STRIKE PREVENTIVE

Decidedly Original Plan Tried at Duquesne.

MEN DISCHARGED SUMMARILY

Strike Promoters, However, Claim They Will Succeed in Tying Up the Mills.

Pittsburg, Aug. 31.—The mills of the Carnegie company at Duquesne were in operation this morning as usual, notwithstanding the report of last night that the plant was badly crippled and would likely have to close down this morning. The demonstration of McKeesport strikers yesterday and the discharge of men suspected of being of union sympathizers would cause, it was thought, a general strike, but such was not the case. It was claimed that everything but the Bessemer steel department would be idle to-day.

Last evening a committee of employes from the open hearth department notified the foreman not to recharge the furnaces, as they were going out on strike this morning at the end of the turn. The foreman immediately notified the officials of the mill of the intentions of the men and it was decided to make wholesale discharges in the effort to stay the tide of union sentiment. The men discharged were two helpers, two ladle-men, two engineers, three electricians, two boss stokers and two brakemen.

Eleven of the discharged men were escorted from the works by policemen and were not allowed to talk to their fellow workmen while going out of the works. Seventy-five extra policemen were put on duty at Duquesne during the night and are there this morning. An official at Duquesne who was seen this morning said:

"Not Forgotten Homestead."

"The works are going all right this morning and I think they will continue to do so. The men have not yet forgotten Homestead and I do not think they will strike."

The strikers claim the strike is practically on and that the men are cleaning up preparatory to coming out. There was no disorder about the mill. A shutdown of the Duquesne steel works would have a far reaching effect, seriously crippling the American Tin Plate company. When the Bellaire Steel Works closed down, the orders for tin plate bars were all transferred to Duquesne. Since then the Duquesne plant has been stocking the tin plate plants. Some of them have two weeks' supply on hand.

Denial is made in McKeesport this morning of the report that a break had been made in the strike through the return of about forty men to the seamless tube department of the National Tube Works. It is stated that the seamless tube department did not start up, although there were a number of men at work in the plant. These men, however, were repairmen, a number of whom have been busy there for some time.

Insists a Strike Is Coming.

George Holloway, president of the Enterprise Lodge of the Amalgamated Association of McKeesport, who returned from Duquesne this morning, said that the day turn in the open hearth furnaces went on duty at 6 o'clock this morning and gave notice to the foreman that just as soon as the furnaces were emptied they were going out on strike. These furnaces were recharged at 11 o'clock last night and it requires about ten hours to empty them. Between 300 and 400 men are employed in this department.

Mr. Holloway expressed himself as confident that the entire plant would soon be closed. He is arranging for a mass-meeting at Duquesne to-night to be addressed by President Shaffer. A delegation of strikers, headed by a brass band, will march from McKeesport and parade through Duquesne previous to the meeting. President Holloway said further that after they closed the Duquesne mills an effort will be made to get the men out at Homestead.

Rumor has it that John Jarrett, secretary of the labor bureau of the American sheet Steel company, has gone to Europe to secure skilled labor to replace the strikers, but the report is discredited in labor circles. It is known that Mr. Jarrett has not been well for some time, and it is said that his mission to Europe is in search of health.

The proposed miners' demonstration at Monessen, Pa., on Labor Day, it is said, has fallen through. The leaders fear a clash between the miners and the town authorities, and have about decided to call it off. The labor demonstration in Pittsburg promises to be the greatest ever seen here. Those having the affair in charge claim that 25,000 men will take part in the morning parade. Following the parade the allied trades and labor unions of western Pennsylvania will hold a rally at Ross Grove, a few miles north of this city.

The tube works at Beaver Falls, which was shut down June 15 and shortly afterwards sold at receiver's sale, will resume operations Monday under the management of the Pittsburg Seamless Tube company. When running full it employs 300 hands.

All the plants started in this city since the strike began were operating with increased forces to-day. Manager Harper of the American Steel Hoop company declared that before the end of next week he would have the Painter mills completely manned and that instead of only six mills being operated, as was the case before the strike, the full eight mills will be operated. Before the end of the next week Manager Harper expects to have the entire plant operated double turn.

AIDS THE AMALGAMATED

Strong Words of Support From Mr. Gompers' Paper.

Washington, Aug. 31.—The American Federationist, the official organ of the Federation of Labor and edited by Samuel Gompers, says:

We shall stand by the Amalgamated Association in the present conflict to the full extent of our power, both morally and financially. We shall aid in every lawful way the men on strike, or who may come out on strike to maintain the workers in their right to organize and to extend their organization; so that the only power which stands for their protection and advancement against the avarice of concentrated wealth may be perfected and perpetuated. We shall not relax our efforts to aid the brave men who are striking to bring this contest to an honorable end and we appeal to every fellow wage worker and every sympathizer to extend every power and influence in the same direction.

HITS SHAFFER

Labor Paper Demands the Impeachment of Amalgamated Pres't.

