The St. Paul Globe

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TODAY'S WEATHER.

Minnesota—Showers Friday, with cooler in south portion; Saturday fair; variable winds.

Michigan—Showers and warmer Friday; Saturday fair; light south winds, becoming fresh west.

Wisconsin—Showers Friday; Saturday fair; variable winds becoming fresh westerly.

For Iowa—Showers Friday; Saturday fair; south shifting to west winds.

The Dakotas—Fair Friday and Saturday; somewhat cooler Friday; variable winds.

Montana—Fair Friday and Saturday; variable winds.

St. Paul — Yesterday's observations, taken by the United States weather bureau, St. Paul, P. F. Lyons, observer, for the twenty-four hours ended at 7 o'clock last night—Barometer corrected for temperature and elevation: Highest temperature, 63; lowest temperature, 39; average temperature, 51; daily range, 24; barometer, 29.80; humidity, 54; precipitation, 0; 7 p. m., temperature, 62; 7 p. m., wind, southeast; weather, cloudy.

Yesterday's Temperatures—

	*5pm	High		*5pm	High
Alpena	40	48	Milwaukee	68	62
Battleford	48	68	Marquette	34	42
Bismarck	50	54	Minnedosa	42	42
Buffalo	46	44	Montgomery	64	68
Boston	42	42	Montreal	46	44
Calgary	46	60	Nashville	62	66
Cheyenne	58	62	N. Orleans	68	72
Chicago	54	62	New York	40	48
Cincinnati	56	62	Norfolk	48	48
Cleveland	40	46	N. Platte	66	72
Davenport	62	66	Omaha	66	70
Detroit	42	48	Philadelphia	40	60
Duluth	44	40	Pittsburg	44	48
Edmonton	48	40	Qu'Appelle	44	48
Gd. Haven	48	42	S. Francisco	42	46
Green Bay	44	60	St. Louis	62	66
Helena	60	64	Salt Lake	66	66
Huron	62	72	Ste. Marie	36	40
Jacksonville	72	80	Washington	58	64
Kansas City	64	68	Winnipeg	38	42

Washington time (7 p. m. St. Paul).

River Bulletin—

Stations.	Danger Line.	Gauge Reading.	Change in 24 Hours.
St. Paul	14	1.6	0.0
Davenport	15	2.6	—0.2
La Crosse	10	2.1	—0.1
St. Louis	30	8.3	—0.3

—Fall.

River forecast till 8 p. m. Friday: The Mississippi will change but little in the vicinity of St. Paul.

TO OUR FRIENDS.

Anyone unable to secure a copy of The Globe on any railroad train leaving or entering St. Paul will confer a favor on the management by reporting the fact to the business office. Telephone, Main 1065.

Subscribers annoyed by irregular or late delivery of The Globe will confer a favor on the management by reporting the fact to the business office. Telephone, Main 1065.

FRIDAY, APRIL 18, 1902.

Senator Mason is making a bluff at the Illinois Republicans. He has asked somebody to give a reason why he should not be re-elected. As if he didn't know!

SHAMEFUL.

"The said Thomas Hannon came to his death Saturday, March 15, 1902. The death was caused by poison, kind unknown; means unknown to this jury. We recommend further investigation by the proper authorities."

This is the verdict of the coroner's jury in this case. In the light of it there are newspaper writers and politicians who apparently do not hesitate to impute murder to members of this poor family. More than that, there are those unfeeling and base enough to drag the sorrows of those unfortunate people into politics, and in the accomplishment of their sordid ends, give repeated public expression to the statement that this boy had been murdered by his own kindred, and that the officials of this city are derelict in their duty in not securing the conviction for murder of some member of the Hannon family.

Politics can reach no lower level of brutal degradation than is involved in this assumption.

There is not a scintilla of evidence that a crime has been committed here. The evidence that the boy died of poison rests wholly on the analysis of Dr. Renz. Neither Dr. Renz nor any other bacteriologist is infallible. That a reasonable doubt could remain in the minds of others than Dr. Renz on this score is evident from a perusal of the report of the proceedings of the inquest contained in one of the Republican local papers. We quote from that report the following language:

"Dr. Renz also increased the doubt as to the cause of death by saying that there were other alkaloids that medical men knew little about, except that they existed. They were poisonous ptomaines formed by the decomposition of animal or vegetable matter, and the physiological effects would be the same as in aconite. They might be produced in the stomach by impure food or tainted meats, or they might exist in the food before it was taken into the stomach."

