JUDGE AND SENATOR AT WAR IN NO. DAKOTA

Lauder-McCumber Quarrel as Told by the Records of the Supreme Court—Litigation Without a Parallel.

Special to The Journal.

Bismarck, N. D., Oct. 18.—There are political feuds of varying bitterness and intensity in nearly every county and judicial district of the state of North Dakota. It has been said that there is more politics to the square inch in North Dakota than in any other state in the union. This may be an exaggeration, but in the light of the record now before the supreme court in the case of Gunn vs. Lauder, from Richland county, it might be said without hyperbole that there is more politics to the square inch in Richland county than in any county in the state. The feud between United States Senator P. J. McCumber and Judge W. S. Lauder seems to be the most fervent and undying political enmity in the state, if the records are to be taken as evidence.

The bitterness between the two men is almost sublime in its intensity, if sublimity ever enters into hatred. Before the supreme court, when the case against Judge Lauder was argued, the two men spoke long and earnestly, each ascribing to the other all of the qualities he deemed least admirable. And they left behind them a record, in the shape of affidavits of unnumbered pages, where bitterness was deeply written on every page.

Culmination of Old Troubles.

The whole matter is the culmination of a political feud. Lauder and McCumber have both been prominent in the counsels of the republican party, sometimes at nominal peace and more frequently at war. It has been Lauder's ambition for many years to be justice of the supreme court, and when he made his hardest fight for that position McCumber fought him. It has been McCumber's ambition to be United States senator, and when he made the fight Lauder opposed him as bitterly. McCumber's success has naturally not mended the rupture between the two men.

Although the legal case involves only a matter of judicial discretion on the part of Judge Lauder, in adjourning a term of court before the cases in which McCumber was counsel could be heard, there has been dragged into it, as one of the attorneys in the case expressed it to the court "the entire political history of Richland county."

McCumber's Side.

Senator McCumber's affidavits relate a long story of what he claims to be unfairness, prejudice, bias and hatred, on the part of Judge Lauder, toward him, in the trial of cases and in the practice of law. Following this in a portion of his affidavit, he says:

Judge Lauder's statement that I have tried to drive him off the bench is wholly untrue and known by him to be untrue. As he well knows I placed his name in nomination when he was nominated for the office of district judge for the second term. I have never opposed his nomination for judge for the district court except at the convention of 1900, when he was defeated for the nomination. It is true that I have at all times opposed his candidacy for the supreme bench. I have done this openly and for reasons which seemed to me eminently just in all respects. I have not at any time thought him a proper person for judge of the district court. He is a good lawyer, and could he forget his hatreds and prejudices would make a very capable judge so far as his legal knowledge is concerned. I have opposed him for the supreme court because I felt that he was not a proper person for this position; his hatreds are very deep, his prejudices very strong and he seems to be wholly unable to control himself in these respects.

For the first year or two after he became judge little complaint could be made of his fairness in the trial of cases and up to and after his election for the second time his conduct toward me in the trial of cases was less reproachable and his enmity and hatred for me less demonstrative than at any time since. I could give hundreds of instances in which his conduct towards me in the trial of cases has been to my mind outrageous. I will simply say that his treatment of me has been such and his enmity so strong that except in my own county of Richland I have been compelled to stop my practice entirely. In my home county I am well acquainted. The strong enmity of the judge of the district court is well known by most of the jurors and may be taken into consideration by them if it is manifested too strongly. I have felt that in other counties I did not have this advantage. I have refused to take criminal cases for the sole reason that I have felt that my client, if convicted, would receive a more severe sentence because of the hatred of the judge toward myself. * * * Judging from his actions and from the language that he uses concerning me I cannot but feel that he has developed a hatred of me that is almost insane in its quality and which seems to control and dominate him.

I am informed by persons in whom I have entire confidence of many statements made by Judge Lauder concerning me more vile than those quoted in the affidavits and too obscene and immodest to be placed in a public record. His conduct has been so discourteous, often turning his back upon me while arguing a case before him and showing his disrespect and dislike in all actions. * * * His hatred has manifested itself not only in court, but also in political matters concerning me. Although the judge of the district court, in my last candidacy for the position I now occupy, the said judge appeared at the capitol of the state, used the same disrespectful and obscene language against me, as I am informed and believe, and ardently worked and labored against me because of his hatred and desire for revenge.

