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SATURDAY, FEB. 18, 1905

"WHO LIVES BY THE SWORD"

Ten years ago the world would have stood in horrified amaze if the news had come out of Moscow that one of the chiefs of the reigning family of Russia had met a bloody death within sight of the walls of the sacred kremlin. The dreadful fate meted out to the Grand Duke Sergius yesterday evoked no other comment than that it was to be expected. The public mind had been prepared for the horrid event by the baptism of blood given the Russian revolution in the streets of St. Petersburg a few weeks ago. Sergius is dead, and in his end the people see but the removal of a man who was largely responsible for the growth of the burden of oppression which is forcing anarchy upon Russia. It was an awful protest against oppressive rule, the event of yesterday, but it does not carry with it the sense of horror that shocked the world when the echoes of the Cossack guns rang from the walls of the winter palace and encircled the world with their accompaniment of the groans of the slaughtered people.

Sergius was the extreme type of his class. His reactionary sentiments—the heritage of his fated house—were confirmed by the violent death of his father, Alexander II., the czar who very nearly approached to being a great ruler. Born at a time when his father was intent upon lifting his people out of the darkness in which the policy of the Romanoffs had held the land for generations, he came to an understanding of his position in the political scheme of the country at a time when nihilism condemned the rulers of Russia to death. A gay young man, he became, on his father's death, a stern and implacable stickler for the hereditary rights of his house and the autocracy. Through two reigns he, with his brothers, made the policy of Russia. The present czar has been a puppet in the hands of his uncles. Nicholas, whenever he has found opportunity to speak, has given utterance to sentiments indicating such weakness as to prove him incapable of the stern repressive measures taken from time to time to inspire a dread of the autocracy in the commonalty of Russia. Sergius and Vladimir have been the guiding spirits of the house of Romanoff in these later years, erecting a barrier between the people and the throne and drenching the land in blood to inspire a salutary terror in the hearts of the people. Blinded by the veil of caste, they have not seen the growth of intelligence in Russia. They made the mistake of enforcing a government by the knout on a people who had passed beyond the possibility of being checked by physical force. Yesterday Russia, typified in a slayer seeking martyrdom for a cause, took its revenge.

The world would shrink from applauding the act of the slayer of Sergius, but that same world will find no place for sympathy with the tyrant who lived as he has died, by force and violence.

The placing of the Frances E. Willard statue in statuary hall at Washington reminds us that the distance between Miss Willard and some of her cheap imitators is growing more marked.

TURN ON THE LIGHT

The bill requiring contracts for buildings and betterments made under the authority of the board of control to be published in all their forms, and to be let only after due advertisement to the lowest bidder, should be extended to apply to every purchase or contract made under the authority of this board and then made a law. The practice which has prevailed in this state is too literally monstrous to be thought of as a permanency.

In all public affairs, in the purchase of supplies for public use and the letting of contracts for public service, the uniform rule is and must be that contracts shall be let after complete notice to the lowest bidder. In no other way can competition be secured. In no other way can the gravest abuses be prevented. It needs no argument to show that, human nature being what it is, sooner or later a board vested with authority to conclude transactions involving large sums of money in utter secrecy, without publicity and without review, will eventually be sunk deep in scandal.

We have already had a taste of this system. A gross scandal is connected with the letting of a contract at the state prison last year. Nobody has dared to investigate. The board of control refused, and the then governor refused to inquire into acts which were publicly and defiantly denounced by a responsible party, a man now engaged in large business operations in this state, over his own name. It stands to reason that this sort of thing cannot be permitted to continue.

Any argument on this question is about on a par with going back a few centuries to argue about witchcraft or the divine right of kings. Publicity is the keynote of republican institutions and of republican government. It is no more to be questioned or brought in jeopardy than the freedom of the press. With whatever considerations the board of control may have befooled itself or others, they should be struck away by one strong blow of common sense. Turn on the light. The board of control ought to be abolished altogether, except as a board of audit and a purchasing bureau. Whether it is so limited or whether it retains its present functions or any part of them, it should certainly be required to lay every transaction before the public eye, and to let no contracts of any sort or any magnitude except to the lowest bidder after due publication.

