SAINT PAUL.

THE STATE'S HIGHEST LAW

Laid Down by the Supreme Court —Four Land Decisions Yesterday,

Four decisions, the first batch of the present term, were filed by the supreme court yesterday, as follows:

Anna Michaelis, respondent, vs. Fred Michaelis, appellant. Order reversed.
VANDERBURGH, J.

A deserted wife left in possession of a homestead, and recognized by the land department as having a right to contest the entry thereof by a subsequent notice, will be protected in her possession pending such contest, and may recover damages against such claimant for his wrongful acts in dispossessing her and removing and destroying the improvements left in her possession. And she may, in such case, recover punitive damages, if such acts are willful and malicious, or accompanied with circumstances of aggravation. The laws of the state in relation to conveyances of exempt homesteads do not apply to the relinquishment of homestead entries of United States lands. Certain exceptions to the reception of evidence and to the charge of the court sustained.

Cyrus E. Brown, respondent, vs. Ida J. Stillman, appellant. Order reversed.
VANDERBURGH, J.

A mortgagee a certain lot to B, and then conveyed the same to C, subject to the mortgage, without any assumption clause in the deed. C thereupon conveyed the same to D subject to the same and a second mortgage, by warranty deed, and thereby also expressly agreed to pay and discharge the second mortgage, his grantee assuming the first mortgage. Held that the land passed to D, charged with the incumbrance of the mortgage made by A, as the primary fund for its payment, but that C, not being personally liable to pay the same, the covenanants in the deed between him and his grantee must be construed as mutual covenants of indemnity as respects the incumbrances upon the land, and did not make D personally liable, legally or equitably to B, the first mortgagee, as principal debtor or otherwise.

Heber Hanford et al., respondents, vs. the St. Paul & Duluth Railroad company, appellant. Order reversed.
DICKINSON, J.

The right of a riparian proprietor upon navigable waters to improve, reclaim and occupy the submerged lands out to the point of navigability, although originally incident to the riparian estate, may be separated therefrom and transferred to and enjoyed by persons having no interest in the original riparian estate; overruling Lake Superior Land company vs. Emerson, 38 Minn. 406.

A condemnation by a railroad corporation of the upland abutting upon the water held to embrace also the riparian right of improvement and occupancy of the submerged lands, although no specific mention is made of riparian rights. The specific mention and including in the same petition of riparian rights in respect to other lands belonging to other persons held not to affect this construction of the petition and proceedings in respect to the land in question.

Andreas M. Miller, appellant, vs Luther Mendenhall, respondent. Order affrmed.
VANDERBURGH, J.

The state holds the title to the soil in navigable waters to low water mark, in trust for the people, and chiefly for the protection of the rights of navigation. The riparian owner is entitled to fill in and make improvements in the shallow waters in front of his land to the line of navigability, and such improvements in aid of navigation are recognized as a public as well as a private benefit. These rights pertain to the use and occupancy of the soil below low water mark, and are valuable property rights, and the exercise thereof, though subject to state regulation can only be interfered with by the state for public purposes.

The establishment of a dock or harbor line in pursuance of legislative authority is to be considered as giving to the owners of the upland, the privilege of filling in and building out to such line. Where the owners of upland bordering on the bay of Superior in this state, after the establishment of the dock line, adopted a survey and plan of improvement for the use and occupation to such line of the submerged land abreast of the upland owned by them, in connection with the navigation of the lake, held that they might not only possess, occupy and improve the same themselves in connection with the dry land, but might concede to other parties the same rights within the dock line, and might, by the appropriate covenants and stipulations in the deeds to their grantees of the upland, and of sites used or to be used and improved under low water mark, obligate each and all to respect and recognize the validity of such grants made in conformity with the general plan of improvement of the premises within the dock line, all such grantees thus becoming a party thereto. And in such case a court of equity will not interpose in favor of a grantee of the upland to set aside prior deeds to grantees of sites in the submerged land.

JINGLE OF THE GUINEA.