Supporting Affidavits.

There is much more of the same tenor, in which the attitude of the judge is bitterly and unsparingly assailed. Senator McCumber's law partner makes affidavit that Judge Lauder refused to try the civil cases in which McCumber & Forbes were attorneys and that after the affidavits of prejudice against the judge had been withdrawn, he stated that he did not recognize the right of the attorney or of the supreme court to dictate to him what he should do, and arbitrarily adjourned the term of court, discharged the jury and refused and now refuses to call any term for the trial of the cases on the calendar.

Other affidavits filed against the judge are from Dan R. Jones, an attorney who testifies that Judge Lauder had often called McCumber vile and opprobious names.

Evan M. Jones, former sheriff of Richland county, says Lauder's animosity against McCumber extended to McCumber's friends, and that when he (Jones) was a candidate for election, Lauder told him that if R. H. Hankinson, a well-known Richland county politician and friend of McCumber, was to manage Jones' campaign, he (Lauder) would see that Jones was defeated. Jones says that Lauder alluded to Hankinson in a manner that would not be printable. J. F. Shea, one of the state railroad commissioners and another politician in Richland county, makes an affidavit stating that Lauder's hatred of McCumber was "something so intense and demonstrative that it seemed bordering on insanity."

This is but a digest of a portion of the affidavits filed for consideration of the supreme court. And equally voluminous and intense are the affidavits that Judge Lauder has filed in his own behalf and in defense of his position in adjourning the Richland county term of court before the cases in which McCumber was concerned were tried.

Lauder's Rejoinder.

Judge Lauder's affidavit goes at much length into the matters complained of by Senator McCumber with regard to the disposition of cases in court in which McCumber was interested as an attorney. Fololwing this Lauder pays a tribute to McCumber in this wise:

The said McCumber has opposed my election to the district bench at all times when there was the slightest possibility of securing my defeat. When I was elected for the fourth time the said McCumber did everything in his power to defeat me. He left his seat in the senate and came from Washington while congress was still in session to take the lead in the personal fight that was being made against me. All the power and patronage of the great office which he now happens to hold were, without the slightest attempt at disguise, thrown into the scale against me. He denounced me publicly and privately, applied to me epithets too foul and opprobrious to be incorporated in a record in court. Especially since the said McCumber secured his seat in the United States senate he has been persistent in season and out of season to create the impression that I am an unfit person to occupy the district bench.

That I have not a kindly feeling toward Mr. McCumber I do not deny. It would be indeed uncandid for me to say that he is a man whom I personally esteem, for I do not. I know P. J. McCumber well. I know his character, his disposition and the general trend of his mind and I know him to be one of the most domineering, arbitrary, vindictive men who ever lived. When matters in court or otherwise go as he wishes them to go, he is as pleasant as any man, but the moment he is thwarted in the slightest degree his anger is aroused and he proceeds to abuse and slur those who do not agree with him. In fact he seems to be so constituted that it is impossible for him to conceive that any person who may disagree with him can be both honest and intelligent.

When he is on the losing side of a jury case or when the court disagrees with him upon the facts or the law in a court case, he invariably becomes angry, disrespectful and often positively insulting. During the twelve years I have presided upon the district bench I have received ten times as much disrespect from the said P. J. McCumber as from all the other lawyers who have appeared before me. * * *

He has seldom lost an opportunity to abuse, scoff at, deride, malign and traduce me, both personally and officially. It is not true that I have developed a hatred toward him that is almost insane in its quality. I am not insane upon the subject of P. J. McCumber or upon any other subject. I am in the full possession of all the faculties with which the Almighty endowed me.

Not Qualified for Senator.