John Maynard Harlan has been nominated for mayor of Chicago on the Republican ticket. Now wouldn't you think that a man whose father had got far enough along to have a cigar named after him could do better than that?

THE SWAP

Any outside observer of political movements must have watched with extraordinary interest the suddenness with which President Roosevelt has changed his base and his whole campaign policy, and admitted with some sorrow the proof of his total surrender to the great capitalistic interests that are supported by protection. This is the one and only explanation of the agitation for railroad legislation that he has thrust upon the country. This is the meaning of the utter disappearance of work for tariff reform, or even any mention of it, within the last three months. It would be hard to find a more complete change of front within the same period in our national history.

Let us go back three or four months for a moment and recall the situation. The campaign for the presidency was in active progress, and speeches were being made in every congressional district throughout the country. Scarcely anywhere was the railroad question mentioned. There were references to it, of course, in political platforms, just as there were to a dozen other matters which have never since been heard of. That there was no definite and cleancut issue of national politics put to the front in that campaign is true. But the nearest approach to it, the one subject most frequently discussed on the stump and in the press, was that of tariff revision.

This question had been growing in interest for two years past. It had been hoped that congress at its previous session would do something to modernize the tariff schedules. President Roosevelt himself was on record repeatedly in favor of change. He had suggested the creation of a tariff commission, if nothing else could be done, and there had been from time to time serious talk of an extra session to deal with a matter so vital to the people. In every congressional district of the country the tariff was a prominent issue of the campaign. The standpatters and reformers met each other, and those who dared to stand for an unrevised tariff were few and far between. Of the men who voted for Mr. Roosevelt probably nine-tenths did so in the full conviction that he would do all in his power to bring about a revision of the tariff at the earliest possible day. To this he himself was substantially pledged.

We have no doubt whatever that President Roosevelt himself has not changed his mind, that he believes now as he did some months ago that the tariff ought to be revised, and that it is the first duty of himself and of congress. He also saw, however, that to insist upon this was to split the Republican party, and involve himself in a turmoil that would last through his administration and probably nullify his activity in other directions. The protected interests, like monopolies everywhere, would not yield without a fight. They had their contingent ready, and party lines mattered nothing to them. They demanded that the tariff be let alone and would take nothing less.

The issue was made up and the president funked it. Cleverly enough, he concealed his ignominious surrender by the common device of raising a new cry. It is always and everywhere easy to raise a clamor by attacking a railroad. Thus Mr. Roosevelt, to the intense surprise of ninety-nine out of every hundred people in the country, made a specific demand upon congress on a specific issue in his message of the railroad question, while upon the tariff he maintained an utter silence which he had not at first intended. It is no secret that his message as originally drawn dealt with the tariff, and that this was struck out before it was finally sent to congress. That was the price which beneficiaries of the tariff demanded, and it was paid.

It is for the people and the country to decide whether they have gained or lost by this swap. The prosperity of our people and the free development of our industries are dependent upon some rational modification of the tariff. That seems farther off than ever before. The party in power has deliberately abandoned and refused it in order to bring to the front an issue which it believes will divert the people's mind from their real needs. This is the secret and the whole secret of President Roosevelt's attitude and policy, and we think that the people throughout the country will form an opinion and express a judgment far from favorable.

If young Mr. Hyde had but thought of it he could not help knowing that the can-can would suggest to somebody the idea of fastening a can to him.

REPEALING THE PERSONAL PROPERTY TAX

If a bill recommended by house committee for the relief of dissatisfied taxpayers goes through we might as well repeal the personal property tax altogether. There is no use in whipping the devil around the stump in this fashion. The bill provides that dissatisfied taxpayers may file a protest against the payment of a personal property tax and authorizes the commencement of suits within sixty days thereafter. Nothing could come out of this except endless and expensive litigation, resulting in the tying up of the personal property taxes with the single exception of a few items not worth quarreling over. Every big taxpayer would find a reason for entering suit. He could not be worse off and he might be better.