Pittsburg, Aug. 31.—The Pittsburg Labor World in an editorial demands the impeachment of President Shaffer of the Amalgamated Association.

The significance of the editorial may be appreciated when it is known that the members of the board of control of the Labor World are George Powell, president of the Tin Plate Workers International Protective Association of America; I. R. Thomas, president of the Pattern Makers' National League, and Patrick Dolan, president of the district No. 5 of the United Mine Workers of America.

UNIONS IN ENGLAND

Denial That They Cause Industries to Seek Other Fields.

Washington, Aug. 31.—The American Federationist, the official organ of the Federation of Labor and of which Samuel Gompers is editor, to-day prints replies from a number of prominent labor organization advocates in Great Britain to an inquiry from Mr. Gompers as to whether it is true that England's industries are seeking other fields, and if so whether this is the fault of the trtades unions. The replies are all negative as to the influence of the unions. George H. Barnes, general secretary of the Amalgamated Society of Engineers, Manchester, Eng., says:

Those industries which are best organized on the workmen's side are the most prosperous industries of the country. The shipbuilding, engineering, coal getting and cotton spinning are all well organized industries and were never so prosperous, whereas, on the other hand, the heavy textile industries, shoemaking and several other industries that might be mentioned, and which are but indifferently organized on the side of the working people, are dwindling.

ADVISED TO WORK

Former Amalgamated Official Favors Execution of Contracts.

Elwood, Ind., Aug. 31.—Amalgamated strikers have received a letter from W. H. Evans, former district vice president of the Amalgamated association advising them to return to work and carry out their contracts. It is understood the tin plate mills here will open Monday if the men will go to work.

Metal Mechanics Aggrieved.

Washington, Aug. 31.—President Mulholland of the International Association of Metal Machinics has been in conference here with President Gompers of the American Federation of Labor concerning the affairs of the former order. The trouble grows out of the action of two manufacturing companies, members of the local organization of the local Metal Trades Association of Employers, and which it is alleged have adopted a course in selecting applicants for employment which constitutes a discrimination against union men. President Gompers has communicated with the chief officers of the companies with a view to investigating the validity of the complaints made by the mechanics association, and securing an adjustment of the difficulties if this be possible.

Clash at Cleveland.

Cleveland, Aug. 31.—Eight or ten non-union and a similar number of union men, the former employed in the Crescent mill, quarreled in the vicinity of the mill this morning. Blows were struck as a preliminary to a brief battle with stones and the drawing of a revolver by a non-union man, who, it is said, fired the bullet, slightly injuring a bystander. No arrests were made.

Bakers May Stop Work.

New York, Aug. 31.—The journeymen Bakers and Confectioners International union is said to be preparing for a general strike against the bakers combination. A large general strike, it is believed, will result. A new bread-kneading machine is credited with being the cause of the trouble said to be impending.

DEATHS AMONG BOERS

REFUGE-CAMP MORTALITY HEAVY

Probably Due to Failure to Observe the Ordinary Rules of Hygiene.

New York Sun Special Service

London, Aug. 31.—The Standard prints a startling story on the heavy death rate in the Boer refuge camps in the Transvaal. The British have collected in these camps 62,479 men, women and children. Of this number 1,067 died in July, 860 of the deaths being of children under 12 years of age.

The Standard's report, as a matter of fact, largely bears out Miss Hobhouse in her contention that the terirble death rate among the Boer children has been in a measure due to the aggregation of great numbers in camps. The unsanitary habits of the Boers are probably comparatively harmless to a scattered pastoral population, but when the refugees are crowded together under entirely new conditions the difficulties of inducing mothers to observe rules of hygiene may well lead to disaster. At the beginning of August there were 100,000 persons in the concentration camps in the Transvaal and Orange Free State.

A correspondent of the Morning Post asserts that the Boer refugees get eighteen pounds in rations per head, as against twelve pounds per head given to British loyalists, and he recommends as politically and economically advisable that the Boers be removed to the coast.

Piet Delarey Caught.

London, Aug. 31.—Lord Kitchener, telegraphing from Pretoria to-day, says: "Garratt has captured Piet Delarey, brother of the assistant commandant-general."

TRAIN BLOWN UP

Boers Kill an Officer of the Irish Guards.

London, Aug. 31.—A dispatch from Lord Kitchener dated Pretoria, tot-day, says:

A train was blown up to-day between Watervaal and Naman's Kraal by 250 Boers, who at once fired on the train, setting it on fire. Lieutenant Colonel Vandaleur, of the Irish Guards, a most promising officer, was killed. The other casualties have not yet been reported.

NORWEGIAN DAY

National League to Have an Open-Air Celebration.

