, fraudulently certified, under his hand and official seal, that he had recorded the deed of your complainant, on page 127, as aforesaid, and that your complainant, on page 127, as aforesaid, has been recorded in the office of said register of deeds, and that your complainant, on page 127, as aforesaid, has been recorded in the office of said register of deeds, and that your complainant, on page 127, as aforesaid, has been recorded in the office of said register of deeds.

Sixth—Your complainant further alleges that between the 1st day of April and the 1st day of December, 1899, said Frank C. Metcalf, as register of deeds of Hennepin county, has been guilty of malfeasance in office in the performance of his official duties, and your complainant prays that your excellency will remove said Frank C. Metcalf from the office of register of deeds of Hennepin county for the reasons therein stated.

Then follows the affidavit as to the truth of this statement.

TWO NEW FIREMEN

Chief Canterbury Also Makes a Number of Other Transfers.

Two appointments and several transfers went into effect tonight were made yesterday by Chief Canterbury, and as some of the transfers are unsatisfactory to the men involved, complaints are heard accordingly. One of the two men appointed yesterday, one is Horace Bohannon, substitute and a protege of Alderman Dwyer.

Bohannon goes to Engine Company No. 20. The other appointment is Charles Boyce, substitute and protege of Alderman Jake Foelsch, who goes to Truck No. 2.

Rumor has it that Sam Lockhart, who has been twice discharged from the fire department and who was appointed, "some" some months ago, is to be appointed a regular, if Chief Canterbury succeeds himself, and also that six captains are to walk the plank.

Yesterday's orders transferring George Miller from No. 1 to No. 5 Engine company; James Hoy, from No. 1 steamer to No. 2 steamer; Ben Woods, from No. 2 to chemical No. 1; William Ferguson, from No. 5 to No. 7; Adam Hunter, from the feed cart to No. 7; Adam Hunter, from the feed cart to No. 7; Adam Hunter, from the feed cart to No. 7.

ASTOBY AT WATER

MAN WHO SHOT AND KILLED HARVEY SETS UP SELF-DEFENSE

SAYS THAT BULLETS WHIZZED Past His Head Before He Attempted to Save His Life—From Other Sources It Is Learned That He Borrowed a Rifle, Saying That He Had Use for It—Made a Slave of the Barn.

FERGUS FALLS, Minn., Dec. 30.—"Doc" Atwater, who shot and killed Jonas Harvey, near Park Rapids, this week, was brought to this city and will remain in jail here until the time of his trial, which will not take place until next July. Atwater refuses to make any statement regarding the actual murder, but says that the evening of the shooting he was in the barn, and that he saw Harvey kill a colored man about five feet in height and chunkily built. He came originally from North Carolina, but has made his home in Bluffton, in the eastern part of this county, for nearly seven years past. It is said his neighbors regarded him as a little peculiar, and he seems to be well posted on the homestead and other laws. He states that he sold his Bluffton property last July and started at once for Hubbard county, where he proposed to take a claim. He selected one which he claims Harvey had taken, but never lived upon, and proposed to hold it against all comers. His reason for taking this particular land was that it was well watered and he proposed to go into stock raising. On the evening of his arrival, Harvey came to the place and ordered him off, but he refused to go, and prepared to contest the latter's right to the claim. He induced a neighbor to prepare a statement of the facts and transmitted it to Land Commissioner Hermann, at Washington, and the latter sent word that the case would be argued in due course of time. While matters were thus unsettled, Atwater claims that Harvey instituted a series of petty persecutions, causing his arrest for illegal entry and for taking hay from the land. The warrants were issued by Justice Hoefs, who was with Harvey in the cabin at the time the shooting occurred, but who never came to trial. Continuing his story, the prisoner says that he was told by neighbors on Dec. 23 that Harvey was getting up a gang to forcibly eject him from the land, and that he might expect a visit from a party of at least nine men.

"I thought they were trying to scare me," he said, "and I went to the barn and hid myself. The men inside had three lanterns approaching my shanty, I asked what was wanted, and the only reply was: 'Shoot him!' and at the same instant they all fired with their rifles. They struck the shanty behind me like hailstones. I had an ax in one hand and a lantern in the other. I threw the ax in the direction of the approaching crowd, and dropped the lantern. Here the negro ends his story abruptly, saying he will give the balance of the details of the time of his trial.

From a source who has learned that he went directly to the house of Anton Paulson and borrowed a rifle, stating that he had used for it. He then returned to the shanty, where Mr. Harvey and a crowd of about twenty men were gathered, and opened up a perfect bombardment. The balls went through the thin boards of which the building was constructed. The men inside had gone to bed, and, hastily arising, Harvey received a bullet in the forehead and died almost instantly. Hoefs was slightly injured by two of the bullets, but he made good his escape and gave the alarm. The neighbors gathered and found Harvey's body upon the floor of the cabin, where it was allowed to remain until a coroner had been called. The jury returned a verdict of death at the hands of Atwater. After the tragedy the murderer coolly returned the gun to its owner, and after warming himself by the fire, he went to bed. He was afterwards discovered and arrested. He waived examination and was brought to this city for safe keeping. He seems to have no comprehension of the magnitude of his crime, and shows very little confidence in his ultimate acquittal.