This legislative provision for overthrowing the authority of the state is an absurdity. Where there is a real cause of action, suits are now brought without difficulty and determined by the courts. There are enough obstacles in the way, however, to discourage this unless the amount at issue is great The proposed bill would, as stated by one of its opponents, keep the state constantly on the defensive. Practically the presumption would be that it had no right to collect any of the taxes, and it would have to prove its case beforehand. The personal property tax is far from satisfactory. It is not justly levied and not easily collected, and the receipts from it all over the country constantly dwindle as compared with the actual amount of personal property in existence. Nevertheless, if we want to get rid of it, let us do so openly and squarely. Let us not begin by cutting out all the validity there is in it, leaving nothing but an expensive cause of action.

Every time Col. Cody has to answer a new charge made by his wife he is almost sorry he cleaned this country up enough to permit white women to live in it.

Still it has not been made clear to us that the way to chide young Mr. Hyde is to take away the awful wad that permits him to do these things.

"Come on, spring," exclaims the Indianapolis News. Spring may be a come-on down in Indiana, but in this exalted latitude it has to be coaxed.

It is a dread sign of the times in Russia that the sentiment evoked by the death of Sergius is expressed, "so may it always be with tyrants."

And now Mr. Addicks is almost convinced that there are hardly any honest men—those who will stay bought—in the Delaware legislature.

Col. Roosevelt was just as much delighted with those polyglot speeches from the Huns as though he understood them.

Mr. Sullivan, of Massachusetts, is comparatively safe. Mr. Hearst's opinion of him is, fortunately, mostly unprintable.

Is there anything in the Monroe doctrine to interfere with Col. Roosevelt extending a protectorate over Russia?

Contemporary Comment

Effect of Suffrage in Four States

The chances are that the participation of women in the politics of four states has not made any material change in the situation. In Wyoming the women have been voting since the early territorial days. They have had an experience in politics such as ought to be of value to themselves and to their community. Possibly it is of value to both. In Colorado the average of the skulduggery seems to have been about as high in 1904 as it ever was in any state in any age, providing that those stories of Colorado election irregularities have any basis in fact. The purifying effect of woman's participation in politics was not manifest in Gov. Adams' state in the recent canvass, whatever bracing influence it may have had previously or may attain subsequently.—St. Louis Globe-Democrat.

Three Things Desired

As a result of observation and reflection during a long life touching public men and measures in wide variey, I would desire for my country three things above all others to supplement American civilization: From Great Britain her administration of criminal justice; from Germany, her theater, and from any or every European country save Russia, Spain and Turkey, its government of cities. — Andrew D. White in the Century.

Neither

Mr. Roosevelt undoubtedly lacks sympathy with the prevailing motives of his party, but he lacks also the courage to resist them. He is not a sufficiently good Republican for the Republican leaders to be proud of, but, on the other hand, he is such a weak imitation of a Democrat that Democrats will universally resent any suggestion of likeness.—St. Louis Republic.

Monroe Doctrine Enough

Why not accept the Monroe doctrine in its original meaning—Europe may collect her debts and do her own fighting, but she must not take or hold territory? Accept the Cleveland doctrine as laid down in the case of Venezuela against England and there will be no "perplexity" and no difficulty.—Florida Times-Union.

Congressional Seed

Not 10 per cent of the tons of congressional seed sent out ever finds itself systematically put into the ground. Farmers look upon it as an experiment, seldom giving it earnest attention, and others view it as a visiting card from their congressman.—Memphis Commercial Appeal.

Moral Force

We all know that we must have an army and a navy, and we suppose that the era of warfare has not passed. But we have exercised a great influence through moral force and we need to remember that in the long run that is the greatest power in the world.—Philadelphia Record.

Meaning of Reform

Civil service reform properly administered does not mean dry rot in an office and fixed tenure for incompetents or semi-incompetents. It means a chance for expert public service by cutting off spoils and favoritism.—New York Tribune.

Duty to Philippines

American occupation of the Philippines must be made beneficial to the islands. Having deprived them of the commerce with Spain, it is necessary to give them something better in lieu of it.—Pittsburg Gazette.

Safety Valve

It may be regarded as in the nature of a safety valve, on general principles, to have a senate organized on a conservative and enduring plan, amenable to the people, but not quick and radical in response to public excitement.—Cincinnati Enquirer.

People Behind Him

But it cannot be doubted that the president's influence would have been far less potential in congress had it not been that in his stand for the regulation of freight rates Mr. Roosevelt is reinforced by public sentiment. — Baltimore Sun.