Chicago, Aug. 31.—The Norwegian National League will hold an apen air celebration and festival at Long Lake Park to-morrow. There will be speeches in English and Norwegian and the young people will don the picturesque and many-colored costumes of the Scandinavian peasants to represent the rural scenes of that land. Senator William E. Mason and prominent Norwegian-Americans of this city will speak. The Norwegian singers, including the Norwegian singing society, Bjorgvin, will sing songs of Norway and patriotic airs of America and Norwegian Turners will give exhibitions in athletic skill. The Norwegian national league consists of thirty different societies with a total membership of about 10,000.

LIVE STOCK DIRECTORS

Some of Those Officiate at the St. Louis Exposition.

St. Louis, Aug. 31.—The committee appointed at yesterday's meeting of live stock associations to select a permanent committee to represent all the live stock breeders' associations of the United states in connection with the Louisiana purchase exposition, have handed in the following names among others:

Horses, R. B. Ogilvie, Madison, Wis.; sheep, Frank Harding, Waukesha, Wis. Agricultural colleges and experiment stations, Professor W. A. Henry, Madison, Wis.; Professor C. F. Curtis, Ames, Iowa; W. H. Leggitt, St. Anthony Falls, Minn. At large, N. P. Clarke, St. Cloud, Minn.

GEN. LUDLOW'S BODY TO BE CREMATED

Washington, Aug. 31.—Information has been received at the war department that the remains of Brigadier General Ludlow will be cremated. Services will be held Tuesday at Trinity church in New York. The ashes will be interred at the old home of the Ludlow's on Long Island.

Catarrh

Is a constitutional disease.

It originates in a scrofulous condition of the blood and depends on that condition.

It often causes headache and dizziness, impairs the taste, smell and hearing, affects the vocal organs, disturbs the stomach.

It is always radically and permanently cured by the blood-purifying, alterative and tonic action of

Hood's Sarsaparilla

This great medicine has wrought the most wonderful cures of all diseases depending on scrofula or the scrofulous habit.

HOOD'S PILLS are the best cathartic.

FRIARS IN COLOMBIA

Success of Revolutionists Is Stoutly Prophesied.

VICTORY WITHIN NEXT MONTH

Diplomatic Secretary of the Insurgents Throws Light Upon the Conflict.

New York, Aug. 31.—"Since the Spanish-American war the United States of Coombia has been invaded by fully 5,000 priests and friars, who have gone to that country after being chased out of the Philippines. When the revolutionary party in the United States of Colombia is successful, as it will surely be within the next month, these clericals will be expelled," said Raoul Perez, the diplomatic secretary of the Colombian revolutionary party in the United States, at his headquarters in this city last night. He continued:

"The revolutionary party has 35,000 men in the field. They are fully equipped with modern rifles and have plenty of ammunition and all kinds of provisions. The opposition has about 20,000 men—that is, the governmental party. They are poorly organized. The revolutionary party controls the town of Honda on the Magdalena river. That is the principal river running into the interior, and Honda is the principal town on the river, being the key to the whole of the central part of the country. The trouble commenced fifteen years ago, when President Nunez made himself dictator. He was thrown into prison and afterwards died from poison. President Sancien, who succeeded him, also assumed the dictatorship, and was crowded into the background by Vice President Miroquin. The latter is still in control. He was amenable to reason and the trouble would have ended had it not been for the influx of the Spanish priests from the Philippine islands. When we gain control we will expel this disturbing clerical element. We will then inaugurate a democratic government based on the same system as that of the United States of America."

DEATH OF J. N. CROSS

Continued From First Page.

revolutionary soldiers. Judson's mother belonged to the Murdock family of Townsend, Vt. Her grandfathers were revolutionary soldiers and among her relatives were John Read of Boston, said to be the greatest lawyer that America produced before the revolutionary war, and Rev. Hollis Read, of Townsend, Vt., who was the first missionary to India and first translated the Bible into the Indian language.

Mr. Cross left home for Oberlin, Ohio, the day he was 17 years old. After a few months at Oberlin college, on account of lack of means he went to Booneville, N. Y., to work in a store for his uncle. He taught school the next fall near Sandusky, and alternately studied at Oberlin and taught school until 1861, when he enlisted in the army. He was the second man to get his name on the roll of the first company enlisted at Oberlin. This was Company C of the Seventh Ohio infantry, and Cross was made its first lieutenant. He served through the West Virginia campaign under McClellan and other commanders and at the battle of Cross lane, Aug. 26, 1861, he was severely wounded and taken prisoner. Later he was recaptured and sent home for surgical treatment. He was made captain of his company in November, rejoining his old regiment early in 1863, but on account of his wound was obliged soon to resign. He then began the study of law at Albany, where he remained until June of that year when he was commissioned first lieutenant in the Fifth V. R. C., promoted to be captain in October and in April, 1864, was made adjutant general of the military district of Indiana. In July he was ordered to Washington and was made assistant provost marshal. He was occupied along this line until the close of the war, when he resumed his law studies at Columbia law school. He graduated in 1866 and located at Lyons, Iowa, where he practiced law for nearly ten years. He came to Minneapolis in 1875 and formed a law partnership with Judge Henry G. Hicks, to which firm Frank H. Carleton was afterwards admitted and still later his son, Norton M. Cross.