Three Damage Suits for Accident, One for Slander and One for Malpractice.

Clara M. Hill, as administratrix of the estate of Samuel J. Hill, has commenced an action against the St. Paul & Duluth Railroad company to recover $5,000 damages for the death of S. J. Hill, who was a locomotive engineer. He lost his life by colliding with a train of cars left standing on the track, there being such a dense fog that he could not see the standing train in time to avoid the collision.

David H. McCloud, as the father of Lillian McCloud, a minor, has commenced an action against the Babcock-Drake Transfer company and John Matheis to recover $3,000 damages by reason of boxes tumbling over and breaking the leg of Lillian McCloud and otherwise injuring her. It is claimed that the boxes were piled upon the sidewalk in a careless manner and carelessly allowed to tumble down upon the girl while passing.

The cause of Frank Hopkins against Dr. Henry Roman to recover $5,200 for malpractice is still on trial. Roman, while on the stand yesterday, was detailing a conversation between Hopkins' mother and a minister at such length that Judge Kerr became tired of the verboseness of the witness and said: "Can't you keep the ministers out of the case?"

The cause of Roderick J. Bailey against the St. Paul & Duluth Railroad company to recover $10,000 damages for personal injuries is on trial before a jury in Judge Otis' court. Bailey claims a train was carelessly handled while he was coupling cars, and he was permanently injured.

The jury yesterday gave Michael Gerrity $1 damages against Edward Mehl. The action was brought to recover damages to character for being called a swindler and for being dismissed from service at the Union depot restaurant.

FACTS AND FANCIES.

The city offices will close to-day, it being Good Friday.

The internal revenue collections for March aggregated $240,938.90.

Scarlet fever was reported yesterday at 416 Rondo street; also eleven births.

Marriage licenses were issued yesterday to Jacob Brom and Bessie Gore, William T. Evans and Mary A. Williams.

The regular meeting of the West Side Citizens' union, appointed for this evening, has been postponed until Friday evening, April 11.

Mike Cummings, one of the most enthusiastic and thorough sportsmen in the city, is preparing for a duck hunting expedition to Iowa.

County Auditor Kane has returned from a three weeks' trip to Arkansas and the South. He said the trip had been pleasant and recuperative.

Yesterday's rainfall played havoc with the ice remaining in the river prior to its advent, and the stream is now practically open to Lake Pepin.

The Israelites of St. Paul inaugurate their Passover feast at 6 o'clock this evening. Divine services and sermon at the Temple, corner Tenth and Minnesota streets.

The pedestrians along Wabasha street yesterday were amused at the antics of a pair of cub bears in the window of Mussetter's drug store. They will be on exhibition several days.

The commencement exercises of the college of agriculture of the State university will occur this afternoon at 2 o'clock. Fourteen pupils will compose the graduating class.

The Dayton's Bluff Choral society, under the instruction of Prof. Carman, will meet for rehearsal to-night in the parlors of the Atlantic Congregational church, on Bates avenue.

The Fifth Ward union met last night and organized with P. Felzer in the chair. A resolution was passed enjoining the members to secrecy under penalty of $5 fine and expulsion.

Isaac Bottsford, of Albert Lea, came up to St. Paul yesterday. He has prepared a history of Brackett's batallion, and submitted it to Gen. Andrews, the historian of the Minnesota regiments.

Manager Wall, of the Metropolitan, states that the affairs of the big hotel were never in so promising condition as now, and that he expects to see a paying business done before the close of the summer season.

John Egan was not examined touching his sanity yesterday. He was released from custody upon friends interposing with a claim that they would see that proper care was given to him during his feeble health.

Linemen stringing wire along Sibley street crossed an electric wire at Sixth street. Instantly the wires were burned and fell to the ground. Several persons and horses were shocked, but no serious injury occurred.

An iron pillar in front of 23 East Seventh street became so charged with electricity by contact with the overhead wires yesterday, that a pool of water at its base was made to boil, and a man who brushed against it was knocked down.