Thought It Was the Right Thing to Do

It is to be hoped that President Roosevelt appreciates the delicate compliment paid to his administration by his horses when they run away.—New York World.

PERSONAL MENTION

Ryan—A. T. Hellyer, Kobe, Japan; William Cross, Winnipeg; C. L. Burnill, Heron Lake; T. C. Morris, Brandon; J. I. Peterson, New Ulm; R. J. McIntyre, Milwaukee; C. H. Skinner, Kalispell; W. H. Herse, Neenah.

Windsor—P. J. Schwarz, Dodge Center; G. R. Merrifield, Kalamazoo; F. E. Gartside, Winona; E. G. Lawson, New London, Minn.; W. L. Colyer, Morris; E. S. Frick, Marshall; J. J. Hillmer, Winona; C. S. Morden, Barnesville; G. W. Lee, J. S. Shelp, Gladstone, N. D.; J. M. Moore, Winona; W. H. Robilliard, H. F. Kilmer, J. N. Tate, Faribault; T. Condit, Clinton; E. Donaldson, Owatonna; E. S. Judd, Rochester; W. McIntosh, Watertown; E. C. Leiby, Rush City.

Merchants—C. W. McWhorter, Brandon; George Knobland, Carver; C. D. Hickey, Melrose; C. E. Leach, Eau Claire; E. A. Crain, W. E. Petrie, Linton, N. D.; O. Gateley, E. G. Bush, Duluth; C. Olson, Stoughton; F. E. Gerrish, Grand Forks; L. Redding, Lamberton; J. M. Davis, Larimore; Peter Roland, Hanska.

TODAY'S WEATHER

WASHINGTON, D. C., Feb. 17.—Forecast for Saturday and Sunday:

Minnesota, Upper Michigan and Wisconsin—Fair Saturday and Sunday, warmer Sunday; fresh west winds.

North Dakota—Fair and warmer Saturday; Sunday fair.

Iowa—Fair Saturday and Sunday; warmer Sunday.

Montana—Fair Saturday and Sunday, except snow or rain in west portion; warmer in west and north portions Saturday.

St. Paul—Yesterday's observations, taken by the United States weather bureau, St. Paul, W. E. Oliver, observer, for the twenty-four hours ended at 7 o'clock last night—barometer corrected for temperature and elevation. Barometer, 30.14; relative humidity, 86; weather, clear; maximum temperature, 20; minimum temperature, 14; daily range, 6; mean temperature, 17; 7 p. m. temperature, 18; wind at 7 p. m., northwest; precipitation, 0.

Yesterday's Temperatures—

	*8pm	High		*8pm	High
Alpena	17	26	Jacksonville	56	66
Battleford	10	14	Los Angeles	60	68
Bismarck	18	22	Madison	14	20
Buffalo	18	24	Marquette	10	14
Boston	34	38	Memphis	48	42
Chicago	18	24	Medicine Hat	22	26
Cincinnati	26	34	Milwaukee	16	22
Cleveland	20	26	Minnedosa	2	16
Denver	26	30	Montreal	24	24
Des Moines	20	26	New Orleans	56	62
Detroit	16	28	New York	30	34
Duluth	8	14	Omaha	24	28
El Paso	30	48	S. Francisco	40	62
Edmonton	22	28	St. Louis	26	28
Escanaba	12	18	Salt Lake	34	40
Galveston	52	58	San Antonio	46	54
Grand Rapids	18	26	San Diego	60	66
Green Bay	14	20	S. Ste Marie	6	18
Havre	18	28	Washington	36	42
Helena	16	18	Winnipeg	-4	4
Huron	18	26			

*Washington time (7 p. m. St. Paul).
-Below zero.

At St. Paul Theaters

The sale of seats for the Kreisler-Hofmann recital will open this morning at Dyer's. The violinist and pianist will appear next Tuesday evening in a joint recital at the Park Congregational church. Both are distinguished artists, brilliant technicians and performers of great interpretative power.

Fritz Kreisler is the star among violinists the present season in America. He has never before visited St. Paul, but his name is as familiar as that of Joachim, whose legitimate successor in the field of the violin he is held to be.

Josef Hofmann has given several concerts in St. Paul, but none recently. He was better known here as a boy pianist and created a great furore. He is, however, one of the few wonder-children who has grown into an artist. He is as great as a mature artist as he was as a prodigy.