The parents of the deceased boy are poor people—so poor, in fact, that the chance of their finding any volunteer defenders against the awful crime sought to be laid at their door is but slight. They are industrious, moral and law-abiding in their lives, as all the public knowledge of them goes to establish beyond all doubt. They have in a few brief weeks been deprived of three of their little children. Where is the affectionate father or mother in the community that would deny them a tear in their affliction? Is it not monstrous to think that, burdened as they are by the bitterest domestic sorrow, even the sacred feelings of fatherhood and motherhood should in their case be trodden under foot, as if by insensate beasts?

Surely, in the light of the profound mystery which underlies these children's deaths, the poor, ignorant mother who explained her calamities to the world by attributing them to the will of God, must face the judgment throne with less of misgiving than those who, for their own miserable political ends, would place upon her forehead the brand of a murderess.

Carnegie's latest book is sure of a large circulation, for at least one copy will be found in each library he has founded.

WELL DONE, MR. CUSHMAN.

Representative Cushman, of Washington, rendered a service to the American people by his speech yesterday on the Cuban so-called reciprocity measure. He did so by directing attention so effectively to the monstrous perversion of representative institutions which is involved in the existing rules of the house of representatives.

Mr. Cushman was accurate in his characterization of those rules as unrepublican, undemocratic and un-American. It is a disgrace to the American people that they should remain in existence.

There may be justification in parliamentary law to be found for the Reed ruling on the existence of a quorum; but there can be no justification, no excuse, found for those members, whether they are Democrats or Republicans, who suffer the existence of those rules.

No matter how important the question which is under consideration, no matter how vast are the national interests involved, the majority has the power, under those rules, exercised without stint in the Philippine tariff debate, not only to choke off debate, but to prevent the consideration of amendments, however germane and necessary they may be.

It is a part of the history of the American congress that Speaker Reed applied no other rule to measures which he deemed obnoxious than his individual judgment, and that rule was as conclusive as the will of congress itself on the fate of such measures. It does not affect the enormity of such power to say that the personal uprightness of Mr. Reed was beyond all question. Such a suggestion leaves the matter untouched.

A like power is now in the hands of Speaker Henderson, and he who thinks that that officer will not exercise it, has not exercised and will not continue to exercise it for purely personal and political ends, is unworthy to be taken seriously.

If the men who have opposed Cuban reciprocity—we mean the Republicans, for of the Democrats so doing there is nothing whatever to be said—do no other good by their present attitude than that which they do in calling attention to the shameful condition of the rules of the house of representatives, they deserve well of their constituents and the country.

Pension Commissioner Ware hasn't been as prompt in declaring he will continue the policy of his predecessor as President Roosevelt. But he will come as near doing it.

CRITICISING THE COURT.

In passing on certain questions which came before him in an industrial controversy, a Brooklyn judge recently, denying an injunction to prevent strikers from interfering with non-union workmen, used this language:

"This is not a case for an injunction in advance of a trial. No violence has been done to person or property. Capital and labor have an equal right to organize, as is now recognized by all sensible people. When they disagree, some friction is inevitable and legitimate. The courts should not interfere except in a case of obvious necessity. Where courts and judges of first instance have gone beyond this it has been an abuse of power. These plaintiffs seem to have brought on the trouble by ostentatiously and needlessly posting in their factory a notice that they will not recognize the Bookbinders' union. Wiser employers have learned that it is a convenient and useful thing to recognize lawful labor organizations and to deal with them."

To the language and the decision alike the New York Sun takes exception. Yet the average layman who happens to be disinterested between union and non-union laborers will probably readily approve both. Perhaps the difficulty of the Sun in the matter lies in the fact that it is not an impartial observer of the action of the court in that case, since it has been involved in very serious disagreements with its former employes for some time past and has suffered therefrom considerable inconvenience, if not loss.

The Sun, urging that the injunction in that case should not have been denied, says: "The true function of an injunction is to restrain wrong-doing—to enjoin the commission of crime or of acts of violence allied in their nature to crime, and to prevent injury to person or property." If our contemporary had stopped in its definition at the point at which it goes into specification, it would have been all right. Not having done so, it adds another exemplification to the many already in existence of the profound truth of the adage, that the man who acts as his own lawyer has a fool for a client.

The Globe knows as little law as the Sun, and maybe less; but it has an equal right to the expression of its opinions on legal questions when editorial exigencies seem to demand. It believes thoroughly—and cites the Sun as evidence to sustain the correctness of the belief—that no opinion has any value which is not accompanied by a retainer.

