City News.

State Institutions Yield $9,639—The board of control yesterday reported to the state auditor $9,639.43 as collected from the various institutions for October. Of this sum $5,387 was from the state prison.

—o—

Will Hold Revival—On Sunday, Nov. 23, a series of special meetings will be begun in the Clinton Avenue M. E. church. The pastor will be assisted in these meetings by Rev. George W. Willis, evangelist, from Cleveland, O.

—o—

Iron Company Incorporates — The Iroquois Iron Company of Illinois, with a capital of $600,000, filed articles of incorporation under the Sommerville law with the secretary of state yesterday. One-sixth of the capital will be used in Minnesota, and J. L. Washburn, of Duluth, is appointed the resident agent.

—o—

Commercial Travelers Will Dance—The members of Saintly City council, Commercial Travelers of America, will hold a social and dance at their hall in the Lowry arcade this evening. For those who enjoy cards progressive cinch will be played from 8:30 to 10:30. A lunch will be served at midnight.

—o—

Y. M. C. A. Will Entertain—The Y. M. C. A. Debating club will have an evening of entertainment instead of its regular debate this evening. Messrs. W. G. Blackman, I. T. Denny, E. A. Kramer, O. B. Anderson, J. M. Anderson, L. R. Taylor, A. K. Cliff, Dr. F. M. McNamara and P. W. Jackson will contribute humorous and instructive recitations and speeches, and Educational Director Austin will read Kipling's "Tomlinson."

—o—

Telephone Company Incorporates — The Jackson Telephone company, of Jackson, Minn., filed articles of incorporation yesterday. The capital is $650,000, and the incorporators C. A. Sterling, of La Crosse, Wis.; Paul H. Berge, Hans Sether, George R. Moore and Thomas Knox, of Jackson. The William Lorenz Trunk company, of Minneapolis, with a capital stock of $50,000, incorporated yesterday. The incorporators are William Lorenz, A. S. Heffelfinger, George T. Halbert and Guy Bartholomew, of Minneapolis.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

FOOTBALL ROOTERS FILL THE HOTELS UP

Crowds From Northwestern States Take Possession of the Hostelries of St Paul.

Football enthusiasts from all over the Northwest were in evidence at the various hotels last evening. Minnesota and Wisconsin had the lead in point of registrations, but Iowa and the Dakotas were by no means behind.

The Merchants' hotel probably enjoyed the heaviest patronage in this line, no less than four pages of its register being given over to parties of three and four who will attend the game at Minneapolis today. One party of ten from Ashland, Wis., were registered at this hostelry. At the Windsor hotel there was a crowd of rooters, and the Ryan hotel had a surfeit of guests, the majority being commercial travelers who had arranged their routes so that Saturday could be given to the Twin Cities.

Not a few of the senators and representatives-elect are also among the throngs, the occasion being an admirable one for a little political work. Notable among the officials and politicians registered at the hotels are C. A. Morey, of Winona; Senator George R. Layburn, of Duluth; J. Adam Bede, of Pine City, and C. B. Buckman, of Little Falls.

THELIN IS MADE A SERGEANT OF POLICE

One Patrolman Is Promoted and Four Men Are Appointed to the Force.

Patrolman J. W. Thelin, of the central police station detail, was yesterday promoted to sergeant at a special meeting of the police commission. The promotion was made upon the recommendation of Chief O'Connor and came as a reward for four years of faithful service.

Sergeant Thelin, who is thirty-seven years of age, was appointed a patrolman Feb. 23, 1898. Since then he has traveled a beat out of the central station, assigned to the night detail. He was born in Sweden, but came to the United States when a boy.

Four patrolmen were also appointed at yesterday's meeting of the commissioners. They are: James E. Hurley, Adolph Heidenrich, John H. O'Brien and Fred C. Wagner. They will be assigned to the several stations by Chief O'Connor today. The total enrollment of the force is now 195, but few short of the full quota.

CASTORIA.

Bears the Signature of Chas. H. Fletcher. The Kind You Have Always Bought

Our Safety Deposit Vaults are the best. Security Trust Company N. Y. Life Bldg.

Men's suits, French dry cleaned, $1.50. City Dye House, 420 Wabasha.

YERXA

We give automobile tickets with every 50c purchase.

PEERLESS MEAT MARKET.

Fancy Fresh Geese, per lb.....12½c
Good Rib Roast Beef, per lb.....9c
Boneless Rolled Roasts of Beef; no bone, no waste, per lb.....12½c
Legs of Spring Lamb, per lb.....12½c
Lamb Chops, per lb.....12½c to 15c
Front Quarters Lamb, per lb.....8c
Spring Chickens, select, per lb.....12½c
Shoulder Lamb, per lb.....10c

APPLES! APPLES!