Without a Head.

President of the Black Hills College Is Asked to Resign.

BLACK SPRINGS, S. D., Dec. 30.—The Black Hills college, of this place, is again in the hands of the law. The college has demanded the resignation of Rev. W. J. Pyle, who was elected president last summer. It seems that the board wanted a student to be elected president, but the affair did not get on the outside, and that Mr. Pyle wanted to be the president of a college. Mr. Pyle's work on the outside was good, but he wanted to attend to the college in the office. It was the understanding that he should permit the vice president to attend to the class work, and confine his attention to outside matters, and that is the position which he has taken. Mr. Pyle intends to contest the action of the board, and will endeavor to retain his position.

SEABACH BREVETTED MAJOR.

RED WING CAPTAIN HONORED A SECOND TIME FOR BRAVERY.

RED WING, Minn., Dec. 30.—Capt. Seabach has again been brevetted as major of volunteers, this time for meritorious and faithful services in the Philippines. The captain has received notice of promotion from Lieut. Col. Clarence R. Edwards, of the Forty-seventh United States volunteer infantry, acting assistant adjutant general. The communication is dated at the headquarters of the Eighth army corps, Manila, Philippine Islands, Nov. 6, 1899, and is sent in compliance with an order for promotion issued by Gen. Lawton. The captain has received notice of promotion from Lieut. Col. Clarence R. Edwards, of the Forty-seventh United States volunteer infantry, acting assistant adjutant general. The communication is dated at the headquarters of the Eighth army corps, Manila, Philippine Islands, Nov. 6, 1899, and is sent in compliance with an order for promotion issued by Gen. Lawton.

NOVEL DEFENSE.

Attorneys for Gray Claim That Minnesota Has No Jurisdiction.

FARGO, N. D., Dec. 30.—The attorneys for Gray, the man who was shot by Chief Murphy, of Moorhead, will put up a novel defense in the case. The attorneys will contend that the Minnesota officials have no jurisdiction, as Gray's last act before shooting was to refuse to cross from North Dakota to Moorhead, and that his subsequent presence there is without due process of law; that he is supposed to be legally in North Dakota, and cannot be proceeded against until regularly extradited.

NUMEROUS BANKRUPTIES.

Five Cases Filed in United States Court at Fergus Falls.

FERGUS FALLS, Minn., Dec. 30.—Five bankruptcy cases have been filed in the United States court in this city during the past few days. The first is that of a county farmer, asked to be relieved of \$7,300 debts amounting to \$200. John Callaghan, another farmer of the same county, places his assets at \$800, \$855 of which is exempt property, and asks to be relieved of \$7,300 of indebtedness. James B. Robinson, a Wilkin county farmer, places his assets

AT \$2,000, \$1,200 OF WHICH IS EXEMPT. HIS LIABILITIES ARE \$1,333.25. ANOTHER TITLER OF THE SOIL FROM THE SAME COUNTY PLACES HIS ASSETS AT \$255, AND HIS LIABILITIES AT \$4,831. THOMAS ELLIOTT, THE LANDWAVE WHEAT BUYER, ALSO ASSIGNS, HIS LIABILITIES BEING \$985.55 AND HIS ASSETS \$145, OF WHICH \$140 IS EXEMPT.

HASTINGS GRATEFUL.

HASTINGS, Minn., Dec. 30.—(Special.)—Humm Yuck, Hastings' well known Chinese laundryman, died rather suddenly this afternoon, after a few days' illness, aged fifty-one years. He leaves a wife, six daughters, and one son. He belonged to the Chinese Masonic fraternal order.

Malcolm Black, of Cottage Grove, died today, aged sixty years. He was a well known and respected member of the community, and leaves a wife and four daughters.

Mayor Fred Busch and the community in general feel very grateful to Mayor Kiefer and Kenneth Clark, president of the fire board, for their generous and heroic act in extending aid in the way of sending down engine and supply wagon during the recent fire in Washington, and our department in future stands ready to reciprocate the favor at any time if its services are required.

Held Him in Rook County.

LIVERNE, Minn., Dec. 30.—(Special.)—James Meyer has been held in the county jail for a few days. Meyer is charged with the theft of \$30 from the store of an alleged former partner of his, named John D. Meyer. Meyer is also a brother-in-law of Meyer's.