Captain Cross was elected city attorney in 1884 and served three years. He framed the patrol limit ordinance during his term of office and defended the same before the supreme court. He also inaugurated the litigation which resulted in the lowering of the railroad tracks on Fourth avenue N. He was a member of the first park commission of Minneapolis and in 1891 was appointed United States immigration commissioner to Europe. During recent years he has been prominently identified with the forestry movement in Minnesota and is among the most prominent of those laboring for the preservation of forests in the United States. He was president of the Minnesota Forestry association, 1899-1900.

Captain Cross was a member of the John A. Rawlins post, G. A. R., of the Loyal Legion, Commercial Club and of Plymouth Congregational church. At Oberlin, Ohio, Sept. 11, 1862, he married Clara Steele Norton of Pontiac, Mich. He is survived by his wife and four children, Kate Bird, wife of United States Engineer Francis C. Shennehon; Norton Murdock, Nellie Malura, wife of Theodore M. Knappen, and Clara Amelia.

Mourned by Friends.

Captain Cross has hosts of friends in Minneapolis who are greatly grieved over his loss. Among these are Judge Ell Torrance and A. T. Ankeny who speak as follows of his character and their esteem for him:

Judge Ell Torrance—The death of Captain Cross is a personal bereavement to me. Only yesterday I had a brief, pleasant conversation with him during which he placed his arm upon my shoulder. He was pre-eminently a gentleman, and during my twenty-year acquaintance with him I never knew him to act discourteously toward any one. He had an even temper and a happy disposition which made him a lovable companion and friend. In every walk of life he acquitted himself well. As a soldier of the union he won great honor and as a citizen he contributed much to the public welfare. His death is a severe loss to Minneapolis and will be sincerely deplored by a very large circle of friends.

A. T. Ankeny—I am shocked at the news of Captain Cross' death. For long years we have been most intimate friends. Only last Sunday we visited together at the lake, his son Norman Cross and my daughter his wife. The grandchildren were his idols. I never saw him in a brighter or more entertaining mood. He was certainly a great man and one of the very ablest lawyers in our state. I have no words to express my deep sense of the loss and my respect for his memory.

SUSPECTS IN PLENTY

But the McGrath Murderers Are Yet Unidentified.

Special to The Journal.

Brainerd, Minn., Aug. 31.—The McGrath murderers have not been found yet. A tall man stopped at a farmhouse near here this morning, and said he wanted to get to Black Duck. He wanted work for a few days. Attempts will be made to apprehend him.—Saloons at Pequat and at Backus were robbed by burglars last night and the two men concerned are also suspected of the McGrath murder. The officers are after them now.

ESCAPED VIA THE PEPPER ROUTE.

Special to The Journal.

Merrill, Wis., Aug. 31.—Two prisoners in the county jail escaped by throwing pepper in the eyes of Jailer Schroeder. One of the prisoners was recaptured, but John Brunett, who is charged with forgery, made good his escape.

EIGHTY-NINE OF 'EM

That Number of Certificates Issued to State Teachers.

SEVENTY-NINE OF FIRST GRADE

Forty-three Were Granted for the First Time to Graduates of Colleges, Etc.

Eighty-nine professional certificates have been issued to Minnesota teachers this year by the state superintendent of public instruction. Of these, seventy-nine were first grade certificates, entitling the holder to teach in any high school.

Forty-three certificates were granted for the first time to graduates of colleges or universities who had completed one year of successful teaching. Renewals were granted to twenty-five teachers, and eleven got first grade certificates after examination.

Second grade professional certificates were issued to ten.

Those granted the certificates were as follows:

Original.

FOR LIFE.

W. A. Shoemaker, St. Cloud; University of New York.

FIRST GRADE—FIVE YEARS.

Della M. Palmer, White Bear Lake, Minn.; Hamline.

Emma Richardson, Northfield, Minn.; Hamline.

Esther Friedlander, 2803 Second avenue S, Minneapolis; University of Minnesota.

J. F. Koehler, Mapleton, Minn.; Wooster, Ohio.

J. M. Rhodes, Windom, Minn.; Harvard.

R. B. MacLean, Dodge Center, Minn.; Hamline.

FIRST GRADE—TWO YEARS.

Joseph E. Bentel, Owatonna, Minn.; Dennison, Ohio.

Peter E. Clement, Lester Prairie, Minn.; Milton, Wis.

Virginia T. Long, Virden, Ill.; Rockford.

Emma Maguire, 247 Hennepin avenue, Minneapolis; Iowa State college.

E. Loraine Marshall, Des Moines, Iowa; Drake university.

R. W. Smits, Brewster, Minn.; Macalester.

S. A. Skinner, Fergus Falls, Minn.; Upper Iowa university.

C. W. Vetell, Badger, Minn.; Augustana, Illinois.

F. W. Gates, Rochester, Minn.; Wisconsin.

E. H. Hatton, Faribault, Minn.; University of Wisconsin.

C. F. Elford, Douglas, Minn.; Hamline.

Herbert M. Edmunds, Drayton, N. D.; Hamline.