One carload of fine Missouri Apples—Ben Davis, Genitons, Wine Saps—at, per barrel, $1.75, $2.00, $2.50.

One carload of Fancy Michigan Apples—Baldwins, Northern Spys, Greenings, Kings, Russets, Seek-no-Furthers, Hubbardstons—per barrel, $2.75, $3.00, $3.25.

One carload of Fancy New Hampshire Apples, those large Eastern barrels—Northern Spys, Greenings, Baldwins, Russets, Seek-no-Furthers—per barrel, $3.00, $3.25, $3.50.

A choice lot of King Apples, while they last, per barrel.....$2.50
A very Fancy lot of Kings, while they last, per barrel.....$3.50
A choice lot of Greenings, per barrel.$2.50
A choice lot of Orleans, per barrel..$2.50
A fancy lot of Greased Pippins, per barrel.....$2.50

F. R. YERXA & CO.

SEVENTH AND CEDAR STS.

ARMORY BONDS FAIL

SUPREME COURT HOLDS THAT LAW RESTRICTING ISSUE IN LARGER CITIES IS VALID

MUST NOT EXCEED FIVE PER CENT OF VALUATION

Order of Judge Bunn, of the District Court, Is Affirmed — Only Remedy Left Is an Appeal to the Legislature for Action Authorizing the Issue of the Desired Bonds.

The supreme court has affirmed the order of Judge Bunn, of the Ramsey county district court, in the armory bond issue case. Judge Lovely wrote the decision, which holds that while the city council has the power, under the special laws of 1902, to issue bonds to build an armory, the restrictions as to the city exceeding the 5 per cent limit of indebtedness must be complied with.

The St. Paul Armory association sought to have bonds issued by the city and the council directed the issue to be made. J. J. McCardy, who was then comptroller, objected on the ground that the issuance would create an indebtedness in excess of the 5 per cent limit.

The association, represented by John A. Beck, commenced proceedings to compel the issuance of the bonds. In the district court Judge Bunn decided against the issue, and his order has been affirmed by the supreme court.

Claimed Law Was Invalid.

One of the points made by the armory association in the lower court and supreme court was that the law prohibiting the creation of indebtedness in excess of 5 per cent of the assessed valuation in cities having over 8,000 population was invalid by reason of it being in violation of section 36, article 4, of the constitution, in that it allowed cities of less than 8,000 to issue bonds in excess of the 5 per cent limit.

The court holds that the law applies to the larger cities and does not violate the constitutional provision.

It was also contended by the armory association that the portion of section 10, Laws of 1899, authorizing cities framing their own charters to provide for the payment of their existing floating indebtedness or for water and light facilities in excess of the 5 per cent limit, constituted illegal discrimination in favor of those cities which had no floating indebtedness or which had paid for their water and light plants.

The court holds against this contention. The following is the syllabus:

What the Court Says.

John A. Beck, respondent, vs. City of St. Paul, Robert A. Smith, Otto Bremer and Louis Betz, appellants.

1. The provisions of section 10, chapter 351, General Laws 1899, imposing restrictions upon municipalities framing their own charters under the constitutional amendment of 1898 to an indebtedness of 5 per cent of their assessed valuation, has not been changed by chapter 33, Special Laws 1902, to allow a city to issue bonds in excess of such specified limit for an armory of the national guard.

2. The terms of section 10, chapter 351, General Laws 1899, which prohibit the creation of an indebtedness in excess of the 5 per cent limit in all cities having over 2,000 inhabitants, as far as it relates to municipalities having more than 10,000 people is valid and not in violation of section 36, article 4 of the state constitution, authorizing classification of cities on the basis of population.

3. That part of section 10, chapter 351, General Laws 1899, authorizing cities framing their own charters to provide for the payment of their existing floating indebtedness or for water or light facilities in excess of the 5 per cent limit, does not constitute an illegal discrimination in favor of such municipalities against others that have no floating indebtedness or have already purchased and paid for water and light plants. Order affirmed.

—Lovely, J.

Maj. Lambert Explains.

Maj. George C. Lambert, a member of the Armory association, in discussing the decision last evening, said:

"The decision of the supreme court is to the effect that the act of 1902 confers upon the city council the power to issue bonds for the erection of an armory, but subject to the debt limit fixed for other purposes. The debt limit in St. Paul having been reached, the bonds must wait until the legislature comes to the rescue. In view of the fact that the erection of a new armory is universally desired, that the city is given valuable property upon which to construct the building, and that the present armory allowance of $4,000 is to be reduced to $2,500 as soon as the new armory is completed, I have little doubt that the legislature will grant the supplemental authority required to carry the former act into effect. The advantage of a decision at this time lies in the fact that the situation is now clearly defined, and what is needed is exactly known. The act of 1902 has not been declared invalid, nor is the proposition to be submitted to a vote of the people.