Judge Lauder further swears that McCumber has had trouble with other district judges before whom he practiced. With regard to the affidavits of Shea and others the judge says Shea is a long-standing and bitter political enemy of his, whose affidavit is based on prejudice against him. With regard to the charge that he opposed McCumber as a candidate for the United States senate, Judge Lauder says:

In his affidavit the said McCumber avers that I opposed him in his candidacy for the position which he now occupies and that I appeared at the capitol of the state and used disrespectful and obscene language against him. In reply thereto affiant avers that he used no obscene language against the said McCumber at that time. I was at the capitol of the state filling an official engagement for his honor Judge Winchester. * * * It is indeed true that I opposed the election of the said McCumber to the United States senate. I did so openly, candidly and conscientiously. I opposed him, first, for the reason that I knew there was no public demand in any part of the state calling for his election to that office. I opposed him in the second place because I believed him almost entirely devoid of that learning and general culture, that breadth of mind and sympathy, that high sense of official duty and responsibility, that true patriotic feeling that scrupulous fidelity to the interests and welfare of the people that go to make up the indispensable mental and moral equipment of an eminent and useful senator. In the third place I opposed him because from many years of close acquaintance with him I knew him to be one of the most jealous minded, revengeful, vindictive, rancorous men in all the state and that he would not for a moment permit either public interest or private right to stand in the way of the gratification of his revenge; and lastly, I opposed him because I believed that as a representative in the United States senate, he would reflect neither credit nor honor on the state, and his conduct during the thre eyears which he has filled the great office of senator has tended only to confirm me in that opinion.

Affidavits are submitted by Judge Lauder from several prominent lawyers in the Red River valley, testifying to his uniform courtesy, impartiality and deference on the bench. The record in the case is a long and tedious recital of grievances, and the supreme court will find the case a novel one.

California.

The through tourist car for California will run every Thursday via the Chicago Great Western railway and Santa Fe route to Los Angeles. New wide vestibuled Pullman tourist cars are furnished and these are personally conducted west of Kansas City. For rates, reservation of berths, etc., apply to A. J. Aicher, City Ticket Agent, corner Nicollet avenue and Fifth street, Minneapolis.

Buffalo Exposition Rates Greatly Reduced.

Now is the time to take advantage of the low rate of $17.50 to Buffalo and return offered by the North-Western Line.

Tickets and all information as to dates of sale, etc., at city offices, 382 Robert street, St. Paul, 413 Nicollet avenue, Minneapolis.

Foxy Quiller Music

At Metropolitan Music Co., 41-43 6th st S.

The Big Store. **OLSON'S** The Arcade.

HONEST, WORTHY OFFERINGS FOR **SATURDAY.** Mail Orders Carefully Filled

Great Millinery Sale for Saturday Buyers

This is a sale of bright, new and up-to-date Fall Millinery, where every article priced is far below market value

Trimmed Hats

Grand assortment to select from—about 800 very choice New Fall and Winter Pattern Hats (no 2 alike) marked low enough to suit every buyer. Special Prices for Saturday:

$2.50, $3.50, $4.50

for Hats that cannot be duplicated for almost double the price.

5,000 assorted Quills, all colors, market value 10c to 15c each, at 1c

4 gross assorted metal Buckles and Ornaments, market value 15c and 25c, each 2c

40 boxes Fancy Wings, all colors, market value not less than 25c, per pair 5c

Elegant assortment of Fancy Breasts, same kind sold elsewhere at 50c, each 25c

Children's and misses' Scotch Tams, in red, navy, brown and white, have never been sold at this price before, each. 45c

Black Velvetta Hats, several new shapes, some shops get $1.00 for same kind, each 50c

1¼ yard long Cocque Boas, would be cheap enough at $1.50, each 75c

Long Black Ostrich Plumes, this is a great bargain—don't miss it, each $1.00

Waists

Odd lot of silk waists in broken sizes, worth $3.75 and $4.00. (No mail orders filled.) Choice while they last, ea.. $2.75

Beautiful assortment of French flannel waists, all new. Choice..... $3.00

Music Dept

(Second Floor.)