Now having given its contemporary these valuable hints it refers that enlightened exponent of public opinion to Blackstone, whose law was better than his politics, while the law and the politics of the Sun are equally bad. Writing on provisional remedies, Blackstone says this about injunctions:

"The first peculiar remedy obtainable on this ground is the writ of injunction, the most ordinary species of which is that which operates as a restraint upon the defendant in the exercise of his real or supposed rights; and is therefore sometimes called the remedial writ of injunction to distinguish it from the judicial writ, which issues after a decree, and is in the nature of a writ of execution."

The trouble with the Sun and those who think with it on such subjects is that they want the execution issued before they try their case.

After a while when the distinction which Blackstone makes between the remedial and the judicial injunction is more clearly recognized in our statutes, federal and state, there will be less talk about government by injunction and our New York contemporary will have one less legal pitfall confronting its erring feet.

The English cabinet may dilly-dally and delay negotiations with the Boers, but it seems more than probable the demands of the Dutch burghers will be granted. The burden of taxation is growing above the ability of the masses to pay.

Well, it is a relief to know that the time for the opening of the St. Louis fair has been settled. The year 1904 is a good selection, for it will mark the election of a Democratic president.

Wielded by women entirely muscular the mop is mightier than the desire for liberty; at least so thought those escaping prisoners driven back into jail at Kokomo, Indiana.

A gentleman with a vein of romance in his makeup has announced his discovery of Noah's ark on Mount Ararat. He wants money to bring it to the St. Louis fair.

Maj. Waller was acquitted of the charge of killing native Filipinos, not because he hadn't killed them, but because his superior officer told him to.

The esteemed Hillsboro, Ill., News sings a glad refrain of springtime, winding up: "Ring out the festive oyster stew, ring in a mess of greens."

As practiced in the Philippines, the "water cure" is not related to the condition known as being "on the water wagon."

In a short time England will be in the New York market trying to borrow American money to continue the war in Africa.

Have you got a Coliseum button? If so, keep it in sight that all the world may know you have joined in the good work.

J. Pierpont Morgan is soon to reach Gibraltar. It is not reported that he intends to ask for an option on it.

Now that we have secured another star fielder the pennant is just as good as flying over Lexington park.

The baseball season is opening up languidly. Only one umpire has been mobbed up to date.

It begins to look like Fitzsimmons will refuse to fight Jeffries anywhere except in an airship.

It is already a question whether Low will reform New York or New York will deform Low.

The window glass trust announces that it is with great pain that it is compelled to raise prices or decrease the size of the pane.

Judged by his poetry, Pension Commissioner Ware will prove the worst ever.

When the flowers bloom the bees buzz, including the presidential variety.

Theatrical

As absurdly funny as ever "Humpty Dumpty," much freshened in appearance but by no means changed beyond recognition, reappeared last night at the Metropolitan theater. A fair sized audience greeted the production and persistently encored the many clever specialties that have been introduced. Doubtless the chief reason for the popularity of this absurd scenic pantomime is that there have been crowded into it all those delightful but impossible creatures that people childhood's land. Such productions are a source of never failing delight to children for whom the impossible is always possible and they charm older folk because of their very absurdity. The story of "Humpty Dumpty" has not been changed materially since its last appearance in St. Paul. A few new specialties have been introduced to vary the picture of topsy turvy land, but the production itself is the same even to the series of attractive tableaux that close the pantomime. Eddie McDonald, of course, is "Humpty Dumpty. So completely has he made the character of the unlucky clown his own that the pantomime without him would not seem "Humpty Dumpty" at all. Mr. McDonald's acrobatic feats are clever enough to make the most blase blink in amazement and last night he performed many new ones in his perfectly unconcerned and droll way that provoked frequent and most responsive applause. Mr. McDonald has to aid him in fun-making and acrobatic work a most capable company. Blanche Frayne, who plays the part of Goodie Two Shoes, is a graceful little dancer. Her voice is by no means exceptional, but she sings concert hall ditties in a very entertaining way. Joseph C. Smith was Tommy Tucker last night. So far as dancing is concerned Mr. Smith is an excellent match for Miss Frayne. His sailor's hornpipe was cleverly executed. Latoy and Edmunds, the Rossi brothers, and Messrs. Smith and McDonald introduced a number of good specialties in the second act. Indeed, the only criticism that can be made of those specialties is that there are almost too many of them.

The scenic effects were excellent last night. There is a small but very good chorus with the production and the girls that composed it danced and sang last night in a pleasing manner.

"Humpty Dumpty" will be repeated the remainder of this week.