The two artists will appear together in a sonata of Edward Grieg, and Kreisler will play the famous "Devil's Trill" of Tartini. Both will play a number of brilliant solos, the programme closing with the "Tannhauser" overture performed by Hofmann.

William A. Brady's big musical comedy company presenting "Girls Will Be Girls" at the Metropolitan is a novel musical comedy, containing many original ideas,a consistently funny story and a group of characters new to the stage. There are many catchy musical numbers and a large and attractive male and female chorus, displaying fetching costumes. The engagement will close with a matinee today at 2:30 and a performance tonight at 8:15.

One of the most notable successes on the American stage in recent years is George Ade's four act spectacular comedy, "The County Chairman," not a musical comedy, but a comedy telling a story of heart interest, that Henry W. Savage will offer at the Metropolitan opera house, St. Paul, four nights beginning tomorrow night, with a matinee on Wednesday. It is a play that has no frills and furbelows, but a faithful picture of life in a Middle Western village, as it was in the early '80s. George Ade, the author, lived in just such a community.

Enthusiastic press notices have followed Paderewski wherever he has appeared this season in his tour of the United States. Music lovers who will hear him play next Friday evening at the People's church will listen to a great artist at the very zenith of his power.

George Ade and Gustave Luders, when they wrote "The Sho-Gun," the new Korean comic opera which Henry W. Savage is offering this season, strove for a more lasting fame than is usually accorded composers and authors of light musical works and they determined that the best way to attain their desires was to inject sparkle, dish and jingle into "The Sho-Gun," and they did it. The individual musical numbers are said to be among the most catchy heard this season. Mr. Savage's organization will be seen and heard at the Metropolitan next Thursday night.

There will be a popular priced matinee of Hanlon's "Superba" at the Grand today at 2:30. The new version is designed to especially meet the tastes of women and children, although many of the vaudeville features will excite the enthusiasm of the men. The cast and equipment are superior to former years. The scenery is more tricky than ever and the illusions are numerous and ingenious enough to satisfy the most exacting. The last performance will be given tonight at 8:15.

"Lighthouse by the Sea," an exciting melodrama, will be presented again this season at the Grand, commencing tomorrow afternoon. There is said to be no lack of scenic sensations, including the escape of the ship from the rocks while at the mercy of the storm.

The Manchester company will close a profitable week's engagement at the Star with two performances today. The souvenir ladies' matinee yesterday was the most largely attended of the season.

What the Editors Say

The legislature has a big job on its hands this winter, if it expects to reconstruct all the laws spoken of by the reporters. With the new trust laws, labor laws being pushed to the front, the legislator will not be able to sleep many nights, watching the interest of his constituents, eliminating the numerous woodchucks that are stored away in the innocent looking bills. The people will expect every bill under consideration to be thoroughly inspected by its members, and a vigilant censor to be put upon all questionable legislation. In the mass of legislation so far presented, it will indeed be a hard task to perform. Let us give our members all the help and encouragement possible to aid them in this stupendous work.—Austin Daily Register.

It looks as if the legislature were making fish out of one cause and flesh out of another. Admirable as it may be to investigate the inspection and weighing of grain in the state, it is at least equally desirable to investigate accounts that have been subject to so much contention and furnished material for so many apparently well founded charges of neglect of duty or worse. Investigations in both directions should be pushed and help adequate to the work undertaken should be guaranteed. The legislature would seem to need to do a little explaining to its constituents about its attitude towards these two important branches of inquiry.—Grand Rapids Herald-Review.

The revised code which is receiving the diligent attention of the judiciary committees of both houses is more than a revision. It contains a great deal of new matter, and the commission attempted to make laws of its own, and in several instances they have taken unwarranted liberties. The legislature will be wise in finding out what the trap is baited with before it is sprung on the state.—St. Cloud Journal-Press.

The columns of the state press are largely devoted to drainage and immigration. They are vital questions these days—they stand for Minnesota's development and the newspapers by this publicity are certainly contributing their share to the state's growth and prosperity.—International Falls Echo.

