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BY H. P. HALL

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ST. PAUL, THURSDAY, JUNE 10, 1880.

GEN. GRANT'S congratulations to Garfield on his nomination have not yet come to hand. Is he waiting for the convention to reassemble and reconsider its action, or is he still fighting it out?

Equines of a sombre hue are at a premium just now. Which of those animals of the Democratic persuasion will be the lucky one? is the question now uppermost in the public mind.

THE Republican literary bureaus had better disband. They have spent a great deal of money and wasted a good deal of white paper that might have been better used, and have accomplished nothing.

THE National Greenback convention assembled at Chicago yesterday. The hall had been thoroughly cleaned and fumigated after the adjournment of the Republican convention, and no danger of infection is apprehended.

PROPHETS are without honor now-a-days. Those who predicted the success of this or that candidate for the past three months are now ready to crawl through any convenient knot-hole. It is always safer to predict results after than before a convention is held.

THE St. Louis Globe-Democrat, the original Grant boomer, sententiously sums up the result of the first day's balloting at the Chicago convention thus:

Grant and Sherman: 307 and 92; total, 399. The total indicated was the vote received by Garfield. Did the G.-D. intend to be the qualities most looked for prophetic?

sulted in the election of a Seymour delegation to the State convention for the selection of delegates to Cincinnati. He has a considerable majority of the entire number chosen, and all the remainder are anti-Tilden. It is evident that Tilden will have but small support at the West.

tion with a very poor opinion of American other man in the Republican party. It re. politicians. It is not to be wondered at. If mains to be seen whether the Cincinnati his escort had wished him to carry away a convention will be wise enough to nominate good opinion of our people, he should have these men. A mistake on the 22d inst. will. Cincinnati, where he would have seen a the Democratic party. gathering of representative statesmen.

GRANT is now at liberty to accept the presidency of the Interoceanic Canal companyif he can get it. He may discover, however, that the name of a defeated candidate for the Presidency does not possess the talismanic power of the name of one who has twice been President and had received kingly honors in all the countries in the world.

The defeat of the Grant, Blaine, Sherman and Washburne rings at Chicago is a matter for congratulation not alone to the Republican party but to the country at large. These cliques have domineered over the country far too long for its good. They have been close corporations governed only by selfishness, swayed only by greed of gain and political preferment. There never was a time or a nation in which ring rule was so all-pervading as during the past twenty years or destruction of his eyes was a very narrow in this country. If one or the other of these factions could not control a man's actions they endeavored to destroy him. It has been a part of their policy to rule in such a manner as to enable them to ruin when the opportune moment arrived. They generally worked in concert, and only antagonized each other in the conventions of the party.

The defeat of Grantism is the defeat of the monarchical idea in American politics. Grant is a despot both by nature and education. His supporters brought him forward because of this trait in his character. He was extolled by them as a strong man-the only man in the country who could hold the South in subjection. He represented the idea of force in government as distinguished from a government of the people by themselves. Besides, his friends sought to overthrow the unwritten law of the land which has so repeatedly pronounced against a third term of the Presidency for any man. If this idea were abandoned there would be no hinderance to the continuance of any man in the office for the term of his natural life. Thus the theory of our government would be revolutionized, and the next step would be to create a hereditary Presidency that would soon degenerate into an absolute

While the Republican convention has undoubtedly scotched this serpent, it has not killed it. It will, without doubt, make its appearance before long in another form. It may take the shape of an endeavor to make Grant captain-general of the army, with such powers as will practically place him above and independent of the President of the United States. In such a position, which he will crave, now that he has been denied the White House, he would be able to accomplish a great deal of mischief. It was while Napoleon occupied a similar position in the salle street, Chicago,

armies of France that he was enabled to lay his plans for the erection of the empire. In such a position an unscrupulous, ambitious man like Grant might pave the way for the overthrow of the American republic. Yet the danger in this direction is not imminent, for as long as the Democratic party retains power in Congress care will be taken that no such powers will be conferred upon any man, no matter what his services in the

past may have been. Blaine, like Clay, Webster, and many other distinguished men who aspired to the Presidency, will die without realizing his ambition. He will continue to lead his party in the Senate till a man of greater ability or force of character usurps his place. Then he will pass from public notice forever. Sherman will continue to be what he has been in the past-greedy of office, and willing to accept the lowest position if disappointed in obtaining the highest. He will never be President, however, even four years hence.

The defeat of the trio of Senators who sought to bully the convention into nominating Grant will be apt to greatly lessen their influence, not alone in the republic at large but in their own States. They have aroused animosities that will not be easily allayed, and will be confronted, hereafter, by determined opponents in their own party where, heretofore, all obeyed their slightest beck. The result will not be seriously mourned in any quarter.

THE TWO TICKETS.

The GLOBE is free to acknowledge that the Republican party made a judicious and strong nomination for the office of President. That nomination is handicapped, however, by the very bad nominee for vice President. Mr. Garfield might have hoped to draw largely from the conservative Democratic strength were it not for the fact that he has been loaded with a dead weight in the person of Mr. Arthur, a man utterly unfit to fill any position in the gift of the people. Mr. Garfield is a man of good average parts, who has few enemies, except those he has made by his political course. Mr. Arthur has few friends, and these he has made from the ranks of those who are of the purchasable sort,-easily won by some small favor rendered. He is the pliant tool of Conkling, and would do the bidding of his master without questioning whether it was right or wrong.