"Kerry Mills," medley, per copy 5c

"Hogtown Pig-anninies," per copy 1c

"Creole Belles," per copy 23c

"Nobody Else But You," per copy 18c

Shoe Department

Women's newest fall Shoes, new toes, new heels, rope stitches, medium or extra heavy extension soles, patent leather or kid tips, bright or dull kid tops. Every new idea contained in these shoes, that have the fit and wear equal to most $3.00 shoes, choice of 20 styles, per pair $2.50

Misses' and Child's Union-made Shoes, every pair bearing the union stamp. Made of extra weight dongola kid, solid oak soles, spring heel, the best school shoe made at the price, every pair fully guaranteed, sizes 11½ to 2 at $1.25; sizes 8½ to 11 at $1.00

Boys' and Youths' School Shoes, short lines from our stock, worth up to $2.00, these are bargains worth looking up, sizes 13 to 5½, per pair $1.00

Women's Hosiery and Underwear

Women's extra heavy, black, cotton, fleece-lined stockings, full seamless and extra long. A bargain, per pair, only 15c

Or 2 for 25c.

Women's imported fancy stockings in all the new colorings and patterns. Per pair 35c

Or 3 for $1.00.

Women's heavy, black, plaited tights, ankle length, open or closed, best value ever offered at, per pair 85c

Becoming Glasses

Cost no more than those that are not becoming. Our glasses are not all of one size or style. We are as careful in fitting frames to the face as in adjusting lenses to correct defects of the eyes thereby insuring comfort as well as neat appearance. Solid gold spectacles, rimless or with rims, fitted with best lenses $5.00

Stylish filled Eyeglasses, best lenses, at $2.50

Corset Dept. Second Floor.

A line of short and medium length corsets, consisting of the Newport Standard Special and H. H. Corsets—These are always sold at 59c—Special for one day only—each 43c

Boys' and girls' jean and muslin underwaists, with two rows of buttons and an extra piece for the hose supporters, regularly sold at 25c—Saturday, while they last, each 19c

A full line of the latest corsets, consisting of P. D., W. B., W. C. C., R. & G., J. B., C. B., H. & H., Redfern, American Lady and Thompson's and Warner's in prices ranging from ..... $1.00 UP.

Book Section

NEW BOOKS.

"LAZARRE," Mrs. Catherwood.
The First Men in the Moon, H.G. Wells.
The Right of Way, Gilbert Parker.
The Eternal City, Hall Caine.
Rosalynde's Lovers, by the author of Alice of Old Vincennes.
Per Copy 95c

Drug Dept.

BRING US YOUR PRESCRIPTIONS.

Roger and Gallets' Fine Perfumes, all odors, per ounce 59c

25 gross Fine Toilet Soaps, regular 5c. Special for this sale, per cake 3c

2-quart Hot Water bottles, warranted. Special for Saturday, only 39c

1,000 Child's Round Combs. Special for Saturday, each 1c

Extra Good Value in Tooth Brushes. Special for Saturday, each 10c

Wells' "Cucumber Cream" for chapped hands. [If not satisfactory money refunded] 15c

Candy Department

To introduce to our customers a line of high grade Taffy, manufactured for us exclusively by a well known caterer and connoisseur of high grade goods. Our price, the lowest as usual, per lb., only 10c

Our line of chocolate creams and Bitter Sweets are matchless, at, lb. 25c

(Try them—Just the thing for the opera.)

Chocolate drops, soft cream centers, vanilla and strawberry flavor, per lb... 15c

Cigars and Tobaccos

Several thousand popular brands of cigars; including "Henry George," "Sight Draft," "Portuando," "Dominguez," etc, to clean up Satuday, per box of 50 ..... $1.69

Several thousand high grade Eastern cigars, well known brands worth up to $2.00 per box; to clean up Saturday, at per box of 50, only 99c

(Come early or telephone, as these goods will not last long at these prices.)

Your choice of any 5c cigar ..... 7 for 25c

Battle Ax, J. T., Standard Navy, etc. lb.... 35c

Spear Head, Climax, Star, Horse Shoe, etc., lb 43c

In Our Grocery Dept.

Saturday Reductions

Coffee, good, sweet, Santos; per lb 12½c

Flour, best patent, per 98-lb. sack $1.85

Extra white C Sugar, 20-lbs. for $1.00

Peas, standard, per can 7c

Pretzelettes, hand made, per lb 10c

New Wisconsin Buckwheat Flour, sack 30c

Peaches, sliced for cream, very fancy, in 3-lb. tins, per can 20c

Sanitary Dairy Dept.