With its performance tomorrow night "The Dairy Farm," which has been playing to audiences of splendid proportions at each performance at the Grand opera house the present week, will have finished the 165th week of its continued success. This is a record which has never been equaled in the history of the American stage and one of which Miss Eleanor Merron, the author of this delightful domestic play, is justly proud. Tomorrow at 2:30 the ladies and children will be afforded their final opportunity of witnessing this famous rural play.

Melodrama will be the offering at the Grand the coming week, and a production of unusual magnitude in this line is promised in the first presentation in this city of "At Cripple Creek," the latest effort of that very prolific playwright, Hal Reid. The play is said to recite a story full of heart interest, and there is a pretty love story and a vein of good, clean comedy interwoven in such a manner as to produce a most pleasing whole.

Former Gov. Murphy, of Arizona, brother and partner of the mining king of the Southwest, avers that Augustus Thomas' play which takes its name from the picturesque territory, has been the best advertisement possible of the claims of that section to full fellowship in the sisterhood of states. Be that as it may, Thomas has depicted the characters of Arizona people in most delightful and enticing colors, even if he has made one of his characters refer wearily to surrounding conditions thus: "Alkali dust, greasers, cactus and slabsided cattle! One has to let the clock run down to know when it's Sunday." "Arizona" will be given at the Metropolitan opera house the first half of next week, beginning Sunday night.

"York State Folks," a pastoral drama new to the West, but which has scored brilliant triumphs in Eastern cities, will be the attraction at the Metropolitan the latter half of next week, beginning Thursday. It will be seen here with the original cast, including Harry and Kate Jackson, formerly of the Criterion Stock company, and great favorites in St. Paul.

The Trocadero Burlesquers continue to attract good crowds to the Star theater by giving an extra good entertainment. Tonight's big attraction will be the cake walk between St. Paul and Minneapolis colored couples, the entries for which are Bessie Sinny, Golda Sinny, Oda Bohanern, Mamie English, Lottie Carter, Belle Carlisle, John Edwards, Charles Williams, William Stroughter, James Russell, Arthur Sewer and William Goodbow. Next week the City Club company.

What People Are Saying.

"Yes, it is true that we find some queer things in whisky, but I am told that some of the people who drink it find things in it that our chemist cannot find by his analysis."—Asistant Dairy Commissioner Dingman.

? ? ?

A Yankee genius has discovered perpetual motion by utilizing the natural draft of a chimney. Hot air always rises to the occasion.—J. Adam Bede.

? ? ?

It's just awful to be compelled to live in the Twin Cities and no wonder suicides are so frequent. Anoka is a lovely place to reside.—Granville S. Pease.

? ? ?

The newspaper correspondents have decided that Gen. Miles will be retired. If so he will retire with the good war record of an able general.—Alvah Eastman.

? ? ?

The defeat of the ship subsidy bill is of vastly more importance to the people of Minnesota than a dozen ordinary measures.—Samuel A. Langum.

? ? ?

I am glad we are going to see the last of those flat-flame gasoline street lights in a few weeks. They are out of date for a city the size of St. Paul and should have been thrown out long ago.—Assemblyman Haas.

? ? ?

Take from some youngsters their index finger and they lose their seat of knowledge. I found this out at Chicago when I asked a pupil a simple problem in mathematics. He had to use a pencil.—Bernard Zimmerman.

? ? ?

Some of these people think I am playing at making an anti-smoke campaign. Their depleted pocketbooks will soon convince them otherwise.—Health Commissioner Ohage.

? ? ?

I have been in many cities of late, but can truthfully say that few equal and none excels St. Paul as a beautiful and healthy city.—John Foos.

MINNESOTA NOT BEHIND

COMMISSIONER M'CONNELL CONTRADICTS MR. MOORE'S STATEMENT

While Admitting That There Is Great Room for Improvement, He Says Other States Do Not Average a Higher Yield Per Cow Than Minnesota Does.

Some days ago Hamlin V. Poore, in discussing Minnesota's butter industry decared that while Minnesota was at the top in the quality of its butter, that in the average annual yield per cow Minnesota was behind every other state in the Union, a fact which he deplored.

Commissioner McConnell, when his attention was called to this statement yesterday, said that he did not have at hand the authoritative figures to contradict this statement, but he was confident that it was not true. An Iowa dairy paper a few weeks ago reports the annual average yield in that state to be but 97 pounds, while according to Mr. Poore's figures Minnesota's average is 150 pounds per cow.