Mr. Garfield, if elected to the Presidency (which he will not be) might make an able, honest and acceptable official. But he has no surety of life till the end of the term which commences on the 4th of March next. If he should die the office of President would revert to a man utterly unfit to discharge its duties, incapable of appreciating its responsibilities, and too much of a slave to party and too much of a self-seeker to administer them honestly if he could comprehend them.

The Democratic party can beat the Chiago ticket if it acts wisely. It cannot do so, however, if it places in nomination men whose records are questionable either as to their political consistency or their personal integrity. They must be men of broad views and statesmenlike qualities, who are known for their ability and for their patriotism-men who combine in those who are called upon to administer THE Democratic primaries in Chicago re. the affairs of the nation. There are plenty of the entire country, and whose Democracy is unquestioned, who could consolidate the entire party vote and draw largely from those Republicans who are disgusted with stalwartism! and its fruits, with ring rule, with extravagance, and with corruption. There are men who can carry the pivotal PRINCE LEOPOLD left the Chicago conven- States of the North against Garfield or any waited till the 22d and conducted him to in all probability prove fatal to the future of

A Frightful Accident. Mr. Thomas Whitney, superintendent of the famous Rock county farm, of Rock county, Minn., is at the Merchants hotel under surgical treatment, he having met with an accident, frightful to think of, but from which he escaped, fortunately, despite severe and dangerous injuries. Mr. Whitney was Monday riding on a load of lumber, at or near the farm, and driving down a hill, when part of the load slipped forward, pushing him off. He fell under the feet of the struggling horses and had his face badly cut and bruised, his left cheek bone shat tered and his nose crushed. Apparently by one of the corks of the horses' flesh was cut to the bone and the bone broken directly under his left eye, but the eye escaped injury. The surgeons in attendance upon him promise to have him able to attend to out-door business in ten days, with his face restored to its natural shape and hope that his injuries will be in no way permanent. But this escape from death

Mr. George Palmes resides on Summit avenue near Chestnut street. His residence is surrounded by a fine landscape view and the lawn is bedecked with some of nature's choicest offerings. Among other objects of beauty, he boasts of a magnificent ash, the gracious umbrage of which scatters a rereshing shade over the dwelling.

About nightfall Tuesday, the occupants of

the house were attracted by the strange spectacle of a man at work on the tree Closer inspection revealed the fact that he was armed with an augur and was in the act of boring a tremendous hole in the trunk of the tree. Mr. Palmers rushed out, naturally enraged at the outrage. The beautiful tree had been tapped and it is feared ruined. A reason was asked for the strange conduct, when the man calmly replied that he suffered from rheumatism, and that he had a premonition that tapping the tree would effect a cure. The astonishment and indig-

The River and Boats.

nation of the owner may be imagined. What

At 7 A. M. yesterday the water mark here was 10 feet 101/2 inches, to which the rise vesterday and last night has probably added

The Red Wing was in and out yesterday with good passenger and freight lists both

The Tidal Wave will be in to-night to eave for St. Louis to-morrow. The Diamond Jo came in last evening anloaded and started during the night on her return trip.

The Libbie Conger will be in to-morrow evening and will leave fer St. Louis at noon Saturday. The way freight and passenger business of

the river boats is said to be much larger this eason than in any previous year.

Use Wm. Clarke & Son's HELIX NEEDLES Factory at Redditch, England, Office 157 La-

THE "OLD FIRST."

Second and Closing Day's Proceedings-Reports of Committees, Election of Of-

Yesterday morning broke rather gloomy with promise of rain, seriously interfering with all anticipated pleasure from out door exercises. This dismal outlook deterred nany from visiting the camp of the "Old First" at White Bear Lake. The heavy shower of Tuesday night marred the pleasare of the dance which had been arranged to ake place in the pavillion. The Stillwater cornet band was on hand and large acces sions had been made to the number present on Tuesday. The old veterans, however, gallantly supported by a number of raw recruits. were not to be balked of their fun and 'mine host" Greenman of the South Shore nouse threw open the doors of his popular nostelry and placed his dining room at the disposal of the merry throng, and while the nents were holding high revelry outside, within all was joy and pleasure, and old and young "chased the glowing hours with fiving feet" until aurora, peering through the murky clouds, announced the fact that another day had dawned. But few hours were devoted to sleep, before the reveille sounded and breakfast was announced. This disposed of all hands scattered in every direction, some for a sail, some for a row on the lake, and others for a stroll along the shores. The ousiness hour had been fixed at 10 A. M. but the boys had come out for a good time and they were bound to have it whether the sun shone or not. It was in vain that President Marty tried to get them together, and at last he gave it up with the philosophical remark: "Never mind, we'll capture them when dinner is ready." sequel showed that the President of the asociation is a good judge of average human nature, and of the members of the "old first" especially. Not one was missing when the long roll was beat, but all fell in with a promptitude born of a sharpened appetite rom the morning's exercises.