The Nationalist club will consider "The Nationalization of Railroads," at a meeting to be held to-night, at 41 West Fourth street. The question will be discussed with especial reference to the nation's action toward the Union Pacific road.

The health office report for March shows 59 marriages, 225 births and 111 deaths. Of the deaths 7 were from violence, and the death rate per 1,000 of population was 7.40. Fifty-seven cases of contagious disease were reported, 6 of which resulted fatally.

The street railway company has put a force of men at work on University avenue preparatory to the opening of construction on the new electric line. Work will be begun at once putting up the poles from which the wires, furnishing the power, will depend.

Hazel Frelfield, keeper of a house of ill-fame on Fifth street, was arrested yesterday afternoon for failing to put up the usual $100 per month. She was released on her own recognizance for appearance to-day. Ten out of fifteen others put up their fines.

Yesterday afternoon the board of public works decided to report favorably upon the proposition to build a sewer on Hall avenue, from Winnifred to Isabel streets, and to report adversely upon the proposed sewer on Robert from Fairfield avenue to the bridge.

A horse belonging to a man named Richter ran away yesterday afternoon on Sibley street. The animal ran upon the bridge in the rear of the Milwaukee freight house, when it fell and broke its leg. The horse was shot by Officer Bob Grady at the owner's request.

J. N. Wilgus is credited with the intention of putting a private steam yacht on Lake Minnetonka this summer. The plan of the boat is an elaborate one, calling for a beauty of finish and elaborateness of construction generally seldom found in this part of the country.

Rev. R. Bolt will deliver a sermon in German at the vesper services to be held in the House of Hope church this afternoon at 3:30. An interesting musical service has been prepared. Prof. Titcomb will officiate at the organ and Prof. D. F. Colville will give a sacred solo.

Carl M. Newburg, who operated a livery stable on Fifth street, made an assignment yesterday, for the benefit of his creditors. Arthur E. Bowe is the assignee. The assignment was precipitated by an attachment being issued at the instance of Charles Dickerman and others.

The sudden death occurred yesterday of J. C. Tiernan, who has since the opening of the house been doorkeeper at the Harris theater. He was taken with severe hemorrhages on Wednesday afternoon, and never rallied from the shock occasioned thereby. Manager Dean will forward the remains to New York city, from which point Tiernan came to St. Paul.

A telephone wire got crossed on an electric light wire at Seventh and Sibley streets yesterday, and fell into the street, where it fouled horses and pedestrians, shocking severely and indiscriminately. A lineman for the company was shortly on the spot, and the damage was repaired. There was a momentary blockade of the street occasioned by the incident.

Relief Agent Hutchins yesterday returned to Stillwater a woman giving the name of Mrs. Livicque. The woman came to St. Paul with a two weeks' old baby which she wanted to leave at the Protestant orphan asylum, but which those in charge of the institution refused to receive. It is said the woman is a midwife and the child is the illegitimate offspring of a young French girl and a merchant of Stillwater. The infant was richly dressed.

In the case of George Esterly and George W. Esterly against the St. Paul & Duluth Railroad company et al., Judge Brill yesterday filed an order finding that the railroad has held continuous and exclusive possession of the strip of land in question, being 100 feet wide, for over twenty years. The title was acquired by condemnation in 1868 by the Minneapolis & St. Louis Railway company and by it leased to the St. Paul & Duluth company for ninety-nine years. Judgment is directed in accordance with the finding of facts.

The Great Northern Railway Co.
Announces that, taking effect April 8, they will take green fruits, green vegetables and cider in mixed car loads from St. Paul, Minneapolis and common points, to Winnipeg and Portage la Prairie at third-class rates.

The sale of seats for "Fabio Romani" and "The Fat Men's Club" begins at the Newmarket box office this morning. The former is to be presented Sunday evening, and the latter Monday, Tuesday and Wednesday evenings. Seats for the Seibert Sunday afternoon testimonial concert are going rapidly.

FOURTEEN FARMERS

To Be Turned Out To-day as Agricultural College Graduates.