"It is a difficult matter to get exact statistics of this kind for every state," said Mr. McConnell, "but I do not believe, indeed, I do not hesitate to say that I know, that Minnesota's average yield of butter per cow is not lower than in most of the other states. In figuring the average yield it must be remembered that cows are taken into consideration that do not contribute to creamery and dairy purposes more than a few weeks out of every year. This is especially true in Northern Minnesota, where cows are raised mostly for beef purposes. In Mower county, for instance, the average yield per cow is over 200 pounds, while in Stearns county it is, I believe, 128 pounds. Mower county is reputed all over the country to be one of the very best dairy counties in the United States, and the last report of the department of agriculture paid quite a compliment to Mower county by publishing a map of the county with the location of its creameries, as one of the model dairy counties of the country. So it will be perceived that an average yield of 150 pounds is not so bad after all.

"No one can deny that there are immense possibilities in increasing this average yield in this state. We have much to learn yet. As I said to The Globe some time ago, almost one-fourth of the cows in this state kept for creamery purposes do not pay for their keep and should be sent to the slaughter house. If this were done, and if every farmer buckled down to the business proposition to make every cow account for herself by proving her ability to pay a fair profit, the average yield would be greatly increased.

"We are making continual progress in butter-making here as elsewhere, and I am not worrying that some other state may have a little higher average than we have. We will learn from those states which are ahead of us, and stimulate those states which are below us."

FALLS DOWN IN A FIT AND DIES AT HER HOME

Mrs. Eliza Montbriand a Victim to Attack of Heart Disease.

Mrs. Eliza Montbriand, sixty-three years old, residing at 537 Broadway, fell in front of the Foley house about 9 o'clock, apparently suffering from an epileptic fit. She was taken to her home by the central patrol wagon and died fifteen minutes later.

In the patrol wagon the woman appeared to be choking and was unable to say anything. Coroner Miller viewed the remains last night and said death was due to heart failure. Two sons, both adults, survive her.

OFFICER HURT IN THE SCUFFLE.

Had Rough Scrimmage While Arresting Three Men.

Edward Temay, a fur dresser; Frank Morton, a molder, and James Russel, a colored bootblack, became involved in a row at Seventh and Robert late yesterday afternoon. Officer Henton, was struck over the head with a loaded cane by one of the white men during the scrimmage. All three were locked up on the charge of drunk and disorderly. Temay was released on $25 bail. Officer Henton sustained a severe cut on his head, and his ear was split.

GRIGGS SPLITS HAIRS

Asserts Murphy is Illegally Member of the Board of Public Works

DREARY POLITICAL PLAY

Has a Queer Loophole Through Which He Tries to Poke the Dix Parallel—Michael Pokes Fun at the Strained Opinion.

It pains him exceedingly to say so, but First Assistant Corporation Attorney Griggs "regrets" to report that former Ald. Edward Murphy is illegally holding office as a member of the board of public works.

To be brief, he acknowledges vaguely the law which permitted Mr. Murphy to vacate an aldermanship for a seat on the board of public works, but he holds that Mr. Murphy was an alderman before the law became effective, and therefore could not take advantage of its provision until his legislative connection with the city had run its limit.

Mr. Griggs' belief regarding Mr. Murphy's official connection with St. Paul was made the basis of an opinion handed down yesterday and is now in possession of Comptroller McCardy, at whose request it was written. It is as follows:

Mr. Griggs' Opinion.

"In reply to your inquiry to this department under date of April 1, 1902, as to whether, since the adoption of the charter, there has been any legislative action which modifies, in any manner, the provisions of section 6 of chapter 2 of that instrument, to which you then drew our attention, and if so, 'the effects thereof,' I beg to submit the following views:

"Attention should be given, perhaps, to the historical aspect of the charter provision in question. Section 2 of chapter 16 of the Special Laws for 1887, which was amendatory of the provisions of the charter of 1874, as they had been previously amended by chapter 86 of the Special Laws for 1876, provided that "no alderman elected under this act shall, during his term of office, hold any other city, county or state office of profit or trust." At the time that the common council was changed from a body composed of but a single chamber to one composed of two, as at present, an assembly and a board of aldermen, the legislature provided, in chapter 6 of the Special Laws of 1891, that 'no member of either of said bodies shall hold any other office under the city government of said city.' They might, however, so far as this provision was concerned, become appointive county or state officers, or they might become qualified to hold other appointive city offices by resignation; the provision was unconstitutional as applied to elective offices.

Admits Lameness of Provisions.

"The purpose of these provisions, there can be no doubt, lame as they were, was that ascribed by the supreme court in the case of State ex rel. vs. Sutton, 63 Minn., 147, to a somewhat similar provision in the state constitution. Section 9 of article 5 of that instrument provides that 'no senator of representative shall, during the time for which he is elected, hold any office under the authority of the United States of the state of Minnesota,' and the court said: 'Evidently it was the intention of the framers of the constitution, by the language used, to prevent, as far as possible, trafficking in public offices.' This is peculiarly true of municipal offices, which have to do so intimately with the merest detail in the life and property interests of every citizen, and when the opportunities for trafficking in offices are well nigh inexhaustible.