Upon the roll being called the following members were found to be present, in addi tion to those reported yesterday, Stephen Lyons, Company A., Wayzata; Ed A. Stevens, Company B., Minneapolis; J B. Gilman, of Rosemount; C. B. Tirrell, of Company C; C. B. Heffelfir ger, H. A. McAllister and H. M. Martin, of Minneapolis. Company D; C. Leathers and S. B. Sutton and P. E. Ovitt, of Minneapolis, company E; H. E. Scott and James Imerson, of St. Paul, company F; E. L. F Miller, of Winsted, McLeod county, com pany I; P. Hoffman, of Sauk Centre, mer, and J. B. Willey, of St. Paul, drum-

It was nearly 2 o'clock before the meet ing was called to order, with president Marty in the chair. Capt. R. L. Gorman secretary of the association, read the min utes of the last meeting, which were ap-

Letters regretting their inability to be present, were read, from Hon. Alex. Ramsey, Hon. Wm. Windom, ex-Gevernor Miller, Hon. I. Donnelly, Hon. M. S. Wilkinson Dr. J. H. Stewart, H. O. Fifield, of Menom nee, Michigan, and R. Smith Mowry, or Providence, Rhode Island. Myron Shepard, treasurer of the associa

tion, reported \$32 in his hands, and \$101.49 in the hands of his predecessor. The committee on obituaries made the

following report: The surviving veterans of the First regiment of Minnesota volunteers desiring that their records shall bear some slight memorial of their regard for their comrades recently deceased, direct their secretary to make the following entries upon their records:

1. That Gen. Alfred Sully, for a long time colonel of our regiment, realized our ideal of the highest type of a gallant officer. As a commander he was prompt and brave in action, and kind and considerate in camp and more fully the esteem and confidence of his men. Our reverence and love for him was like that of children for a parent, and his memory and well earned fame will always remain among our most cherished recollec-

tions connected with our military service. 2. That Captain John Peller, so long the adjutant of our regiment, was a most worthy and callant soldier, brave in the field and efficient in his official station, and deservedly enjoyed the regard of his comrades of every

E.; Wesley Bayley, Co. A.; Henry Hubbard Co. H.; Fred Bernds, Co. B., were gallant and deserving soldiers, each in his station always performing well his whole duty, and we their comrades will ever hold their memory in honor.

The report was adopted, and a copy of se much as referred to Gen. Sully ordered sen to his widow.

The deaths for the past year were reported as follows: Lieut. Geo. S. Boyd of Minneapolis, Co. E; Maj. Mark W. Downey, of Farindina

Florida; Andrew M. Causland, of Crysta Lake, Co. C; John G. Densmore, of Stillwater, Co. B; Peter Berg, of Chicago, Co. F; Henry W. Wilgus, of Minneopolis Co. D. A petition was signed by all the members

present, and ordered forwaded by the secretary to the Senate and House of represen tatives, asking that the pension allowed to Maj. Downey be continued to his widow. On motion of Capt. C. B. Tirrell the old officers of the association were re-elected for

the ensuing year as follows: President-Adam Marty of Stillwater. Vice Pres't-Wm. Lochren of Minneapolis Secretary-R. L. Gorman of St. Paul. Treasurer-Myron Shepard of Stillwater President Marty returned his thanks for

the honor, and promised to work for the in terest of the association in the future as he had in the past. The old sommittee on obituaries, Wm Lochren chairman, was also continued. On motion it was decided to leave the

time and place for the next annual re-union to the officers of the association. Capt. Gorman brought up the subject o aiding members to secure pensions, but without any action the meeting adjourned sine die, and Nick Mathies shouldered the colors, and the thirteenth annual meeting of the "Old First" veterans became a thing of

THE COURTS. Before Judge Wilkin.]

D. A. J. Baker vs. the board of county com missioners of Ramsey county; action for return of certain property. Verdict returned in

Probate Court [Before Judge O'Gorman.] In the matter of the estate of Edward Simons, deceased. Albert Armstrong appointed

administrator. Bond filed, approved and let In the matter of the estate of M. Pierce, de ceased. Will filed, with petition for probate of same. Hearing July 6th.

Municipal Court. [Before Judge Flint.] CRIMINAL.

The city vs. John Lee; drunkenness, ser ence suspended. The city vs. Patrick Kelly and Matt Henley misance and violation of market ordinance

The city vs. Thomas Brady; fast driving.

Fine of \$10, paid and discharged.

The city vs. John Putz; nuisance. Costs paid The city vs. John Wentworth; driving on sidewalk. Sentence suspended.

The city vs. John Lahr; disorderly conduct.

Warner & Foote vs. F. Steinhart. Taxation of cost by the clerk approved.

DIOCESAN COUNCIL.

First Day of the Episcopal Council at Faribault-Bishop Clarkson in Attendance-Reception by Bishop Whipple Last

The twenty-third annual council of the diocese fof Minnesota met in the Cathedral at Faribault yesterday, June 9th, at 9 A. M. The processional hymn was the two hundred and second, and the procession entered the Cathedral through the middle aisle and passed down to the chancel.

The Rev. S. K. Miller, of Le Sueur, read morning prayer to the litany, Rev. Chas. A. Cumming, of Duluth, reading the first lesson, and Rev. Jas. A. Gilfillan, of White Earth, the second lesson. The litany was read by Rev. F. J. Hawley, D. D., of Brainard. Mr. Van Vliet, of St. Mary, presided at the organ. The ante-communion was read as follows: Decalogue, Bishop Whipple; Epistles, Rev. Dr. Watson, of Red Wing; Gospel, Dr. Knickerbacker, of Minneapolis. The Nicene Creed was then chant ed, after which Bishop Whipple announce that Rev. E. J. Purdy, of Winona, who was to have delivered the sermon, was unable to do so on account of personal illness.