Congressman McCleary threatens that when the people of the East put hides and wool on the free list, the West will put the finished products on the free list. Good. Let the battle begin. The consumers will be liberal with their applause and encouragement—Duluth Herald.

The primitive meaning of the word stalwart is, "worth stealing." The heroic manner in which its foes have worked to capture this element in Wisconsin shows that they fully appreciated the value of the original definition.—Hudson Star-Times.

EAST GRAND FORKS LOSES ITS APPEAL

Supreme Court Decides Town Must Pay for Contract Work

Seven decisions were handed down by the supreme court yesterday afternoon for the first time since the justices moved into their quarters in the new capitol.

In the case of the Merchants National bank of the city against the city of East Grand Forks the court held that "the state can compel any of its political subdivisions to recognize and pay obligations which were not cognizable in any court of law, but which are based upon considerations so thoroughly equitable and moral as to deserve and receive favorable legislative consideration," and on this ground ordered the city of East Grand Forks to pay the bank $8,000 due Patrick Thornton on contract work done for the city by him. He had turned the account over to the bank. The lower court decided in favor of the bank, but the city appealed.

The lower court was sustained in the appeal made by Robert W. Edwards, Lewis A. Wood, Forrest B. Wood, copartners as Edwards, Wood & Co. The syllabi:

Merchants National Bank of St. Paul, Minnesota, respondent, vs. City of East Grand Forks, appellant.

Chapter 362 of the laws of 1903, entitled "An act relating to public improvements heretofore or hereafter made in all villages and in cities of 10,000 or less inhabitants, to the levying of assessments to defray the expenses thereof, and to the issuance of evidences of indebtedness in anticipation of their collection," is not obnoxious to the constitutional provision that "no law shall embrace more than one subject which shall be expressed in its title."

A vested right to existing defenses is under the protection of the law, save only as to those defenses which are based on infomalities not affecting substantial rights, which do not touch the substance of the contract and are not based on equity or justice.

The state can compel any of its political subdivisions to recognize and pay obligations which were not cognizable in any court of law but which are based upon considerations so thoroughly equitable and moral as to deserve and receive favorable legislative consideration.

A decision of a person designated in contract as the final arbitrator as between the parties to that contract is conclusive upon them, in the absence of fraud or of such gross mistake as would necessarily imply bad faith or of failure to exercise honest judgment.

An act of the legislature may constitutionally require a city to pay a third person, to whom a contractor assigned outstanding warrants, signed by a mayor and indorsed by the city treasurer as payable in the future, which are based on estimates issued by a city engineer, upon whom the contract confers large, if not conclusive powers of determination, and approved by the city council.

The curative effect of such an act is here held applicable to the right of recovery based on a detailed examination of the legal effects of the facts that the warrants exceeded the statutory limits of city indebtedness; that no mony was in the city treasury to pay the warrants and no provision made for obtaining it; that no bond was given as required by statute, to pay claims for work and material; and of the legal effect of the claim that the contract was not performed and that the work done was of no value but was a postive injury to the city.

Judgment affirmed. —Jaggard, J.

A. L. Steidl, respondent, vs. The Minneapolis & St. Louis Railroad Company, appellant.

1. Where the bill of lading issued by the initial carrier for goods to be transported over several connecting lines of railroad, and which may be forwarded over different lines to the place of destination, contains no directions or agreement on the subject, the right to designate the route of transportation rests, by implication of law, with the carrier and becomes a part of the contract.

2. The right is not absolute or inalienable, however, and the contract in this respect may be changed or modified by subsequent parole agreement between the shipper and the carrier.

3. The evidence is examined and held to sustain the verdict of the jury to the effect that such an agreement was made between the parties in the case at bar, and that it was founded upon a sufficient consideration; and its violation by defendant entitled plaintiff to damages.

Order affirmed. —Brown, J.

John Kelly, respondent, vs. Patrick Daley, appellant.

Findings of the trial court held to show that the trespass complained of by plaintiff was committed upon the land described in the complaint, and the judgment appealed from is affirmed. —Brown, J.

Emern McAllen, appellant, vs. Peter W. McAllen, intervenor; Fred A. Hodge and Carrie E. Hodge, respondents.