"On the contrary, it is held that the city council is vested with the additional power to issue bonds for armory purposes, which it did not possess before, and need not submit the proposition to a vote of the people unless the amount exceeds $100,000. But the limitations of the enabling act of 1899 are held to control that power to the same extent that it controls all other powers of the city council.

Law Valid as to St. Paul.

"In the case just decided, the constitutionality of the limitation clauses of the enabling act was attacked on the ground of defective classification, cities being classed upon the basis of population; cities of 8,000 inhabitants or more were restricted to a debt limit of 5 per cent, while cities of less than 8,000 inhabitants were allowed a debt limit of 10 per cent. The constitution forbids any classification by population except on the basis of 10,000 or less, 20,000 or less, 50,000 or less and over 50,000 inhabitants. The court held that while the law might be unconstitutional as to cities having less than 10,000 inhabitants, it was valid as to cities having more than that number.

"This decision emphasizes strongly the comments of Comptroller Betz, made in his last report to the conference committee. As the law now stands, St. Paul may not be able to refund any portion of its bonded debt after the next proposed issue for that purpose, at least the city council will be powerless. Other cities have learned by experience that the voters neglect to vote on the question, and it may be necessary to provide for all maturing bonds in the tax levy, unless the legislature is asked to amend the law."

MARKHAM HAS SOME DOUBTS.

Refunding Proposition Will Stand More Particular Inquiry.

Taking the armory bond issue decision as a basis, Maj. George J. Lambert makes the point that St. Paul's supposed right to refund any of its present bonded indebtedness when the same becomes due is largely in doubt.

This point is made on the assumption that St. Paul's bonded indebtedness is in excess of 5 per cent, which the supreme court says is the limit for cities of St. Paul's size. If this was to hold, the conference committee which has authorized the refunding of $99,000 worth of expiring bonds is acting beyond its authority and the amount will have to be included in the tax levy.

City Attorney Markham says he is unwilling to discuss the matter until he has read the decision. He makes the statement, however, that the question of St. Paul's right to issue bonds for refunding purposes was not involved in the Armory controversy. The legal department has informed Comptroller Betz and the conference committee that it can refund $99,000 worth of the $175,000 bonds which expire the coming year.

A Guaranteed Cure for Piles.

Itching, Blind, Bleeding and Protruding Piles. No cure, no pay. All druggists are authorized by the manufacturers of Pazo Ointment to refund the money where it fails to cure any case of piles, no matter of how long standing. Cures ordinary cases in six days; the worst cases in fourteen days. One application gives ease and rest. Relieves itching instantly. This is a new discovery and it is the only pile remedy sold on a positive guarantee, no cure, no pay. Price 50c.

TARBOX CASE IS IN JUDGE KELLY'S HANDS

Lawyers Use a Day in Summing Up the Evidence—Appeal Is Assured.

The suit brought by C. K. Sharood, as trustee in bankruptcy for Jasper B. Tarbox and C. H. Schliek as individuals and as partners in the firm of Tarbox, Schliek & Co., against W. B. and W. G. Jordan and H. R. Lyon, for an accounting of profits alleged to be due Tarbox because of a secret interest in the Jordan shoe factory at Stillwater, is now in Judge Kelly's hands. The arguments by counsel occupied the entire day yesterday, and probably would have continued today had not Judge Kelly announced to the attorneys that they must close the case before 5 o'clock.

Humphrey Barton, attorney for Sharood, spoke for an hour and a half, reviewing the case in detail. He laid emphasis upon the fact that Tarbox was not given a fixed salary; that his payments were included in profit and loss accounts as indicative of the secret partnership. The payment of $2,000 to Tarbox, he said, was not explained by Jordan, nor the payment to Schliek of $2,000, which he claimed betrayed evidences of secret transactions by being entered as a payment for services.

He selected other parts of the evidence as indicative of a secret agreement with Tarbox and an effort to defraud creditors by undervaluing the assets.

Attorney W. R. Mead, representing H. R. Lyon, spoke at length upon the case, and Attorney C. A. Severance occupied two hours during the afternoon controverting the arguments of Mr. Barton. He argued that there was nothing in the evidence to show the existence of a secret agreement, nor any attempt on the part of the Jordans to secure an undervaluation of the assets. He ridiculed the idea that business men of the Jordans' capacity would enter into such an agreement with Tarbox. His address entered exhaustively into the character and bearing of the evidence.