REGULAR SESSION. The Council was called to order at 11:30 A. M., by the Bishop of the diocese, and the Rev. Chas. Coer. of Rochester, secretary of the last Council, called the roll of clerical and lay delegates, and there were found to be present, Bishops, 2; clergy, 35; lay delegates, 20. The Bishop introduced Bishop Clarkson to the Council, and invited all to his reception. The Bishop announced his address at 7:30 p. m., after which a parade by the Shattuck cadets.

On motion Rev. Chas. T. Coer was re-elec ed secretary, General J. H. Simpson, of St. Paul, treasurer of the diocese, and S. A. March treasurer of the Episcopal fund. Standing committees were appointed by the chair as follows:

On Organization and Incorporation Rev. E. Livermore, Messrs. Daniel and Joss.

and Joss.

On Privilege—Revs. S. K. Miller, Jas.
Cornell, Mr. Jarrett and Geo. Stocking.
On Legislation—Rev. J. S. Kidney, D. D., G.
Wattson, D. D., Hon. E. T. Wilder, Hon. G. On Finance—Rev. D. B. Knickerbacker

Hon. W. Young and O. Wheeler.
On the State of the Church—Revs. T. M. Riley, E. S. Peake, Maj. Lewis Stowe and Capt. W. P. Spalding. On Unfinished Business—Revs. E. G. Hunter and W. C. Pope.
By recommendation of the Bishop, on motion

of Rev. Dean Livermore, the order of business was suspended, and election of missionary committee took place. On motion the deacons of the several conventions were placed on said committee for this year.

Treasurer of Episcopal fund's report read by Dr. Knickerbacker. Treasurer of the diocese's report read by

Both reports referred to finance committee On motion Rev. E. S. Thomas, the bishop, was requested to appoint a committee three to nominate a missionary board. He appointed the deacons as such committee. The committee on legislature's report was read by Rev. Dr. Kidney, and the committee

A committee of three, on a was appointed by the chair, as follows: Rev. Thomas, Rev. Wilson, Rev. Riley.

Recess till 3 P. M. AFTERNOON SESSION.

The council reassembled at 3 p. m., Bishop Whipple in the chair. Roll called and order of business proceeded with. Special committees made their several reports, which were disposed of as usual.

A report was adopted accepting an invitation to hold the next annual council in Stillwater.

The next of the afternoon session was council adjourned until 7:30, at which time the bishop's address was delivered to a very large audience, after which a general recepwas held by bishop and Mrs. Whipple, at the Episcopal residence.

The Shattuck Cadets gave a dress parade at 7 P. M. in front of the bishop's house.

It was reported, last night, that thieves had entered the residence of Mr. McArdles, No. 166 Wabashaw street, yesterday afternoon, and burglarized the house. Inquiry concerning the affair developed the following information: About noon, yesterday, Mrs. McArdle had occasion to go up stairs, and, on reaching the landing of the second story, she was confronted by a well dressed and genteel looking fellow, who inquired for the apartments of Mr. Davenport. No time was given for an answer, and, without further ado, the stranger bolted for the front door and was off. The lady collected her bewildered senses, and, upon going into the rooms, it was discovered that the man had ransacked the bureau drawers. The lid of a trunk was also open and the contents scattered about the room. He was in the act of going through the trunk when he heard footsteps, hence the trumped up inquiry about a Mr. Davenport. The thief was in search of money, and would have gained his object if given a few minutes onger, as the trunk contained considerable currency. No goods were taken.

The following typographical errors occurred in the article of J. W. McClung on the Philadelphia system of long leases:

delphia system of long leases:

Instead of, "Mr. Byron Woodward has provided me one of the deeds," read, "Mr. B. W. has forwarded me," etc. Instead of, "he is the owner of the fee subjecting to the ground rent," read, "subject to the ground rent." Instead of, "he may pay the principal and stop this at most any time," read. "he may pay this and stop the interest any time." Instead of, "Mr. W. offers to sell, on this plan, lots in "Mr. W. offers to sell, on this plan, lots in Woodland terrace, and Summit parks," read, "Woodland, Terrace, and Summit parks." In-stead of, "attract hundreds as permanent owners to St. Paul," read, "attach hundreds as permanent owners of St. Paul."

Dispatches from Bismarck dated Tuesday evening, addressed to General Agent Sanborn at the Northern Pacific headquarters say that the Butte, from Sioux City for Fort Benton, took on at Bismarck 85 tons of Powers freight and several passengers. The Rosebud left for Benton at 6 P. M., taking 41 tons of Coulson freight, and a large number of passengers, including a detachment of the Northwest mounted police of Canada numbering 50 or more.

THE MILLERS' CONVENTION.