Appellant procured a divorce from intervenor on the ground of cruelty. After the decree and divorce, the parties entered into a written contract whereby, in consideration of $7,000 cash and the execution and delivery of a bond for $3,000, plaintiff released and discharged all claims and causes of actions he had or claimed to have against any and all persons for the alienation of her husband's affections, and agreed not to bring or cause to be brought any action or proceeding against any person for the recovery of damages on that account. This action was brought against defendants Hodge for the purpose of recovering damages for the alienation of her husband's affections, and in defense thereof plaintiff's former husband intervened, setting up the written contract referred to. In answering the intervening complaint, plaintiff alleged that the contract was entered into in consideration and in pursuance of a prior agreement made while husband and wife, to the effect that if plaintiff would withdraw a former action of divorce pending, and interpose one upon the ground of cruel treatment, the intervenor would make no defense thereto and would pay plaintiff the sum stipulated in the contract.

Held, that the contract, while valid upon its face, according to the facts pleaded in the answer, if true, was void as against public policy. But plaintiff attacks the validity of the contract for the purpose of enabling her to violate its terms by prosecuting the action against defendants. Under such circumstances the law will not assist her to thus take advantage of her own wrong.

Order affirmed. —Lewis, J.

Joseph Nebert, respondent, vs. Interstate Iron Company, appellant.

Personal injury action to recover damages sustained by the plaintiff by falling into an uncovered and unguarded ditch. Held:

1. The alleged negligence of the defendant and the contributory negligence of the plaintiff were made by the evidence questions of fact for the jury.

2. Requested instructions, though correct, need not be given to the jury by the court if they are fairly and substantially covered by the general charge. Certain requests by the defendant were rightly refused for this reason.

3. Where requests are argumentative or prolix, repeating in different language substantially the same propositions thereby giving undue prominence and emphasis to the claims of the party making them it is a fairer and better practice for the court to refuse them and to give correctly and concisely in its general charge the propositions of law embraced in the requests.

Order affirmed. —Start, C. J.

Anna S. Olson, respondent, vs. The Chicago, Milwaukee & St. Paul Railway Company, appellant.

This is an action to recover for damages which the plaintiff claims she sustained by being jerked from the steps of the defendant's car by its being started while she was in the act of alighting therefrom. Held:

1. Her alleged contributory ngeligence was a question of fact and the finding of the jury thereon is sustained by the evidence.

2. The damages are not excessive.

3. The plaintiff was entitled to recover damages for all of the direct consequences of her injuries, future as well as past, but only for such future consequences as were shown, to a reasonable certainty, would result from her injuries.

4. There was no reversible error in the charge of the court to the jury, nor in its refusal to charge.

Order affirmed. —Start, C. J.

News Condensed

London—The house of lords discussed at great length the action of Sir Anthony MacDonnell, under secretary for the lord lieutenant of Ireland, in assisting in the formulation of Lord Dunraven's reform scheme for Ireland. Lord Dunraven and Foreign Secretary Lansdowne defended the under secretary, but Lansdowne said MacDonnell erred in sanctioning the devolution scheme.

Philadelphia—Alfred H. Love, president of the Universal Peace union, has received a letter from Secretary Hay in response to Mr. Love's suggestion that the government should make an effort to bring about peace in the far East. Mr. Hay promises this will be done when opportunity or humanity permits.

New York—Christopher Smyth, alias "Sandrock," the young man who committed daring robberies by holding up wealthy residents in this city in their homes and compelling them to pay him money, was sentenced to twenty-five years in state prison.

Chicago—In a struggle with a colored burglar armed with a knife Mrs. Minnie Meyers was stabbed and the negro was wounded with his own weapon, which had been snatched from him by Mrs. Meyers. She was not badly hurt. The burglar was caught.

Washington—The state department has invited the attention of the Russian government to the fact that three officers of the Russian transport Lena, who were interned at San Francisco, have broken their parole and are now in St. Petersburg.

Pittsburg, Pa.—The National Fremont association, composed of men who took part in the formation of the Republican party in this city in 1856, have accepted an invitation to participate in the inaugural ceremonies March 4.

Chicago—Earl H. Prince, a board of trade broker, was arrested here today on a charge of larceny. Customers of Prince in Elgin, Ill., assert they gave agents of Prince money to invest for them and have received no accounting.