Judge Kelly will probably take several days in considering the evidence, and, whatever his decision, the case will in all probability go to the supreme court.

WOODSMEN GO TO SEEK LOST SUPERINTENDENT

Great Northern Offiicials Have No Hope for Egan, But Others Have.

No word was received at the Great Northern offices yesterday in regard to the missing superintendent of the Kalispell division, B. F. Egan. Officials of the road express the opinion that all hope is now lost. The reward offered for his recovery, dead or alive, still continues to attract numbers of adventurous mountaineers who are willing to brave the dangers of the mountains for the sake of finding the lost man and incidentally winning the large reward.

Two St. Paul men, Jerry Taylor and T. W. Wilson, hunters and guides, who are familiar with the mountain regions of Montana, left here last night for the scene of B. F. Egan's disappearance.

The missing Great Northern superintendent, they believe, is "holed up" in some cabin in the mountains. They say that it is almost impossible, even in the wildest part of the mountains in that vicinity, for a man to walk more than ten miles without finding some place of habitation, and they do not believe that Supt. Egan has perished, which is the general opinion.

The guides will visit Pyramid creek and the Hungry Horse basin, and after making a survey of the locality will start off on their own resources in an effort to find the missing superintendent.

SOLDIERS PROVE PEN MIGHTIER THAN SWORD

By a Decision of Two to One Champions of Pen Win a Debate at Fort.

"Resolved, That the Sword is Mightier Than the Pen" was the question debated by soldiers at Fort Snelling on Thursday evening.

Chaplain Ossewaarde presided and introduced the speakers. Sergeant Kinsman, of A company, and Sergeant Webber, of the band, undertook to prove that the sword had written every chapter in human history, while the pen put in a few commas and periods here and there.

Private Frank Snyder, of Company G, and private Guy Bray, of Company B, were not inclined to allow the sword quite as much credit and with eloquent lips proclaimed the power of the pen.

Both sides were so ably presented that the committee appointed to decide on the merits of the arguments, consisting of Mrs. Ossewaarde, Sergeant Jarbre and Private McGloin, could not agree, and a decision of two to one was rendered in favor of the pen.

Much interest was aroused and debates promise to be an interesting feature of the Thursday evening meetings in the post.

SEEK A HUN WHO LEFT HIS HOME WITH $117,000

St. Paul Police Are Asked to Try for $2,000 Reward.

The St. Paul police have been asked to look for Victor Kecskemthy, who absconded over a year ago from Budapesth with $117,000 in cash.

It is thought that Kecskemethy may have passed through the Twin Cities en route to the Austrian colony in North Dakota. Several months ago he was located in New York, but left before he was taken into custody.

The fugitive is twenty-four years of age and of medium height. He weighs 130 pounds and wears a reddish-brown moustache. A reward of $2,000 is offered for his capture besides an additional bonus of 5 per cent of all the money recovered.

Trains Collide in Depot.

The passengers on the Northern Pacific and Wisconsin Central morning trains received a severe shaking up in a collision at the union depot yesterday.

The Northern Pacific passenger was stalled, waiting for a train of box cars, when the Central passenger entered at the station. The trains were on the same track, and the engineer of the Central was unable to stop until he crashed into the rear of the Northern passenger.

The vestibule of the rear car was smashed and many passengers were thrown from their seats. No one was injured, and traffic was delayed only a few minutes.

The Mother's Friend

when nature's supply fails, is Borden's Eagle Brand Condensed Milk. It is a cow's milk adapted to infants, according to the highest scientific methods. An infant fed on Eagle Brand will show a steady gain in weight.

We guarantee our French Dry Cleaning on ladies' garments. City Dye House, 420 Wabasha.

SPEND $300 FOR $5

LITIGANTS GO TO THE SUPREME COURT OVER PAYMENT OF SMALL BOARD BILL

JUDGMENT AGAINST MAN WHO OWED IT AFFIRMED

Order of Hennepin County District Court Directing a Verdict in Favor of Minneapolis Department Store Proprietor, Who Was Sued for Slander, Is Reversed and New Trial Granted.

A law suit involving the payment of a $5 board bill, which litigation cost the parties about $300, was decided by the supreme court yesterday.

Three years ago Gustave Theysen, a railroad engineer, announced to Morris M. Enright, proprietor of a boarding house on West Seventh street, "I will go good for this man's board," at the same time introducing an acquaintance. The boarder remained with Enright until his bill amounted to $5 and then departed.

