

# DINHAM BORN WRONG

COURT DECLARES THE TOWN ILLEGALLY ORGANIZED AND VOID.

Doctors Win Their Case for Additional Probate Fees—Street Railway Employees Defeated in Their Application for Reinstatement. Judge Carey Wins in His Mandamus Case Against the Auditor.

In special term of district court yesterday the town of Dinham was declared illegally organized, and therefore void. The case was that of the state against the town. H. B. Fryberger appeared for the state. The court decided that the proceedings taken by the county board to organize the town were not legal, and therefore the town would have to go back as part of the town of Canosta. The county treasurer will have to take charge of the finances of the vacated town and settle up its affairs.

In special term yesterday the case of Dr. Bowers and Dr. Stewart against the Judge of probate, to recover a \$5 fee, came up for hearing on a writ of mandamus. Judge Moer heard arguments from C. F. Hopkins for the doctors, and the assistant county attorney for the judge of probate. The writ of mandamus was made peremptory, and the doctors will get their money.

It is understood that this is the only county in the state where the fee asked for has not, in similar cases, been paid, and Judge Moer said that there could be no doubt as to the right of the doctors to recover.

It is probable that this decision will affect the fees in all cases tried since the passing of the law construed, but no move has yet been made.

Judge Moer's decision confirms the opinion of Judge Middlecoff of the probate court. The county attorney, however, held that the payment of a \$5 fee was discretionary with the court.

In the matter of the application of John R. Carey for a writ of mandamus to compel Auditor Halden to issue a certificate of the taxes due on two lots in block 49, without including a \$200 assessment for street improvements, a peremptory writ was issued, commanding the issuance of such certificate. No appearance was made against the petition.

In the matter of the assignment of T. O. Hall, the assignee's report of the sale of two lots in Grassy Point addition was confirmed.

The application of certain former employees of the Duluth Street Railway company for reinstatement was denied. Judge Cant expressed it as his opinion that the discharges of the men were made in good faith and not for the purpose of breaking up the street railway employees' union.

The account of the assignee of the Duluth Dress Stay company was approved.

The motion for a new trial entered by the defendant in the divorce suit of Morton Woollen vs. Eugenia Woollen was withdrawn.

Orders approving sales of real estate were made in the suit of George J. Norris vs. the Duluth Building & Loan association.

In Judge Ensign's room, the applications of Max Shrogozsky and Israel Esau Oreckovsky to allow them to change their names were dismissed without prejudice.

A motion in the matter of the receivership of A. L. Newton was heard and submitted.

Judge Moer appointed M. F. Bates receiver in the case of Augusta Conant vs. J. E. Geldrick et al.

The cases continued were: The matter of the State bank of Duluth, insolvent; George E. Vincent vs. Mayme A. Vincent; J. W. McGregor vs. L. N. Case et al.; and the matter of the assignment of the Manufacturers' bank of West Duluth.