It is charged that during the past four years Meyer has received, by representation, of people throughout Illinois, Nebraska, Iowa, North and South Dakota and Minnesota, by borrowing money on the strength of various misrepresentations. It is said that, on one occasion, he accompanied local stock raisers to Chicago with a trainload of cattle and secured \$50 from a lodge of Knights of Pythias at a boarding house in Chicago, and that the cattle belonged to him. Subsequently he is said to have worked the same game in other towns.

Northwest Patents.

WASHINGTON, Dec. 30.—List of patents issued by the United States Patent Office, reported by Merwin, Lathrop & Johnson, patent attorneys, 911 and 912 First street, St. Paul, Minn., for the week ending Dec. 29, 1899. The list includes patents for a camera; Jerde, Mike H. Drayson, Minneapolis, Minn., shaft nut; Houston, Charles E. D. Messinger, Minneapolis, Minn., instrument; Richardson, Chauncey E. Duluth, Minn., saw; Schoenberger, John J., St. Paul, Minn., instrument; Simis, Herbert, Minneapolis, Minn., instrument; Anderson, George, Duluth, Minn., apparatus for forming an extinguishing earth matter; Wethel, Arthur H., Butte, Mont., casing furnace.

Enlisted at St. Paul.

CHIPPewa FALLS, Wis., Dec. 30.—(Special.)—Oscar Matson, who was reported by Gen. Otis in a dispatch to be drowned near Manila, is undoubtedly the son of Mr. and Mrs. John Matson, of this city. Young Matson enlisted at St. Paul in the forty-first regiment of Col. Dorst. The unfortunate young man was a member of the state national guard, and was serving in the Chippewa Falls high school. Capt. Hartwell has wired the war department for details of Matson's death.

Died on Christmas.

HOT SPRINGS, S. D., Dec. 30.—(Special.)—James Fluey, the aged Chinaman who died suddenly at Buffalo Gap on Christmas day, is an old timer in the hills. He has been living in Buffalo Gap for many years, and was well liked, and in business circles he is characterized as a very honest and reliable man. He won a white woman for his bride and their married life has been happy. After the death of his wife, he was worth about \$1,000, which will go to his wife and two children, a boy and a girl.

Cannot Sell the Stock.

WINONA, Minn., Dec. 30.—(Special.)—By an injunction issued today the H. J. O'Neil grain company were prevented from selling the stock of the H. J. O'Neil grain company, which was recently adjudged bankrupt. The injunction was obtained by the first National Bank of Winona and the Lake City bank, to whom he is indebted in the sum of \$12,500.

Judge Severeance Retires.

MANKATO, Minn., Dec. 30.—(Special.)—Judge J. M. Severeance retires from the district court at Mankato, Minn., after a career of thirty years' service. The district takes in Blue Earth and Watonwan counties.

Was a Society Event.

ROCHESTER, Minn., Dec. 30.—(Special.)—Mr. Henry N. Rydstrom and Miss Helen Hanson were united in marriage today at the First Methodist church of this city. The wedding was a society event, the ring service being given by the Rev. Dr. Rydstrom, the leading tailor, and Miss Hanson, a teacher in the Rochester public schools.

Hints From Huron.

HURON, S. D., Dec. 30.—(Special.)—W. H. Thibault, of this city, is on a Congressional mission, and Chaplain C. M. Daley, Sunday school missionary, have been in Huron for some time, and are working for the benefit of the people of that region. Mr. Daley has been relieved of the work in Wyoming, and will be transferred to South Dakota; the Black Hills district has been added to Mr. Thibault's charge, and his additional labor will result therefrom.

ANTI-TRUST LEAGUE.

Minneapolis Traveling Men's Organization Holds a Meeting.

Members of the Traveling Men's Anti-Trust League met last night in one of the parlors of the Hotel Nicolet, and informally condemned the rampant trust and all other combination of industries of the like stamp. The question of trusts was discussed from the different standpoints of the commercial traveler, the jobber and the consumer, and the universal conclusion arrived at was that which the traveling men have always held: "The attendance was not only composed of men who sell goods for jobbers and manufacturers, but of lawyers and others who have an antipathy and fear of the mighty and far-reaching concerns that have sprung up in the country. In his opening address, President D. W. Ahern said:

"The Minneapolis league probably numbers no more than 200 men, but its number is no fair criterion of its power and influence, which has been so great, that it has set traveling men all over the country to thinking, and not only traveling men at that. Newspapers are taking up the question from the standpoint of the consumer, and all companies of the like stamp. The league is entitled to no small credit."

Several other members present made short addresses along the same line, and the anti-trust league is now a fact. The association for the state of Minnesota. He then made an address.