Enright presented the claim to Theysen, who at once objected, and declared that he did not intend to stand for such a large board bill, and only meant he would make good for a small sum.

As Theysen would not pay, Enright brought suit in a justice's court and secured judgment. Theysen appealed the case to the municipal court, and the judgment was affirmed in that court.

Theysen Wanted Satisfaction.

Theysen was not satisfied, and the case was taken to the supreme court on an appeal, and yesterday an order per curiam was handed down, as follows:

"This action was brought in a justice's court to recover the sum of $5. Plaintiff had judgment and defendant appealed to the municipal court of St. Paul upon questions of law alone, where judgment was affirmed. The only question argued in the brief of counsel is whether the evidence is sufficient to sustain the judgment of the justice of the peace, and this question is not properly presented because the evidence is not returned by the justice.

"A synopsis of the substance of the evidence is certified by the justice, but this is wholly insufficient. The evidence itself should have been returned, and as this was not done the presumption is that it was sufficient to sustain the judgment. It is unnecessary to rule on appellant's motion to strike the amended return from the record. Judgment affirmed."

Edwin Gribble was the attorney for the appellant, and F. A. Pike for the respondent.

Hennepin County Judge Reversed.

Justice Collins reversed the Hennepin county court in the case of Leny and Sophie Laury vs. John F. Evans, and sends the case back for a new trial. The two women sued Evans, who is proprietor of a Minneapolis department store, for damages alleging that as they entered the store Evans said to them:

"You get out of here; you came in to see what you could find to steal."

The Hennepin county court ordered a verdict for the defendant on the ground that the words were not actionable per se, and that evidence showing special damage must be introduced to establish a case. The supreme court decision holds that the words were actionable per se and that the case should have been allowed to go to the jury under the evidence submitted. The syllabus is as follows:

Lany Laury, appellant, vs. John Evans, respondent; Sophie Laury, appellant, vs. John F. Evans, respondent.

It was alleged in the complaint in these actions, among other things, that the defendant, in a store of which he was part proprietor, in the presence of a large number of people, said to, of and concerning plaintiffs: "You get out of here. You came in to see what you could find to steal."

1. Held, that such words were actionable per se, and that the complaint stated a cause of action.

2. Held, upon the evidence produced at the trial that a case was made which should have been submitted to the jury. Order in both cases reversed and a new trial granted. —Collins, J.

The following decisions were also handed down:

William Wimmer, appellant, vs. J. A. Key, respondent.
Judgment affirmed. Per curiam.

Charles A. Johnson, respondent, vs. Joseph B. Martin and Chandler C. Wyman, appellants.

Syllabus—1. In an action, as for conversion, brought against a factor by the true owner of personal property which has come to the possession of the former by the criminal act of another person, has been sold by him, the proceeds received and paid over to the criminal, less expenses and commission, it is no defense that the factor acted throughout the entire transaction in good faith, without negligence and in the supposition that the criminal was the real owner of the property.

2. The owner may recover its value of the factor, although a common carrier was guilty of negligence in permitting the property to be diverted from its true destination by means of a forged waybill, and placed in the possession of the factor through a forged bill of lading. Order affirmed. —Collins, J.

Peter Boyer, respondent, vs. Eastern Railway Company of Minnesota, appellant.

Syllabus—1. The ordinary labor of unloading logs from flat cars is not attended with extra hazards or involved in such complicated and obscure conditions as to require the formulation of rules for the conduct of the business of its employes.

2. Where a servant is ordered with other employes to unload logs from flat cars where the risk arising from the incidental performance of the work is open and apparent to observation he assumes the dangers caused by the negligence of fellow servants.

3. Allegations of the complaint in this case considered and held that the work described therein was of a usual and customary character and the dangers thereof open to observation and that an injury resulting in the performance of the work by a fellow servant is incident to the common employment and remediless. Order reversed. —Lovely, J.

Henry Isherwood, respondent, vs. H. L. Jenkins Lumber Co., appellant.
Order affirmed. —Start, C. J.

W. B. Dwinnell and John C. Sweet, as receivers of the Minneapolis Fire and Marine Mutual Insurance Company, appellant, vs. Charles C. Kramer and Charles F. Crow, copartners as Kramer & Crow, respondents.
Order affirmed. —Start, C. J.

Richard Peach, appellant, vs. Ed Reed, respondent.
Judgment affirmed. —Start, C. J.

George F. Rice, appellant, vs. Madelia Farmers' Warehouse Co., et al., respondents, and Henry Cooling, appellant, vs. same parties, respondents.
Order affirmed. —Collins, J.