"While the charter provisions applicable to this city in this respect were those to which I have already referred, the legislature of 1897, by chapter 131 of the General Laws of that year, provided: 'It shall be unlawful for any person hereafter elected to any of the following offices, that is to say, the office of councilman, assemblyman or alderman, in any city, or the office of county commissioner in any county in this state, to hold any other office in such city or county during the term for which he was elected, and no alderman or assemblyman shall during the term of office for which he was elected hold any other city office except an office elective by the people.'

Makes Fine Distinctions.

"Its effect is to render any member of the common council ineligible to any appointive city office 'during the term of office for which he was elected,' even though he resigns his office in the council. You will note that there is no prohibition upon his holding state or county offices during that time.

"The legislature of 1901, by chapter 378, of the General Laws for that year, amended section 1 of the act of 1897, chapter 131, above referred to, so that it should read as follows:

"'It shall be unlawful for any person hereafter elected to any of the following offices, that is to say, the office of councilman, assemblyman or alderman, in any city, or in the office of county commissioner in any county, in this state, to hold any other office in such city or county during the term for which he was elected or appointed, except an office elective by the people in the district wherein he shall have resided thirty days previous to such election, and also except an office to which he may be appointed by the judges of any court of record exclusively, and also except any officer appointed to the board of public works of any city. Provided, that nothing in this act shall be construed to apply to city or county officer, who, by virtue of his office as such, holds, occupies or exercises the functions of any other public office.'

"Your inquiry now is, has this statute any effect upon the present charter provision, quoted above. I think not, so far as those members of the present common council, who were elected in 1900, were concerned. So far as members hereafter elected are concerned it authorizes them to hold offices to which they may have been appointed by the judges of any court of record exclusively, and this is not forbidden by the charter inhibition, unless the municipal court of this city is to be regarded as a city court and not a state court, a question upon which most eminent lawyers differ.

"It further renders members of the board of public works capable of election to the common council, and as members of the board of county commissioners, whereas, if it were not for this act a member of the board of public works, if elected to the common council, would vacate his position in the board immediately he was inducted into the incompatible office.

Pins Faith on "Hereafter."

"I am not inclined to the view, as will be evident from what I have already stated, that, with our home rule charter intervening, the act of 1901 can be said to be such an amendment of the act of 1897, at least so far as this city is concerned, that it relates back to the date of the approval of that act and date from then. Even if that view of it were sound, it seems to me that under the rule laid down by Judge Sutherland in his work of 'Statutory Construction,' at section 132, and upon the authority of the case of Kerlinger v. Barnes, 14 Minn., 526, when a similar use of the word 'hereafter' in an amendatory statute was considered, and those in which the court had since approved that doctrine, its exceptions and provisions can have application only to 'any person hereafter elected.'"

Michael Pokes Fun at It.

Who started this investigation is a matter of conjecture, though Mr. Griggs avers that it was reluctantly done at the request of Comptroller McCardy, who is a steady patron of the St. Paul legal department. He denies that there is politics behind it.

"The old Murphy controversy revived," said Attorney J. C. Michael after reading Mr. Griggs' opinion last night. "It won't hold water. The motive behind the whole thing is too apparent. To go into detail regarding the foundation on which Mr. Griggs bases his belief that Mr. Murphy is illegally holding office would be a waste of time. To sum the whole thing up there is nothing in Mr. Griggs' contention. When the act was passed under which Mr. Murphy was permitted to accept a seat on the board of public works Mr. Murphy submitted the law to me. He did this before accepting the office, and I gave him as my opinion that the transfer was perfectly lawful. Since reading this opinion I am more than convinced that I was right. It is the Bell-Moriarty case over again, and everybody knows how that resulted for those who hoped to force Mr. Moriarty from the office he was legally entitled to and elected to. The only purpose of this thing is to ruin Mr. Murphy and revive the old controversy. The assertion that the act passed at the last legislature does not apply to Mr. Murphy, but will in the case of those elected to any city or county legislative body from now on is lame. The very fundamental principles of law reject some of the points that Mr. Griggs attempts to show.

"But why attempt to show the absurdity of the whole thing," concluded Mr. Michels. "It is inconsistent, it was done for political effect and that is all there is to it."

Murphy Is Not Worrying.