Mary P. Brainard, Osage, Iowa; Carleton.

Evelyn P. Johnson, Albert Lea, Minn.; Carleton college.

Lillian C. Klassner, New Ulm, Minn.; Carleton.

Agnes Pearl Rodgers, Northfield, Minn.; Carleton.

Caroline A. Ogden, Northfield Minn.; Carleton.

Kate Wyman, Northfield, Minn.; Carleton.

Jessie A. Little, Northfield, Minn., Carleton.

Mary E. Burgoyne, 205 N Broadway, Albert Lea; Albert Lea.

A. M. May Rice, Canton, Minn.; Albert Lea, Minn.

Allen R. Benham, 1958 Carroll street, Merriam Park; University of Minnesota.

George B. Caldwell, 535 Westminster street, St. Paul; University of Minnesota.

Eliza McGregor, 417 Dewey avenue, St. Paul, Minn.; University of Minnesota.

Charles A. Johnson, Sauk Center, Minn.; University of Minnesota.

Elizabeth L. Koehler, Hastings, Minn.; University of Minnesota.

Bernard A. Boustrom, Buffalo, Minn.; Gustavus Adolphus college.

Maude C. Halvorson, Kasota, Minn.; Gustavus Adolphus college.

G. Holmquist, Hallock, Minn.; Gustavus Adolphus college.

Charles E. Lantz, Butterfield, Minn.; Gustavus Adolphus college.

Edward A. Lindgren, Mattson, Minn.; Gustavus Adolphus college.

Franklin Thordarson, Hensel, N. D.; Gustavus Adolphus college.

FIRST GRADE—ONE YEAR.

Lucile A. Booker, Wells, Minn.; Illinois.

George P. Bobcock, Lester Prairie, Minn.; Hamline.

Abigail A. Stough, 505 Holly avenue, St. Paul, Minn.; Pittsburg.

David M. Strang, Austin, Minn.; Carleton.

Renewals.

FIRST GRADE—FIVE YEARS.

Bessie Minerva Avery, Oberlin, Ohio.

Edwin B. Bothe, Good Thunder, Minn.

Harriet E. Chamberlain, 119 W Fourteenth street, Dubuque, Iowa.

Elizabeth K. Chapman, St. Peter, Minn.

Amanda Erickson, St. Peter, Minn.

John S. Festerson, Pine Island, Minn.

Lina Gjims, Willmar, Minn.

Gertrude H. Gould, 1112 Fourth street SE, Minneapolis, Minn.

Sarah P. Hall, Zumbrota, Minn.

Susan C. Hahmann, Henderson, Minn.

Laura MacArthur, Wooster, Ohio.

Thomas J. Malone, Crookston, Minn.

Byron Mork, Morristown, Minn.

J. A. Roach, Lake City, Minn.

Luella Turrell, Redwood Falls, Minn.

O. S. Vail, Canby, Minn.

James A. Wilson, Thief River Falls, Minn.

G. S. Yeoger, Fosston, Minn.

FIRST GRADE—TWO YEARS.

F. L. Bauer, Hastings, Mich.

Mary I. Davidson, Luverne, Minn.

Eleanor J. Gladstone, Sauk Senter, Minn.

Elizabeth Hatch, Two Harbors, Minn.

T. E. Lockerly, Blue Earth or New Paynesville, Minn.

S. M. Pinney, 218 W Eighth street, Mankato, Minn.

C. W. Wagner, Hutchinson, Minn.

Upon Examination.

FIRST GRADE—FIVE YEARS.

R. S. Dewar, Barnesville, Minn.

J. B. Babcock, Clinton, Minn.

William H. Alwine, Heron Lake, Minn.

Nellie B. Buckley, Farmington, Minn.

Oscar Halverson, Two Harbors, Minn.

FIRST GRADE—TWO YEARS.

Sarah Edmond, La Crosse, Wis.

F. A. Morrill, Chaska, Minn.

S. Swennumson, Lake Park, Minn.

James C. Cooper, Belgrade, Minn.

O. F. Morgan, Elysian, Minn.

FIRST GRADE—ONE YEAR.

Henry C. Poehler, Arlington, Minn.

SECOND GRADE—FIVE YEARS.

C. W. Porter, Frazee, Minn.

Guy A. Foster, Monticello, Minn.

H. J. Harter, Milaca, Minn.

SECOND GRADE—TWO YEARS.

C. M. Christianson, Dassel, Minn.

Elizabeth Gurney, St. Cloud, Minn.

Vernon M. McCombs, Eden Valley, Minn.

Martin L. Pratt, Wood Lake, Minn.

William Ball, South St. Paul, Minn.