GRAIN-O

THE PURE GRAIN COFFEE

In comparing Grain-O and coffee remember that while the taste is the same Grain-O gives health and strength while coffee shatters the nervous system and breeds disease of the digestive organs. Thinking people prefer Grain-O and its benefits.

TRY IT TO-DAY.

At grocers everywhere; 15c. and 25c. per package.

WOMAN WHO DIDN'T KILL KELLER IS ARRESTED

Mrs. Kurst Is in Jail Charged With Insanity—She Talks Freely.

Mrs. Mary P. Kurst, or Mrs. Priscilla Moodie, the woman whose threat to kill Prosecuting Attorney Herbert Keller, led to the filing of information of insanity against her in the probate court, was captured yesterday by Deputy Sheriff Miller as she was leaving the Bradley building, on Fifth, near Wabasha. She made no resistance, but went quietly to the probate court and then to the jail, where she will be held pending an examination as to her sanity.

When arrested Mrs. Kurst's first thought was of her child, a boy of ten. He would be coming home from school, she said, and she must care for him. As she entered the door of the court house she said:

"Oh, I want to see Herbert."

In court she asked who filed the information against her, and in the jail talked freely about herself. When questioned by Judge Bazille she admitted sending the letters to Keller.

"I had a right to send those letters. I am a widow."

Mrs. Kurst is an intelligent talker and her conversational is rational most of the time. In appearance she is gaunt and haggard and her eyes have a wild look in them.

While the story of her attempt to kill Keller was unfounded, her threats to do so lead many of his friends to warn him of danger. The woman has made herself a nuisance not to Mr. Keller only, but to other officers in the city hall and federal building. She has pestered County Attorney Kane with applications for warrants, and Judge Bazille with requests to commit her son to the state school. She bothered the municipal court officers until they ordered her out, and the postoffice authorities until she was ejected from the building.

She complained to Inspector Fosness that the postmen were holding up letters from a man in North Dakota and became so noisy that he ordered her out. She applied to Justice Miller for a warrant and has brought suit in Justice Hoff's court against Henry Feit for money she claims to have loaned him.

O'MALLEY CONVICTED OF HIGHWAY ROBBERY

Jury Returns a Verdict of Guilty After Less Than Half an Hour's Deliberation.

The jury before whom James O'Malley was tried on a charge of holding up and robbing John J. Roche, at Pleasant avenue and Chestnut street, on the night of Sept. 6, took less than half an hour yesterday to arrive at a verdict of guilty. Judge Brill placed the case in the hands of the jury about 11:30, and shortly before noon a deputy sheriff announced that the jury had agreed.

O'Malley listened to the verdict with a sardonic grin, but said nothing. Judge Brill will pass sentence upon O'Malley Monday morning. At the same time John Wilson, who pleaded guilty to robbing the house of Ernest Randeff, and Jake Trimbell, who entered a similar plea to the charge of holding up Henry Bammert, will receive their sentences. Wilson and Trimbell were indicted in conjunction with O' Malley for the robbery of John Roche, but Wilson, who proved a valuable witness for the state, was allowed to plead guilty to a less serious offense.

Ernest Carey, attorney for O'Malley, moved for arrest of judgment when the verdict was announced. Judge Brill denied the motion. The felony of which O'Malley stands convicted carries a maximum penalty of twenty years, with a minimum of five. The maximum penalty for the crime of which Wilson pleaded guilty is ten years. Wilson's course will probably secure for him a light punishment, and Trimbell, who confessed to holding up Henry Bammert, will doubtless fare better than O'Malley, who insisted upon a trial.

BROADWAY LOOP MEN OFFER COMPROMISE

Say They Will Be Satisfied If Como-Harriet Cars Take the Long Route.

Some of the residents and property-owners of lower town, who have been petitioning the council to have the two interurban car lines sent around the Broadway loop instead of Robert street, are willing to compromise.

They say they will be satisfied with the Como-Harriet cars alone and are now asking their representatives in the council to see if the controversy cannot be settled on that basis. They believe it is impossible to get the two car lines.

When the proposed change was aired before the committee on streets of the board of aldermen Thursday evening this compromise was proposed by some of the members, among them Ald. Buschmann, but Assemblyman Schurmeier and Ald. Dahlquist, who want the change made, would not hear of it.

The members generally are opposed to denying Robert street the terminals and some of them are not backward in saying so. The only thing on which they are a unit is that the street should not be used as a coach yard. Otherwise they think money was invested by those within a radius of the present loop on the supposition that it would remain there, and it would be a hardship now to change it.

FASTIDIO.