RESISTANCE TO BOWELS

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THE STORE WISHES YOU A VERY, VERY Happy New Year. And trusts that 1900 has nothing but good in store for one and all. Your presence will be appreciated at our second sale of Linens and White Goods. Beginning Tuesday, January Second, 8:30 O'Clock Sharp. Open 8:30, Close 5:30 Until Further Notice. Evans, Munzer, Pickering & Co. 619, 621, 623 and 625 Nicollet Av., Minneapolis.

NEWS OF RAILROADS

A. P. TANNER TO SUCCEED GENERAL SUPERINTENDENT CLARKE, OF M. & ST. L.

The withdrawal of T. E. Clark, as general superintendent of the Minneapolis & St. Louis, to take service with the Iowa Central, has brought promotion to Albert P. Tanner, general freight agent of the road in St. Paul. After Jan. 1, Mr. Tanner will become general superintendent, with headquarters in Minneapolis, with the title of manager of transportation. Mr. Tanner came to the city to take service with the Minneapolis & St. Louis from the Santa Fe, with which company he held several positions of trust.

Though comparatively a young man, Mr. Tanner has been in railroad work from his boyhood. He commenced, like so many other railroaders, at the foot of the ladder; was first a messenger boy in a telegraph office, then an operator, train dispatcher and so on. When the Chicago Santa Fe & California—the eastern part of the Santa Fe system—was opened under the management of Mr. Tanner, he was appointed general superintendent of the system, and he has since that time been in the position of assistant general freight agent of the Atchison system. His experience has been in both operating and traffic branches of the road, but largely in the transportation department.

With the new appointment, Mr. Day changes the title of the officer. General superintendent has not been the proper title as the St. Louis is organized, he says, as other departments do not report to that office. Accordingly Mr. Tanner will be known as superintendent of transportation.

General Freight Agent W. M. Hopkins, of the St. Louis, is left without a general agent in St. Paul by the new deal and will be ready to resign to announce the name of a successor to Mr. Tanner.

CHANGES THE COMPLAINT. Ransom Bros., of Albert Lea, Now Charge Discrimination. The Albert Lea rate case, which has been in the hands of the railroad and warehouse commission for several months, has developed a new phase, as a result of an executive session at the commission offices, in which the Ransom Bros. and other shippers at Albert Lea conferred with the commissioners and officials of the roads interested. The original complaint has been withdrawn and an amended petition introduced, changing the front of the complaint. The amended complaint sets forth that Ransom Bros. have been unable to agree with the Milwaukee and Omaha in securing a fair and equitable rate to a large number of points, and that Albert Lea has been discriminated against in favor of Twin City jobbing interests. The complainants therefore petition that they be given the same rates to points in Omaha territory as apply to the same points from the Twin Cities.

Copies of the complaint as amended were served on the two interested roads yesterday. In the former complaint the Albert Lea interests demanded 80 per cent of the combination of local rates.

DAVIS RESIGNS. Superintendent of Breckenridge Division Leaves the Great Northern. Official circulars issued from the operating department of the Great Northern yesterday announce the resignation of J. M. Davis, superintendent of the Breckenridge division. Mr. Davis leaves the service of the Great Northern to go with a Southern road, and has been absent from the state several weeks, arranging for the change.

Frank J. Hawn, one of the best assistant superintendents on the system, is transferred from the Montana to be placed superintendent in J. M. Davis' place. Mr. Hawn will be succeeded by J. C. Nolan, recently transferred to the West.

Willmar & Sioux Falls Absorbs Some Additional Lines. President William P. Clough, of the Willmar & Sioux Falls railway, which was incorporated as part of the Great

Northern system by a vote of the stockholders on Thursday, issued a circular yesterday which adds 230 miles to the Great Northern mileage. The circular reads:

The Willmar & Sioux Falls, having acquired the Sioux City & Western railway, will, on and after Jan. 1, operate the same as part of its lines. James N. McNider, president of the Great Northern, will be in charge of operation. The authority of other officers of the system will extend to these lines. Until further notice, employees on these lines will retain their present positions.

Division Superintendent L. B. Allen, as superintendent of the Willmar, will have general supervision of the new lines.

PASSED THROUGH THE SOO. Lake Superior Traffic Shown in Canal Official's Report. SAULT STE. MARIE, Mich., Dec. 30.—No more striking example of the magnitude, importance and rapid growth of Lake Superior traffic passing the portals of the great artificial waterways at this point can be given than that afforded by the annual statistical report of this year's business, just completed by the canal officials, together with a tabulated comparison of the commerce of 1898.

The report shows that a total freight tonnage of 25,255,810 passed through an increase of 19 per cent over last year's traffic, which aggregated 21,244,664 tons. In this connection a few comparisons with the traffic of previous years may prove of interest. In 1881, the first year that a record of the freight tonnage was kept, the total amounted to 4,577,741 tons; in 1895 it had reached 15,000,000 tons. From that period until the present there was a steady increase, with the exception of 1891, when it fell behind a trifle.

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