Award of Prizes for Excellence CINCINNATI, June 9 .- The millers' international exhibition is now in full and successful operation, the mills are at work, and the Vienna bakery daily turning out quantities of delicious bread, for which there is an active demand. The judges have made the following awards on flour: Spring wheat patent, gold medal, Washburn, Crossby & Co., Minneapolis; silver medal, same firm; bronze medal, same firm. Spring wheat straight, gold medal, Leonard Day & Co. Minneapolis; silver medal, Crossby & Co.; bronze medal, Iron Mountain mills, St. Louis. Spring wheat clear, gold medal, Hinkle Bros., Minneapolis. Winter wheat patent, gold medal, J. C. Boyle, Sparta, Wisconsin; silver medal, John Huegly ta, Wisconsin; silver unda, Wagoner Naskville, Illinois; bronze medal, Wagoner Wissonri. Winter & Gates, Independence, Missouri. Winter wheat straight, gold medal, Atlantic Milling company, St. Louis; silver medal, Jos. Gordon & Co., Sparta, Illinois; bronze medal, A. A. Taylor, Londonville, Ohio.

AS YOU LIKE IT.

The Supreme Court on the Social Evil Ques tion-As Many Opinions as there are Judges, but a General Conclusion that Ordinance No. 10 does not Prevent State Prosecution.

Supreme Court, October Term, 1879. The State of Minnesota, plaintiff, vs, Annie

Oleson, defendant. Syllabus-State vs. Charles, 16 Minn., folowed and approved as to the points that the charter of the city of St. Paul has not transferred and vested in the city exclusive juris-diction over the offense of keeping a house of s not superseded by the city ordinance upon

Upon the questions raised in the defendant's second special plea in the case, the members of the court are unable to agree, the chief justice holding that the city ordinance involved is valid, and that a conviction under it is a valid conviction, and a bar to a subsequent indict-ment for the same act. Mr. Justice Berry holding that the ordinance is invalid, and therefore that a conviction under it is not a bar to such subsequent indictment; and Mr. Justice Cornell holding the ordinance to be valid, but that a conviction under it is no bar to such subsequent indictment.

The decision of the court below on the demurrer of the first special plea held correct, and its decision on the demurrer to the second

special plea held erroneous. Associate Justice Cornell.

[Supreme Court, October term, 1879.] The State of Minnesota, plaintiff, vs. Annie Oleson, defendant.

I fully concur in the opinion of my associate justice, Berry, that the precise question raised by the demurrer to the second plea of the defendant in this action, was presented to this court and authoritatively and correctly decided in the State vs. Charles, 16 Minn., 474; and that in following the adjudication in that case, the demurrer to this plea must be sustained. The question raised to the demurrer to the defendant's third plea is whether the latter is good as a plea of a former conviction for the same offense, as that charged in the indictment herein. The plea is as follows: "That she (the defendant) has already been duly convicted and punished under the charter and ordinances of he said city of St. Paul of and for the said offense of keeping a house of ill-fame, resorted to for the purpose of prostitution committed at said city of St. Paul and in said county of Ramsey, on the 1st day of January, A. D. 1879, and on divers other days and times of this indictment, and has paid the penalty and suffered the punishment therefor in accordance with the provisions of the charter second plea, which said conviction is for the ame offense and the same specific acts of offense as regards all matters and things in the aid indictment charged, which said conviction and punishment was had by the judgment of the municipal court of the said city of St. Paul, on the 19th day of April, 1879.

In construing this plea, regard should be had to the familiar rule that nothing contained in a pleading is to be taken as admitted by a lemurrer except such facts as are material and well pleaded. The averment of due conviction s but a legal conclusion drawn by the pleader from the facts stated, and is not admitted. The former conviction which is plead, is stated to have been under the charter

linances of the city of St. Paul, and by the municipal court of that city. Unless it was within the jurisdiction of that court, and the provisions of some ordinance authorized by the harter, of course it was null and void. Outside the allegations of the plea the court can take no judicial notice of the particular terms and provisions of the ordinances therein referred to. (City of Winona vs. Burke, 23 Minn., 254.) But whatever their character, it is clear they can have no legal validity except as authorized by the charter of the city, in pursuance of

which they were adopted.

The charter of the city of St. Paul does not attempt to confer upon its common council any authority to pass ordinances in respect to any offenses amounting to felonies which may its laws, nor for the trial, conviction and punshment of persons guilty of such offenses. The power which it gives by express and spe cific grant to enact ordinances for the purpos "to suppress houses of ill-fame" within the city, "and to provide for the arrest and punishment of the keepers thereof by a fine not exceeding \$100, and imprisonment in the city or county jail not exceeding thirty days," (ch. 4 of city charter, sub. 3 and 35 of days," (ch. 4 of city charter, sub. 3 and 35 of sec. 2) confers no authority to provide for the punishment of any offense committed against the State by any keeper of such house in vio-lation of its laws, and any ordinance enacted with that view and of that character must be a nullity, and a conviction thereunder void. And yet this must have been the character of the ordinance under which the alleged former conviction was made, if it is conceded that it was for the same offense charged in this indictment, for that clearly charges an offense committed against the peace and dignity of the State and contrary to the forms of the statute, and not in violation of any ordinance. Furthermore, as the offense alleged in the indictment is a felony under the laws of the State (Gen'l Sts. 1878, ch. 91, s. 28, ch. 100, s. 9 former conviction for the same offense by the municipal court of the city of St. Paul w e of no effect whatever and could not subject the defendant to any penalty or punishm jurisdiction to pronounce any judgment con-cerning an offense of that character. It was only triable upon indictment properly found by a grand jury and by a court of competent jurisdiction to try indictments. The municipal court is invested with no such juris-The plea is therefore clearly bad so far as it attempts to set up a former conviction and punishment for the same offense. It is suggested, however, that the plea may be sustained, for the reason that it sufficiently alleges that the former conviction and punishment, under the ordinances, was for the same specific act of the offense charged in the indictment, and this perhaps raises the question both as to the validity of the ordinance and the effect of a conviction thereunder as a bar to any prosecution by indictment founded upon the same act.