It is Genuine Havana Tobacco.

NAVIGATION ON UPPER MISSISSIPPI CLOSES

Every Beacon Light on River Between St. Paul and St. Louis Extinguished at Midnight.

Navigation on the upper Mississippi officially closes today. At midnight every lighthouse between St. Paul and the Missouri river, every beacon marking a buoy or a dangerous place in the river, became dark, and the river was shrouded in darkness. Marine insurance risks also ceased.

This does not mean that every craft navigating the upper Mississippi has sought the bank, for many of them will keep running until ice has rendere navigation impossible, but it does mean that all boat owners who keep their craft in service do so at their own risk.

The majority of the boats in the river sought winter quarters some weeks ago. The boom companies still have a craft or two engaged in making everything secure, but they, too, will be tied up in a few days.

The Union Depot company yesterday took the precaution to have the huge floating boom at the head of the Great Western bridge put in a place of safety. A year ago it was carried away and badly wrecked by floating ice.

St. Paul's Silk Selling Store.

Field, Schlick & Co.

Entrances—Wabasha, Fourth, Fifth and St. Peter Streets.

"Sorosis,"

The Best Shoe for Women,

The quality of material and manufacture enables them to stand the exceeding hard service required at this time of year and in this weather.

With this quality and the comfort of dry feet there is also the satisfactory sense of style that suits the most exacting taste.

And Sold at 3.50 All the Time

A Sale of Children's Shoes—Today.

Special lot of misses' and children's extension and hand-turned sole, kid button shoes, with patent leather tips, sizes 11 to 2; 2.50 value, for..... 2.00

The same in sizes 8 to 11, at.....1.50

WON'T MAKE HOT AIR

HEATING PLANT IN THE M'KINLEY SCHOOL DEFECTIVE

School Board Is Notified That New Building Is Badly Heated—Teachers Are Assigned to the District and Many Transfers Are Ordered.

The heating plant placed in the new McKinley school does not heat the rooms, and Supt. Gerlach so notified the school board at a special meeting yesterday afternoon.

"The contractors claim that it has not been given a fair test, and say it will be all right Monday," said Supt. Gerlach, "but I deemed it my duty to inform the board of the matter."

Some of the members suggested that the engineer of the building might see what he could do to remedy the trouble, but to this Supt. Gerlach objected, saying that if he touched the plant the contractors might claim that it would have worked all right had it been left alone.

The Roberts-Goss company are the contractors who put in the heating plant, the price paid being $6,500. One of the representatives of the firm stated last evening that the plant was all right and would be in running order today. The trouble, it was said, was in the air traps.

Teachers for McKinley School.

The board took up the question of teachers for the McKinley school, and, on a report of the committee on schols, revised and made the following assignments of teachers:

Misses Margaret Lennon, principal; J. Wormwood, V. Buck, C. Williams, J. Bradford, K. Gibbons, F. Durkee, J. E. O'Connor, L. Howard, N. Wilson, M. Cutler, J. White, F. Murphy, E. Fryer, L. Grace, Mrs. E. Higgins, Misses G. Metcalf and J. Boardman, kindergarten.

These Are Transferred.

The following transfers were also reported and agreed to:

Miss J. Kenny from the eighth grade, Douglas school to the Sibley school.

Miss E. Fanning, first grade Douglas school to the Sibley.

Miss May Williams, kindergarten directress, Douglas school to the same position Sibley school.

Miss Alice McCray, kindergarten directress, Sibley school to the same position Jefferson school.

Miss K. Sleppy, kindergarten directress, of the Jefferson school, to kindergarten assistant Webster school.

Miss Margaret Routh, assistant kindergarten, Webster school to Smith school.

Miss Alice Kirby, kindergarten assistant, Smith school to Douglas school.

Miss A. Farrell, kindergarten, Douglas school to Madison school.

Miss Sadie Farrell, assistant kindergartner, Madison school to kindergarten directress, Douglas school.

Miss E. Stewart, kindergartner, Whittier school to Scheffer school.

Miss Edith Elliot, assistant kindergartner, Scheffer school to Whittier school.

Miss M. Campbell, from the McKinley school to the Cleveland.

Miss Alta Gordon and Miss A. Rittle are assigned to the Douglas school as substitutes.

Miss Essie Williams, from Douglas school to teacher of English and mathematics at the Mechanic Arts high school, vice Miss Thuet, promoted.

WAGENER WILL DEMAND RECOUNT OF BALLOTS

Returns, as Completed by Canvassing Board, Give Rogers a Majority of 435.