New York—Practically all the leading carpet manufacturers have advanced prices from 2½ cents to 5 cents. This is caused by the war in the far East which has cut off the supply of carpet wools from Russia and China.

Logansport, Ind.—Fifty girls employed in a steam laundry were thrown into a panic by the breaking of an elevator. Four girls, who were in the elevator when it fell, were injured, two being in a critical condition.

Cairo—An American Egyptologist, Theodore M. Davis, has discovered a royal tomb in the neighborhood of Luxor, full of antiquities, including intact sarcophagi, a chariot, furniture and other relics of a past age.

San Francisco, Cal.—Orders have been issued appointing a board to investigate an alleged shortage of the accounts of Capt. Jacques De Lafitte, quartermaster of the transport Logan, now in this port.

Amherst, Mass.—As the result of recent trouble growing out of a charge of ungentlemanly conduct at the Massachusetts agricultural college, the senior class has voted to withdraw from the college.

New York—One thousand employes of the Interborough Rapid Transit company have determined to again make sweeping demands on the management with a strike as an alternative.

New York—District Attorney Jerome notified counsel for Nan Patterson, accused of murdering Caesar Young, that a new trial of her case will be begun March 6.

Paris—The minister of marine says there is no reason to doubt the safety of the Charcot antarctic expedition, as Dr. Charcot had not planned to return before April 1.

Denver, Col—The eight-hour bill, amended so as to apply only to what it defines as "dangerous employment" in mines, mills and smelters, passed the house.

Vienna—The Hungarian cabinet crisis is as far from actual settlement as it was when Emperor Francis Joseph received Francis Kossuth in conference Sunday.

Dover, Del.—Six union Republicans broke away from Addicks in the ballot for senator—the first break from him since he became a candidate ten years ago.

Washington—A parcel post treaty between this government and great Britain has been signed by representatives of both powers, and takes effect April 1.

Smithville, Tex.—A negro charged with assaulting Mrs. Powell Tiffany was captured and shot to pieces by a mob. He made a full confession.

Richmond, Ind.—Charles E. Shively, supreme chancellor of the Knights of Pythias of the World, will establish lodges in London, Eng.

New Orleans—Cardinal Gibbons arrived and was driven to the home of his brother, John T. Gibbons.

Among the Merrymakers

He Knew the Rules

Tommy—He called me a name agen, so I jist grabbed him 'round de neck wid me left arm an' soaked him good wid me right an'—

Mother—Oh! Tommy, Tommy! You musn't fight like that. It isn't right—

Tommy—Aw! w'at do you know about it, Mom? Hittin' in de clinches ain't barred.—Catholic Standard.

Would Square Matters

On one occasion, when Robin Allison, who was beadle at Kilwinning, had carried some goods for a traveler visiting his customers, he was delighted with a dram over and above his pay.

"'Deed, that's rale guid o' ye, noo," said Robin; "but maybe I'll be able to dae ye a guid turn yet. Ye ken I'm the gravedigger. Dae—dae ye like your head high?"—London Tit-Bits.

Handing Him An Excuse

"Won't you join us?" she inquired of the man who had come up to the table where high balls and cocktails were being served.

He sat down and shook his head. "No, I'm on the water wagon now."

"Don't you," she asked, looking up at him archly, "ever get off to pick up the whip."—New York Press.

Surprised

"Did that medium show you anything that surprised you?"

"Yes," answered the inquisitive man. "After certain demonstrations with a guitar and tambourine I was astonished to find that my friends in the spirit world had become such bad musicians."—Washington Star.

His Way of Finding Fault

Customer—Have you any more oranges like the last ones that you sent me?

Grocer—Yes, sir.

Customer—Well, give me something different.—Somerville Journal.

In the Polar Frost

Hectic Hiram—What do you carry that chunk of ice around with you for?

Icicle Ike—Oh, that is a memento. It is the tears my last sweetheart shed when I left her.—Chicago News.

Mean Thing

"Your appetite is like a bird's."
He said to coy Miss Charmer,
She never knew till afterwards
He was an ostrich farmer.
—Philadelphia Press.

Very Simple

The Ingenuous One—I wonder how Isabel manages to preserve her complexion.

The Knowing One—Oh, she just keeps it in a cool place, tightly corked.—Smart Set.