M. W. Melvin, Montrose, Minn.

C. G. Selvig, Rushford, Minn.

NEW SWEDISH BOOKS

Valuable Additions to the Public Library Lists.

Seven hundred valuable titles have been added to the Scandinavian department of the public library. The books were purchased by Haldor Askeland of Branch B, South Side, during a trip to Norway and Sweden this summer and with the assistance of Porfessor Moen of the University of Christiania. They are mostly of the "solid" sort and will make a valuable addition to the books bought by Dr. Victor Nilsson of the East Side branch last spring.

There have also been added to the books of the library about 1,000 juveniles, which will replace worn-out books.

Monday, Sept. 2, Labor Day, at the public library and branches, no books will be received or issued. The reading and reference rooms will be open from 2 p. m. on.

Next week the usual fall hours for closing will be resumed. Books will be issued until 8:30 p. m. and Saturdays until 9.

Cresceus Couldn't Lower Record.

Providence, R. I., Aug. 31.—Cresceus failed to lower the world's trotting record in his start against time at Narragansett park yesterday afternoon. His time was 2:05 flat. The attempt to break the record was not made until after 6 o'clock, when the wind had died down.

WINS FIRST FIGHT

Taxpayers' League Complaint Is Upheld by Judge Harrison

IN P. D. R. A. FUND CONTEST

The Court Takes the Position That the City's Claim Is Valid.

In a decision handed down to-day Judge Harrison decides that the city is entitled to present its claim for a share of the funds in the hands of the receiver of the Minneapolis Police Department Relief Association, overruling the demurrer interposed by W. H. Donahue, atorney for the receiver, in which three points were set forth, as follows:

That the plaintiff was not a proper party plaintiff.

That there was a defect of parties plaintiff.

That the complaint of the intervenor failed to state a cause of action.

Judge Harrison's memorandum shows clearly that he thinks that the Taxpayers' League is a proper plaintiff and that the complaint of the intervenor states a good ground or cause of action. The demurrer is, therefore, overruled.

The following is the substance of the judge's decision:

It is conceded by admitting the allegations of the complaint that the city of Minneapolis was duly notified to make its claim, and that it has failed to make any claim whatever to its proportion or to any portion of the fund in question. If it is determined that the city of Minneapolis has any interest in this fund held by the Police Department Relief association, then it was the duty of the officers in charge of the city's interests to appear and make claim thereto, as it is the duty of the city to protect the funds of the city, and a failure on the part of the city to make such claim gives to any individual taxpayer a right to make the claim on behalf of the city, on his own behalf and on behalf of all other taxpayers of the city, as the claim is made in this case. If the city is entitled to this fund claimed it would go into the treasury of the city and would take the place of the same amount of tax which, were it not recovered, would have to be assessed and collected from the taxpayers of the city. Flynn vs. Little Falls Electric and Water Company.

The City's Claim.

The second point raised in the demurrer by the receiver, that there is a defect of parties plaintiff, I think is without merit. This brings us to a consideration of the question, as to whether or not the city may legally or equitably lay claim to any portion of the fund in the hands of this relief association.

In the first place there can be no question but what the moneys, to-wit, the sum of $30,441.88, were collected by the city authorities from a tax imposed by the city upon the owners of dogs, commonly known as the dog tax. This fund belonged in the city treasury and was an asset of the city; and I think it can make no difference whether it was legally or illegally collected so long as it was collected and reduced to the possession of the city.

The articles of incorporation of the relief association provide that the funds coming into the hands of the association should be used in such manner and in such amounts as should be provided by the by-laws of the association, for the support and relief of sick, disabled or injured members and for the payment of a certain sum to be fixed by by-law to the widows or orphans of deceased members, etc.

Chapter 143 of the special laws of 1891, of the state, provided that "For the purposes of providing and creating a fund for the use and benefit of the Minneapolis Police Department Relief association, the city clerk of said city is authorized and required to pay to said relief association fifty per cent of all dog tax collected by and on behalf of said city. The fund hereby created shall be used by said relief association for the purposes provided for and contemplated in its article of incorporation, constituion and by-laws."

With this power conferred by the act of the legislature, the city council of the city of Minneapolis passed a resolution authorizing and directing the city clerk to pay fifty per cent of the moneys received from dog tax, to the relief association in question.

There is in my mind no doubt but that the conditions annexed to the act of the legislature authorizing the city to give to the relief association the moneys of the city, attached to and became a part of the resolution of the city council granting this money to the relief association, and in my judgment, it was a gift by the city council upon the terms and conditions that said fund be used by the relief association for the purposes of the relief of such of its members as should become entitled to such relief. * * * The relief association had no right at any time to appropriate said money to any other use or purpose than that prescribed by the donee. * * * And in my judgment a failure to appropriate it to the purposes for which it was given, caused the money to revert to the donor under the conditions of the gift.