The first commencement exercises of the College of Agriculture of the State University will occur this afternoon, beginning at 2 o'clock. The following will be the order of exercises:

Music.
Essay......"Charms of Country Life."
Mr. Power.
Essay......"Agricultural Education."
Mr. Higbie.
Essay....."Value of Forests."
Mr. Payne.
Music.
Essay...."Value of the Garden to the Farm."
Mr. Mackintosh.
Essay....."Heat."
Mr. Pendergast.
Essay....."Glaciers."
Mr. Emery.
Music.
Essay....."Mechanical Drawing."
Mr. Smith.
Essay....."Water."
Mr. Le Vesconte.
Music.
Essay....."Diversified Farming."
Mr. Sanders.
Essay....."Dignity of Agriculture."
Mr. Hoverstad.
Music.
Conferring of certificates by President Northrup, of the State University.
Benediction.

The following are the graduates: James W. Dunford, Reading, England; Harvey H. Emery, Lake City; Wilson S. Higbie, Grand Meadow; Torger A. Hoverstad, Holden; John Le Vesconte, Hastings; Roger S. Mackintosh, Langdon; Carroll E. Payne, Dexter; Warren W. Pendergast, Hutchinson; Herman Pfaender, New Ulm; James A. Power, Power, Dak.; Jesse J. Sanders, Appleton; William G. Smith, Fond du Lac; Albert O. Stark, Harris; John Thompson, Cottage Grove.

Two Cub Bears
Can be seen in the window of Mussetter's Drug Store, corner Fourth and Wabash.

The Republican city committee will meet to-night and perfect its slate.

FACTS AND FANCIES.

"Paul Morphy" Home-Made Cigars. Smokers of Domestic Cigars will be pleased to find them sold by all.

Orchid Cream
Clears the complexion.

To the Ladies of the Twin Cities.
Our annual spring opening of Millinery will take place Thursday, Friday and Saturday, April 3, 4 and 5. Mrs. A. E. Devitt, corner Seventh and Broadway.

The Dairy Restaurant, 421 Wabasha,
Was reopened yesterday, and will be carried on in a first-class manner so that it will be a source of convenience to the many that have been accustomed to dine there in the past. The new proprietor is Stephen Burns, who for a number of years has successfully conducted the Market Restaurant, and it is safe to say he will make a success of his new undertaking.

Masonic.
A regular communication of St. Paul Lodge No. 3, A. F. & A. M., will be held in Masonic hall this (Friday) evening at 8 o'clock. Work in E. A. degree.

Large Crowds Were Attracted Yesterday
By the antics of the Cub Bears in the window at Mussetter's Drug Store, corner Fourth and Wabasha. Be sure and see them to-day.

Notice to Depositors.
The quarterly interest term begins April 1. Money deposited on or before April 10 earns three months' interest July 1, 1890, at 5 per cent per annum. The Savings Bank of St. Paul, southwest corner of Jackson and Fifth streets. John S. Prince, President; Edward J. Meier, Cashier.

Adam Fetsch's Fine Box Trade
Famous Principe de Gales Cigars.

Orchid Cream.
Use Orchid Cream on the face and hands.

A Sight Worth Seeing
Is the little Bears in the window at Mussetter's Drug Store. Do not fail to take in the sight.

Ladies take Angostura Bitters generally when they feel low spirited. It brightens them up. Dr. Siegert & Sons, sole manufacturers. At all druggists.

DIED.

CATAMIE—In St. Paul, Minn., April 3, 1890, Mrs. Stella McNair Catamie, widow of the late Julius L. Catamie, and daughter of Gov. McNair, of Missouri. St. Louis, Pittsburg, Philadelphia, Louisville papers please copy.

HILLMAN—In St. Paul, Thursday, April 3, at 1:30 p. m., Elsie Blanche, aged nine months, only daughter of William B. and Mary J. Hillman. Funeral from family residence, 386 Broadway, at 3 p. m. Friday April 4.

AMUSEMENTS.