Mr. Murphy does not take the attempt to oust him from office very seriously. "I guess," he remarked last night, "I'll be holding office this time next year. I know they were trying to find some way to give me trouble. Comptroller McCardy paid me my salary yesterday and he said nothing. He at least recognized me."

What will be the next act of those behind the movement to have the office which Mr. Murphy holds declared vacant is not known unless it will be to bring quo warranto proceedings, as was done in the case of Bell against Ald. Mornarty.

The scheme, it is thought, is to have Comptroller McCarty deny Mr. Murphy his salary when pay day arrives next month and compel him to bring mandamus proceedings. Then the court would have to decide the point at issue.

Would Put Dix Out, Too.

In the opinion Assemblyman Dix, who also combines with his position of representative the rather lucrative office of clerk of the municipal court, is referred to, but no reference is made to any legality that may exist in his case. Mr. Griggs says it all rests on the question whether the municipal court is a city office or one of record.

He was not asked to pass on this question, he says, and he ignored it.

"If the opinion is correct, as Mr. Griggs contends that it is," said Mr. Michael in his conversation last night, "then Mr. Dix is as much an illegal official as Mr. Murphy is. Perhaps doubly so, for Mr. Dix never took the trouble to resign his office in the assembly when he was given the clerkship."

Friends of Mr. Dix, it is understood, do not like the issue which has been raised, no matter how ridiculous it is. Even, they says, that if the opinion is correct Mr. Dix is as much "out" as Mr. Murphy, but they take little stock in the whole thing.

BUTCHERS DISCUSS PURE FOOD CRUSADE

Determined to Force the Fight to Compel Packers to Comply With Law.

At the regular monthly meeting of the St. Paul Retail Meat Dealers' association, held last night at their hall, 411 Robert street, the main topic of discussion was the crusade being waged against the use of preservatives in meat and the cases against packers now pending in the municipal court. The dealers are very much in earnest in their determination to take the initiative in this crusade and compel the manufacturers who sell their products in this city to comply with the pure food laws. The association was the first to agitate the need of the present state meat law, and was largely instrumental in securing its passage, and is unanimously in favor of its strict enforcement. The dairy and food department has declared its willingness to let the association handle this matter itself, and instead of prosecuting the retailers when meats containing preservatives are found the dealers will be allowed to act as complaining witnesses against the manufacturers. The association last night passed a resolution to the effect that hereafter all sausages and meats purchased outside the state will, upon receipt, be submitted to the state department for analysis before being offered for sale, and whenever found to be illegal will be at once returned to the wholesaler at his expense. This method will insure the dealers against the perpetration of frauds on them, and will be a protection to the buyer who can rely on the goods bought from the retailers.

The association at its meeting last night indorsed the candidacy of Henry G Haas for the assembly and of Otto Rohland for alderman from the Fifth ward.

REV. WILLIAM ROTERT DIES OF OLD AGE

He Was a Pioneer German Methodist Clergyman in St. Paul.

Rev. William Rotert, one of the pioneer German Methodist ministers of the state, died at 10 o'clock last night at his home, 236 Maria avenue. Death was due to a general breaking down of his system.

Rev. Mr. Rotert came to Minnesota from St. Louis in 1854, and was located for many years at Henderson. He came to St. Paul in 1879. For a number of years he had no church, as he was obliged to retire from the ministry on account of ill health.

He was born in Germany, and came to St. Louis when a small boy. He was seventy-two years old. A widow, three daughters and a son survive him. The funeral arrangements have not been made.

KEEP BAD FOOD OUT

Jobbers of St. Paul Have Assisted State Dairy Department

HOW THEY HAVE DONE IT

At Jobbers' Request Department Has Inspected 2,500 Barrels of Foreign Vinegar—Work of Department.

"The gratifying results of our pure food work in this state would have been impossible had it not been for the most cordial co-operation of the jobbers of the Twin Cities," said Assistant Dairy and Food Commissioner Dingman yesterday. "They have assisted us in every possible way, to prevent the sale of illegal products in the state. Every day we have a request from some of them to inspect goods they have just received from manufacturers. We inspect them immediately upon their receipt in St. Paul, and whenever the goods are found to be below Minnesota standard the jobbers return them to the manufacturers and refuse to take them. You would be surprised to learn the exact number of times we have done this. We have inspected 2,500 barrels of vinegar upon its receipt in St. Paul, and whenever it did not come up to legal requirements we had the pledge of the jobber that not one ounce of it would be sold to dealers in this state. This is certainly very ample protection to home industries, is it not?"