Again, there can be no doubt but what this relief association was organized under Title 3, Chapter 34, General Laws 1898, being "Corporations other than those for pecuniary profit." And in defining the powers of such corporations at section 174, the following language occurs: "Provided that such corporation shall not have the power to divert any gift, grant or bequest from the specific purpose designated by the donor without the consent of such donor." This creates a limitation upon the power of the corporation to do with this fund what it has attempted to do in this action.

Right to Funds Paid Out.

Another question raised on the argument of this demurrer is the right of the city to its proportion of the fund illegally paid out to withdrawing members of the relief association and paid out contrary to the purpose or objects of and contrary to the conditions imposed upon the gift made by the city, and that, therefore, the city is entitled to share in its proportion of this fund, as though it were still on hand.

It is a general rule in equity that if a trustee enters into any arrangement with reference to the trust fund which surrenders or limits his control over it or any part of of it, he becomes a guarantor of the fund, irrespective of his motives or whether his surrender of control was the cause of the loss of the fund or not. In other words, the trustee should be charged with the fund if he fails to keep it intact. See McCollister vs. Bishop, 78 Minnesota, 228.

I, therefore, conclude that it having become impossible to carry out the purpose for which this money was donated by the city, by the dissolution of the relief association and by its refusal to effectuate the conditions of the gift, all money paid by the city into the relief association under the powers conferred by the special act of the legislature, being chapter 143 of the special laws of 1891, and not expended under the by-laws of the association, became and is the property of the city, and the city is entitled to recover its proportion of all funds paid in by it and not expended according to and under the conditions imposed by that act, and that this proportion should be determined by the proportion which the fund contributed by the city bears to the total fund of the association not expended in carrying out the purposes of the gift.

INDIAN TROUBLES IN ALASKA.

Tacoma, Wash., Aug. 31.—The revenue cutter Rush has returned to Sitka from Yakutz, 200 miles westward, where she went to quell serious Indian troubles which have caused great alarm among the whites. Judge De Graff of Sitka held court aboard the Rush and nine men were convicted of selling liquor and rioting. Dr. Mulroney of the Rush vaccinated 189 Indians and Governor Brady made two addresses pointing out that they must obey the laws and refrain from disorder. The natives were also ordered to stop practicing polygamy.

DOCTOR FAILED TO HELP CATARRH OF STOMACH. PE-RU-NA CURED

MRS. LEONE DOLEHAN, OF MINNEAPOLIS, MINN.

MRS. LEONE DOLEHAN writes from the Commercial Hotel, Minneapolis, Minn., as follows:

"For two months my physician experimented with me, trying to cure a hard cold which setlted in my stomach causing inflammation and catarrh. I then made up my mind that he was simply unable to help me, and reading some of the flattering testimonials to the value of Peruna in such cases I thought I would try it.

"It was six weeks before I could eat a meal without unpleasant effects, but I have now been well for six months and I give all the credit to Peruna."—Mrs. Leone Dolehan.

Mrs. Wm. Henderson, Bordulac, N. C., writes:

"I was troubled with very serious female weakness; had spells of flowing that exhausted me so that I feared I would lose my mind. I suffered untold agony with my back, the pain extending down my left leg. My pain was so severe that I would have welcomed death at any moment—so no one need wonder that I recommend Peruna so highly, for it cured me entirely of that.

Not a sign of pain has ever returned, and that will soon be two years now.

"I am glad that there is a way I can speak, trusting that many a sufferer will read my testimonial, and not only read, but believe."—Mrs. Wm. Henderson.

Women are extremely liable to catarrh of the stomach and pelvic organs. These diseases, especially in the depressing weather of summer are very hard to bear. Happiness and good health are inseparable, and with catarrh no woman can be happy or healthy.

Mrs. M. P. Curry, Petersburg, Ill., writes:

"I have been troubled with female trouble since my girlhood, and was sick in bed with suppressed menstruation for three months. ***I had bearing down and cutting pains all through me. When I was able to get up I was so weak and thin that I could hardly walk. What I ate disagreed with me; I had stomach and liver trouble, and my feet and limbs were swollen so I could scarcely drag around.***

"I took Peruna and it has done wonders for me. ***My cure was a surprise to my friends, for they never expected to see me well again.*** I just took two bottles of Peruna after doctoring for five months and growing worse all the time."—Mrs. M. P. Curry.

Mrs. Mary Teskey, Bayard, Ia., writes:

"After I received your letter of advice I followed your instructions as nearly as I could, and I am glad to say that I am quite well now. I am not troubled with female weakness any more. I do all of my work, and we live on a farm."—Mrs. Mary Teskey.

Mrs. Mary Craig, of Renno, S. C., writes:

"I took Peruna quite a while before I was confined and find that it helped me a great deal. I am the mother of four girls, and this last one was a boy. I had no trouble at all, had the easiest time I ever had, and the baby has not had a day's sickness since he was born. Folks say he is a regular Peruna baby."—Mrs. Mary Craig.