The statute upon the subject, and upon which the indictment is based, enacts that "whoever keeps a house of ill-fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprison-ment in the State prison not more than one year nor less than six months, or to a fine not exceeding three hundred dollars nor less than one hundred dollars." Assuming that the or-dinance under which the alleged former con-viction was had, in terms prohibited the keeping of any such house within the city, under a penalty for its violation not in excess of that prescribed by the charter, it was not in my opinion unauthorized or invalid.

Keeping a house of this character, which the statute denounces as a felony, without reference to the place of its location, was an offense at common law because of its evil influence and effect upon the public morals. Keeping it in a crowded and populous city where its per-nicious influence is ever present and constantly felt is a circumstance greater in aggravation breeding place of vice and crime, it is a continual menace to the orderly government of the city, creating, in the affrays and mischiefs it causes, a necessity for increased taxation for the preservation of its peace and quiet. These are special evils that directly and specially affect the city as a municipal government, which are not provided for by the statute, as they do not affect the State at large, or at most only remotely and in a much less degree. Their suppression is essential to the welfare of the municipality, and to enable it to accomplish the purposes of its creation, and any ordinance diof the offense against the State would be an exercise of corporate anthority for a strictly municipal purpose. The competency of the State through its legislation to confer such authority, without at the same time surrendering any of its jurisdiction over the offense against it, I cannot doubt it would come within the principle of the rule announced by Mr. Dillon in his work on municipal corporations "that when the act is, in its nature, one which constitutes two offenses, one against the State and one against the municipal government, the latter may be constitutionally authorized to pun-ish it, though it be also an offense under the State law; but the legislative intention," says this learned author, "that this may be done should be manifest and unmistakable, or the power in the corporation should be held not to rist." Dillon, M. C., page 302. I fully agree with this learned author as to the correctness of the rule which it seems to me governs this case in respect to the point under onsideration.

The legislative intention in this case ha

been expressed too clearly to admit of an

authority by ordinance to suppress houses of ill-fame within the city, to provide for the arrest and punishment of the keepers of these "by a fine not exceeding \$100 and imprisonment in the city prison or county jail not exceeding thirty days, or both, and to be fed on bread and water in the discretion of the city justice." (Ch. 4 of char. of St. Paul, sec. 3, subdivision 3 and 35.) It is given as a specific grant of power after a general authority already conferred to enact all ordinances deemed expedient and not repugnant to the constitun and laws of the United States and of the State, for certain purposes named of a municipal character and exclusively, and it is expressly declared that such specific power is given for the like general purposes, thus excluding any influence that it can be used for the prosecution and that it can be used for the prosecution and punishment of offenses against the State, or for any other than strictly municipal purposes. According to a familiar rule a grant of authority thus specifically enumerated must be taken within the intention of the legislature, and as not embraced by the proviso as to repugnancy. On the contrary it is a plain declara-tion by the legislature that its exercise by the corporate authorities for municipal purposes alone was contemplated and intended, and that such, its exercise would not be in conflict with the statute then in force making

the act of keeping a house of ill-fame a felony and providing for the punishment as such under the laws of the State.

That this was the legislative intention is further evidenced by the fact that in 1878 express authority was given to the common countime, for this would violate the familiar pro cise of the power from the keepers of houses of ill-fame in said city for the use and support of sition to say that one conviction is bad and or institutions established therein for the care and reformation of fallen women. (Ch. 143, Sp. Laws, 1878.)

As to the question of repugnancy between the statute and the supposed ordinance, the former looks to the maintenance of the "peace and dignity of the State," by the punishment of an unlawful act criminal wherever committed, without reference to the particular interests of any locality; the latter to the preservation of the morals of a particular community, and to its protection against the local evils and mischiefs resulting to it from the commission of such wrongful act in its midst, to which such alone both the prohibition, and the punishment provided by the ordinance, are directed without any reference to the criminal character of the act as a public offense.

They are not inconsistent with each other. and within the principle of the State vs. Ludwig, 21 Minn., 202-207, there is no repugnancy between them, as would clearly have been the case if the ordinance had merely attempted to regulate what the statute absolutely prohibits. The remaining question respects the liability of defendant to punishment, both under the ordinance and the statute, both being in force, and it being conceeded that the act which constitutes the offense, or out of which it arose, in the same in each case. It is objected that a conviction and punishment under both would work the infliction of a double punishment for the same act, and that this is prohibited by the constitutional guaranty that "No person for of punishment"—(Art. 1, Sec. 7, Const.) The term "offense" in criminal law is not identical in meaning with the word "act" it imparts in legal sense, and in infraction or transgression of a law—the willful of an act which is forbidden by a law or omitting to do what it commands, (1 Whart. U.S. vs. Boorvier, 254, Moon vs. the people of the State of Ill. 14, Howe 13.)