The county canvassing board yesterday completed the inspection of the returns from the Tenth and Eleventh wards and the several country districts without affecting the relative standing of E. G. Rogers and John Wagener for clerk of courts. Rogers' majority, as shown by the tabulation, is 435, no change being made in the newspaper reports. Rogers' total vote was 11,889 and Wagener's 11,454. The tabulation of the returns was delayed for a time through an error committed by the judges of the First precinct of the Tenth ward, who sealed their returns up in the ballot box. An order of Judge Otis was procured to open the box.

The canvass showed irregularities in several precincts. The Second precinct of the Eleventh ward returns no votes for governor, but shows more votes for Judge Bazille and Judge Olivier than were actually cast. The New Brighton returns show four votes in excess of the total number cast in the return on the governorship.

Wagener has already announced that he will demand a recount of all the ballots.

WORRY AND BEER IS CAUSE OF INSANITY

Frank Koran, an Epileptic, Becomes a Raving Maniac and Is Shut Up.

Worry over losing his position as an iron molder and excessive beer drinking, by which he sought to alleviate his sorrow, caused Frank Koran to become a raving maniac and brought about his commitment yesterday to the Rochester asylum. The probate court sat upon his case in the jail, as the man was too violent to be brought into court.

Koran was employed in Minneapolis, but lost his position owing to epilepsy. He worried over his condition and sought to drown his sorrow in beer. He became violently insane Nov. 10, and Thursday night, when brought to the county jail, was so wild that three men were required to hold him. At the bed and tearing the bed clothes to shreds. eH finally became unmanageable. As he lay on his cot yesterday he moaned continually:

"I did my work the best I knew how, the best I knew how, knew how."

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GREAT MUTTON SALE

Very best Legs of Mutton, only..... 8c
Very best Legs of Milk Lamb, only....10c
Very best Loin Mutton Chops, only....12c
3½ pounds of good Mutton Chops for..25c
Best Mutton Stew, only..... 5c

A GREAT BEEF SALE.

Very best Sirloins, only.....10c@12½c
Very best Rib Roast of Beef, per pound, only 8c, 10c, 12½c
Very best Pot Roast, your choice, per pound 5c, 6c, 8c

A Special Consignment of Oysters.

We just received a large supply of Bulk Oysters, which we will sell for

30 Cents a Quart.

Headquarters for Fresh Dressed Poultry.

The best Spring Turkeys, only....11c, 12c
The best Spring Chickens, only..11c, 12c
The best dry picked Spring Ducks.11c, 12c
The best dry picked Spring Geese....10c
The very best Young Fowls, only....10c

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BEREFT OF A NEPHEW

MAYOR TOLD OF DEATH OF RELATIVE HE NEVER HEARD OF

Receives Puzzling Telegram and Letter of Condolence From Portland, Or., Announcing the Decease in That City of J. Howard Smith, of Whose Existence He Was Unaware.

Mayor Smith is engaged in unraveling a mystery. Two days ago he received a telegram from Portland, Or., reading:

"Your nephew, J. Howard Smith, died here last night. Please break the news to his mother."

It's a long time since his honor did the uncle act and he handed the telegram to Chief O'Connor, figuring that someone in Portland was using his name for unlawful purposes.

Yesterday his mail contained a letter, the envelope of which was deeply embellished with the insignia of mourning. It was from Mrs. Cole, of Portland, Or., and deeply sympathized with his honor in the loss of his nephew. The writer begged an answer and promised to furnish him with full details of the young man's death if he desired it. He did desire it, and a letter was sent post haste asking for all the information she had.

Had No Nephew He Knew Of.

"I am either the victim of a joke or someone has been masquerading as my nephew," said Mayor Smith yesterday. "I never had a nephew that I know of. Whoever this man was, he evidently was of some consequence or else he created considerable of an impression, for his friends have taken much trouble to keep me posted."

Mayor Smith says he intends to have the matter investigated and see what there is in it.

Got a Constant Headache?—Ten chances to one the secret of your suffering is that "white man's burden," Catarrh. Here's a sentence from one man's evidence for Dr. Agnew's Catarrhal Powder—"One application gave me instant relief, cleared the nasal passages and stopped the pain in my head." It's a quick, safe and sure treatment, and it never fails to cure.—6.

Henry Johns' State Critical.

Henry Johns, who is ill with Bright's disease at the city hospital, is still in a critical state. There was no change in his condition last night, and Dr. Ancker says there is but little hope for his recovery. His mother, Mrs. Johns, of Washington, D. C., arrived yesterday to nurse her son.

E. W. Grove This signature is on every box of the genuine Laxative Bromo-Quinine Tablets the remedy that cures a cold in one day.

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