Dr. S. B. Hartman, President of The Hartman Sanitarium, Columbus, Ohio, the famous gynaecologist, has announced his willingness to direct the treatment of as many women as apply to him during the summer months, free of charge. Address Dr. S. B. Hartman, President of The Hartman Sanitarium, Columbus, Ohio.

SKATING IS DIFFERENT

NOT AT ALL LIKE BATHING

Secretary Ridgway Says It Is a Function of Park Board to Maintain Skating Rinks.

Some skating enthusiasts who are already looking forward to the time when they can indulge in their favorite pastime, have been given to understand that the park board will be so hampered for "ready money" that it will be unable to porvide skating accommodations this season.

Secretary Ridgway of the park board says that such fears are entirely groundless. The question of making suitable provisions for skating, he says, is one which has been threshed over time and again by the board until the subject has been finally considered as coming under the general head of maintenance, and clearly a natural function of the board.

The general expense of skating, he says, has mounted up to such an extent in the past that it has been found necessary to curtail expenses by cutting off several outside skating parks. There is no question, however, but that warming houses and other conveniences will be maintained at Loring, Van Cleve and Powderhorn parks. The central, southern and southeastern sections of the city are thus provided for. The fact that the northeast side is left to shift for itself is due to the fact that, save for Columbia park, which is well nigh inaccessible, there is no suitable park for skating in that part of Minneapolis.

CHANCE FOR CHEAP OUTINGS

W. C. T. U. Has a Vacation Home at Lake Minnetonka.

Everyone may not be aware that the Russell cottage at Linwood, known as the W. C. T. U. Vacation House, is designed as an outing place at small expense for working women who cannot afford to go to the lake if they must pay the usual rates at lake boarding places.

Mrs. Alice B. Russell of Minneapolis donated this cottage for the above purpose at the last W. C. T. U. conference held in Minneapolis. The house contains fourteen rooms, which are all furnished and ready for occupancy. For one dollar a week the guest at this cottage has a bedroom and the use of the kitchen, dining-room, sitting-room and four screened porches. The food she must provide herself, but every facility for obtaining food is at hand, the butcher, the baker, the farmer with fresh vegetables passing that way every day or two, and even a cow is close at hand.

Mrs. Cora M. Ellwell of Minneapolis has charge of the cottage and acts as matron, seeing that everyone is made comfortable and happy.

This W. C. T. U. Vacation House, as stated in the papers several weeks ago, is designed for the use of the members of the W. C. T. U. and their friends, and by the last are meant those whom the members of the W. C. T. U. have designed to benefit. As many people who are well able to pay their way at the lake boarding places might take advantage of such a "snap," as they would regard this place, all those who wish to spend any time there must apply through some member of the W. C. T. U. Mrs. Russells address is 925 Nicollet avenue, Minneapolis, and Miss Hollister, who is chairman of the committee of the W. C. T. U., resides at 1325 Sixth street SE.

A cottage next to the W. C. T. U. was donated by Mrs. Russell to the Salvation Army to serve the same purpose, though specially designed for mothers and their babies. Application for this place must be made to members of the Salvation Army.

Pool Outplayed Smith.

Chicago, Aug. 31.—Bruce D. Smith, who broke the record for the course in the qualifying round in the Glen View golf tournament, was defeated yesterday in semi-finals for the championship cup by Abram Poole, Jr., of Onwentsia by 1 up.

A. F. CHASE & CO.,
215 3rd Street South.
Agency for:
Monarch Scales, Olds Automobiles and Gas Engines, and Lansing Wheelbarrow Co.
COMPLETE LINE.

DOG AERONAUTS

State Humane Agent Protest Against a Brown County Scene.

Special to The Journal.

New Ulm, Aug. 31.—Rufus A. Hoyt, state humane agent, has attended the Brown county fair two days and is here to-day. He served a written protest on managers of dog aeronauts and on Secretary Samson, of the agricultural society, against allowing the dogs to go up in a balloon and make parachute leaps. Arrangements have been made to-day to have a man make the ascension. The attendnce at the fair has been good and the exhibits fair.

SULTAN SPARRING

Asks a Resumption of Diplomatic Relations With France.

Constantinople, Aug. 31.—M. Bapst, councilor of the French embassy has received from the porte a copy of a telegram sent the Ottoman embassy at Paris for communication to M. Delcasse, French foreign minister. This telegram, while giving vague assurances, formulates nothing cancrete. It requests a resumption of diplomatic relations between the two countries with a view to reaching a satisfactory settlement of the matters in dispute.

..THE..

Food Cure

Put in the body what NATURE NEEDS.

Find that in

GRAPE-NUTS.

HOW TO BUILD A BODY.

One of the most important discoveries of late is the application of the right kind of food to rebuild the lost substances of the body, thrown off by the active, nervous work of Americans.

Careful investigation by experts in food and diatetics has brought out the fact that albumen, which is contained in various foods, is acted upon by phosphate of potash, not such as obtained in dr