The identity of an offense therefore is to be determined by a reference both to the act done and the law which it violates: and if the act itself is a transgression of two distinct laws it results in two offenses. The ease above cited (Moon vs. Ill.,) and that of Fox vs. State of Ohio 5 Howe 435, furnish illustrations of the truth of this proposition and establish the doctrine that a single act done by a party owing allegiance both to the government of the United States, and the government of a State, in violation of the laws of both, constitutes two distinct offenses and subjects him to the liability of a conviction and punishment under

This doctrine is fully approved by that court in United States vs. Maryland 9, How. 599; United States vs. Cruikshank 92; United States 550, and in the recent case of ex parte Siebold, reported in vol. 21, No. 13, Albany Law Journal. The principle of these decisions, says Mr. Cooley, applies to the violation by one and the same act of a State law and a valid municipal ordinance. That principle is this: That every government competent to the enactmant of a shall be obligatory upon those subject to its jurisdiction, may punish any violation thereof, though the offense may also have been subjected to punishment under other jurisdiction for an infraction of its laws by the same act. Within the limits of its authority to enact ordinances, with the force of law for the government of its citizens, a muni-cipal corporation is a government, and if the statute creating it so permits, it may, through its own separate tribunals, exercise the powers of a government in respect to all offenses committed against it.

Mr. Cooley, in speaking upon this subject says: "The same act may constitute an offense against both the State and the municipal corporation, and may be punished under both without violation of any constitutional prin-And this doctrine he also says is tained by the clear weight of authority (Coolev's Court Laws, 199, and note 4.)

Mr. Bishop expresses concurrence with thes views in these words: "The true doctrine appears to stand thus: If the statute so authoizes, it is not apparent why a city corporation may not impose a special penalty for an act done against it, while the State imposes also a penalty for the same act done against the agous to that which obtains in respect to an act in violation of the laws United States and of a State, which he says State Crimes, 23.) If the seviews are correct, as they are believed

to be, the constitutional guaranty invoked by the defendant has no application to the facts of the case. Her conviction and punishment under the ordinance was for an offense against the city which it was legally authorized to pun-ish. She now stands indicted for an offense committed against the State by a violation of

and if guilty, she is liable to the punishment In my opinion the demurrer to the third plea ought to have been sustained, and the order of the court below overruling it should be

Justice Berry's Opinion. The State of Minnesota, plaintiff, vs. Annie

Oleson, defendant The defendant was indicted for the crime of keeping in the city of St. Paul a house of illfame, resorted to for the purpose of prostitu-

The second plea was: "That, under and pursuant to the act of the legislature, entitled, "An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey, and State of Minnesota, and the several acts amendatory thereof into one act, and to amend the same" approved March 6th,1868, and under and by pursuant and in accordance with the authority in and by said act, granted to, and vested in the common council of the said city of St. Paul, the said common council of the said city of St. Paul did, on the 7th day of October, 1859, duly pass, adopt and publish a certain ordinance to suppress houses of ill-fame in said city, and to provide for the arrest and punishment of the keepers thereof, and in and by said ordinance pro-for the arrest and trial before and conviction and sentence by the city justice of the said city of St. Paul, and which said ordinance provides for and regulates the proceeding for the arrest, trial, conviction punishment of all persons who shall keep houses of ill-fame or places resorted to for the purpose of prostitution within the limits of said city, thereby providing for the punish-ment of the specific offenses and specific acts charged in this indictment, that the aforesaid act was amended by an act entitled "An act to amend an act entitled an act to reduce the law incorporating the city of St. Paul, in the county of Ramsey and the State of Minnesota, and the several acts amendatory thereof, into one act, and to amend the same," approved March 8, 1875, by which said act there was established in said city a court of record called the municipal court, to which said court therein was granted all the powers and authority theretofore given in such city to the city justice. To this plea the State demurred and the de murrer was sustained.

nurrer was sustained.

The defendant's contention as respects this is that the ordinance referred to "has all plea is that the ordinance referred to and the same force, operation and effect that it would have had if it had been enacted directly by the legislature as a special act, that is to say, it takes the place (in the city of St. Paul) of the general statutes on the same subject, the same as if the legislature itself had passed a special act in the words of the ordinance."

The same point was made in State vs.

doubt. The charter gives in express terms the | Charles, 16 Minn., 474, and was decided to be untenable. Notwithstanding the able argument of counsel to the contrary, we are of the opinion that the decision was correct and that the demurrer to the second plea was properly

sustained. The defendant's plea was "That she had already been duly convicted and punished, under the charter and ordinances of the said city of St. Paul, of and for the said offense of keeping a house of illfame, resorted to for the purpose of prostitution, committed at said city of St. Paul, and in said county of Ramsey, on the 1st day of January, A. D. 1879, and on divers other days and times between that day and the day of the date of this indictment, and has paid the penalty and suffered the punishment therefor in accordance with the provisions of the charter and ordinances of said city, referred to in the second plea, which said conviction is the same offense and same specific acts of offense as regards all matter and things in the said indictment charged which said conviction and punishment was had by the judgment of the municipal court of the aid city of St. Paul on the 19th day of April,

The State's demurrer to this plea was over

The offense for which the defendant was convicted under the city ordinance is, according to the averments of the plea (the truth of which the demurrer admits) the same offense for which she is indicted. If she has been once duly convicted and punished for it she should not be convicted and punished for it a second cil of said city to appropriate and set apart in whole or in part all fines collected in the exerof punishment." It is no answer to this propopunishment administered through a municipal court, and for a violation of a city ordinance, and that the second conviction and punishment are sought to be had through a district court, and for a violation of a general law of the

> These considerations in no way effect the fact that the second alleged offense is identical with the first. The consequence is that, if the former conviction is valid, the district court was right in holding the defendant's third plea to be a good answer to the indictment, and in therefore overruling the State's demurrer.