The department is kept busy these days, and if it had a dozen more men, could utilize them to advantage. The number of samples sent in by the inspectors who are going about the state, is often as high as 100 a day. These come mostly from new localities where the department has not worked to any extent before. It has been proved again and again that when the inspectors cover one town thoroughly very few cases are ever afterwards reported from that community. It proves that the dealers for the most part are eager to abide by the law, and as soon as they ascertain what goods are illegal they dump them out and do not sell them any more. "It is a very common thing," said Mr. Dingman, yesterday, "to see merchants in small towns taking a whole dray full of condemned goods back to the depot to return them direct to the manufacturers. If the manufacturer will not make good the amount of the goods and pay the fine which the merchants have been taxed for the violation, he sells no more goods in that community.

"A work as great as this cannot be done in a minute. We have much to do yet. But our progress has been all that could be desired. With the help of the merchants it will not be very long before it will be practically impossible to find illegal food products in the stores. The dealers understand that the law is not to prosecute them, but to protect them, and the manufacturers are learning that they have not to fight the dairy and food department, but the dealers, and as it is a question of dollars and cents with them, they will obey the law as a matter of business."

MAYOR SMITH SPEAKS AT A HEBREW CONCERT

Sisters of Peace Benevolent Society Realizes $300 for Charity Purposes.

Mayor R. A. Smith and John D. O'Brien delivered speeches at an entertainment given last night by the Sisters of Peace Benevolent society in Mozart hall, the proceeds of which will go for charitable purposes. The rest of the programme consisted of musical and literary numbers.

Mayor Smith said, that in different official capacities he had been thrown in contact with the Jewish people for many years. "Many Jewish families have come to St. Paul," said he, "within the last ten years, in very poor circumstances, and today they are wealthy. It simply denotes thrift in this people. As business men Hebrews possess a business instinct that enables them to make money rapidly, and yet they know enough of the value of money to lay by for a rainy day. I never knew of a Hebrew being on the county charge," continued the mayor, which cannot be said of many nationalities. When times are hard and work is not plentiful, they can always be found engaged in some honorable pursuit."

Attorney O'Brien delivered a concise speech on the Hebrew since the days of Abraham, noting facts and conditions that are a matter of history, until he had traced the race to the present day. He had known the Jewish people for many years and had found that they made the very best class of citizens.

The literary and musical features of the programme were entertaining and well received. The singing of coon songs, by Charles Perham, a ten-year-old boy, was particularly pleasing. His voice is well developed and finely cultivated. His first selection took the house by storm, and he was obliged to respond to three encores. Miss Theresa appeared in a recitation, and Willie Green gave an exhibition of fancy dancing. Several selections were also furnished by Maxwell's Mandolin orchestra. After the programme had been completed the hall was cleared for dancing. It is estimated that the entertainment realized over $300.

METHODISTS TALK ON CHURCH PROBLEMS

Institute for St. Paul District Held at Hamline, Good Attendance and Fine Banquet.

The St. Paul District Methodist institute was opened yesterday afternoon at 2 o'clock at the Hamline M. E. church. Dr. F. M. Rule, presiding elder of the St. Paul district, presiding. There was a large attendance and an excellent programme, and the meeting was one of the most successful, from every point of view, ever held in the district. Rev. R. M. Avison delivered the address of welcome, after which the following topics were discussed:

"The Men and the Church," Rev. F. A. Cone, Northfield; "How to Care for Probationers, Including Baptized Children," by Rev. M. G. Schumann, Faribault; "The Benevolent Collection," by Rev. Jabez Blackhurst, Hastings; "Our Publishing Interests," by Rev. D. L. Rader, First M. E. church, St. Paul. Bishop I. W. Joyce, just returned from holding a conference in the East, was present, and delivered an address, and Dr. Rule also delivered an address.

A reception was tendered by Dr. and Mrs. Rule to Bishop and Mrs. Joyce and to thte visiting pastors and their wives. In the evening a banquet, arranged by Dr. and Mrs. Rule for the guests, was held. Dr. George H. Bridgman, president of Hamline university, was toastmaster, and the following toasts were respoded to: "Facts and Fancy," Rev. W. C. Rice, Lake City; "Present Pastoral Problems," Rev. Benjamin Longley, Central M. E. church, St. Paul; "Parsonage Problems and Pleasures," Mrs. George E. Parker. Dr. D. L. Rader and Dr. F. M. Rule were called on for remarks and responded. The banquet was a very delightful affair, covers being spread for sixty guests. The decorations and floral offerings were very plentiful.

The meeting this morning will commence at 8:30 o'clock with an address by Prof. Cooper, of Hamline university.