But was it valid? It certainly was not if the ordinance was not ralid as respects the offense in question.

The ordinance reads as follows: "Any person or persons who shall, within the limits of the city of St. Paul, keep a house of ill-fame, or a place resorted to for the purpose of prostitution, * * shall, on conviction thereof before the city justice, be punished by a fine of not less than \$5, nor more than \$100. or imprisonment not exceeding thirty days, or either, at the discretion of the said justice. The statute under which the defendant was

indicted is as follows:
"Whoever keeps a house of ill-fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment in the State prison not more than one year, nor less than six months; or by a fine not exceeding \$300, nor less than \$100."

It appears that the crime of keeping a house of ill-fame, resorted to for the purpose of pros-titution, is under the statute a felony punishable by imprisonment in the State prison from six months to a year, or by fine from \$100 to \$300. Under the same ordinance the same crime is a misdemeanor punishable by a fine from \$5 to \$100, and by imprisonment in the city prison not more than thirty days, or by

As respects the punishment of the offense in to the statute. So that if the ordinance were before reached, that a person guilty of such offense might, through a conviction under the ordinance, satisfy the demands of justice by a much lighter punishment than that which the general law has deemed necessary to prescribe for the offenses of that character.

But on account of its repugnancy to the statute, the ordinance, so far as respects the offense mentioned, is involved and cannot be sustained. For the city charter, by virtue of which alone the ordinance was enacted, ex-pressly declares that the power to enact ordinances is subjected to the proviso; "that they be not repugnant to the constitution and laws of the United States or of this State." As the conviction set up in bar of the indictment was under an ordinance invalid and void as respecte the offense charged, it was a conviction without

A conviction for an offense which was not an ishment for the offense for which she is indict ed, either by the so-called conviction under the ordinance or by the prosecution which led

It follows that, in my opinion, the district court was wrong in overruling the demurrer to It is true still that the charter of St. Paul

authorizes the common council by ordinances, resolutions or by-laws * * to suppress * * ouses of ill-fame and to provide for the arrest and punishment of the keepers thereof.

But the ordinances thus authorized must not violate the proviso against repugnancy. They cannot cover the same precise ground as the general law upon the same subject because it s not competent under the city charter for the common council to impose the punishment prescribed by the general law, the authority of the common council in that regard being limited to the imposition of a fine not exceeding \$100, and imprisonment in the county jail for a time not exceeding thirty days. The city or-dinances for the arrest and punishment of keepers of houses of ill-fame, must, therefore, be directed to something else than the single keeping of houses of ill-fame, resorted to for

or perhaps to the place in which they are kept BERRY, J.

the purpose of prostitution, as for instance to something relating to manner of keeping them,

I concur in the opinion of my associates that the second plea was correctly overruled. I also concur in the opinion of Mr. Justice Berry, that if the conviction under the city ordinance was a valid conviction, it is a bar to the indictment. A person is to be punished because he willfully does an act which the law prohibits or omits doing an act which it comnands. The doing of the prohibited act, or omitting the act enjoined, constitutes the legal offense. [The fact that there may be several statutory prohibitions of an act, or that several prohibiting statutes may designate the offense by different names, does not multi-ply the act so as to make the doing of it sev-

ral distinct offenses.

The United States and the State is each an independent political jurisdiction, and from necessity each must have to protect itself, and to define and punish offenses against its jurisdiction and sovereignty, without regard to what may be done by the others. The offense was not intended to reach those cases, where, in the proper oxercise of their powers, the United States and a State each declared an act to be an offense against it. And the cases in which it has been held that where the same act is an offense against the law of the United States, and also of a State, a conviction under one is no bar to an indictment under the other, do not apply in principle to cases where it proseveral times prohibited by or under authority After continuing the argument for some

I am of opinion that the demurrer to the third plea was rightly overruled. GILFILLAN, C. J.

DAILY WEATHER RULLETIN.

OFFICE OF OBSERVATION, SIGNAL CORPS, U.S.A.) INGERSOLL BLOCK, THIRD STREET, ST. PAUL, MINN. Observations taken at the same moment of time at all stations.

Bar. Ther. Wind. Weather. Breckenridge..29.69 Duluth......29.76 Garry29.71 SE NE Yankton.....29.67 St. Paul.....29.60 Thre'ng DATLY LOCAL MEANS. Ther. Rel. hum. Wind. 29,600

Meteorological Record, June 9, 1880, 9:56 P.

Thre'ng 68.0 SE .01 maximum thermometer 73; minimum ther O. S. M. CONE, Sergeant Signal Corps, U. S. A. Deplorable Ignorance.

[St. Louis Republican.] Windom of Minnesota got 280 votes at the Republican national convention yesterday-that is, ten votes twenty-eight times. This is sufficient to start the inquiry. Who