Butter—Good Dairy, per lb. 18c 20c

Creamery Butter—Very fine, per pound 20c 22c

Cheese—Fancy Brick Limberger—per brick 25c

Eggs—Strictly No. 1—Per dozen 16c

Potatoes — Fancy Burbanks —Per bushel 65c

One bunch—twelve stalks—of fresh, crisp celery for 15c

Sweet Potatoes—Twelve Pounds for ..... 25 Cents.

Sanitary Meat Department.

Another large shipment of Beef and Pork received, and we are bent on disposing of every pound on Saturday. Each of the following items a Bargain.

PORK		BEEF	
Pig Pork Loins (whole or half for	10c	Rib Boiling, per pound	4c
Pig Pork Butts (lean) for	9c	Pot Roasts, per pound	5c 6c 7c
Pig Pork Shoulders small) for	8c	Rib Roasts, rolled, per pound	10c
Pig Pork Spare Ribs (fresh) for	7½c	Rib Roasts, best cuts, per pound	12½c
Pig Pork Sausage Meat (our own make)	8½c	Hamburger Steak, per pound	8½c
Armour's Picnic Hams, per lb	9c	Round Steak, per pound	9½c
Armour's Medium Hams, per lb	12½c	Sirloin Steak, per pound	10½c
Armour's Strip Bacon, per lb	9c	Porterhouse Steak, per pound	12c

Try our own make Little Pig Sausage, per pound 12½c

Fresh Oysters received daily by express.

HEINZE A GOOD FIGHTER

HE DOWNS THE AMALGAMATED

Injunction Granted by Montana Supreme Court in the Snowbird Mining Case.

Special to The Journal.

Helena, Mont., Oct. 18.—The hearing of the attorneys of the Annaconda Copper Mining company, appellants, against F. Augustus Heinze, Mountain Ore Purchasing and Johnston Mining company, respondents, on an application for an injunction pending the appeal, was argued and submitted in the supreme court yesterday.

The action on appeal was begun in the second judicial court Feb. 23, 1900, the appellant alleging the ownership of what is known as the Snowbird mining claim, a rich Butte mine; alleging further that respondents had enjoined appellant from said premises and were trespassing upon the same, mining, extracting and carrying away valuable ores therefrom and converting the proceeds thereof to their own use.

At a late hour the court granted the injunction, placing the bond of appellant at $25,000. Thus Heinze wins a point in his spectacular struggle with the Amalgamated.

SETTLERS FOR WASHINGTON

Train of Emigrants and Movables Leaves Jackson.

Special to The Journal.

Jackson, Minn., Oct. 18.—George Burnham, a real estate dealer who has been buying eastern Washington lands, started last evening with a train load of settlers for Wilson Creek, Wash. The train consisted of ten emigrant combination stock and box cars, two tourist sleepers, one coach and one baggage car. The cars were all forty-four feet long and belonged to the Great Northern railroad. The train carried about seventy-five people, seventy-five head of live stock, mostly horses, and other belongings of the emigrants. The freight and cost of tickets will amount to about $5,000. The train will make the trip in about four days without change or many stops. The sides of the train were decorated with banners which read "Settlers for Eastern Washington."

MANY NEW TOWNS

Northern Minnesota Country Fast Being Cut Up Into Lots.

Special to The Journal.

Bemidji, Minn., Oct. 18.—It is feared by some that there will be no farming land in this part of the world, so much real estate being worked into townlots. Blakely & Farley are enjoying a good sale of lots in their new town, two miles beyond Turtle River. There are two rival townsites in the vicinity of Blackduck, and prospects of rivals at Bridgie, all being along the M. & I. railway, now under active construction. Lots have just been placed on sale in Wheelock, the town platted by W. F. Street, two miles beyond Solway on the Great Northern, from where the Red River Logging company is building a line southwesterly. And on the logging road twelve miles from the main line, prospects are good for the laying out of two more towns. Mr. Street also has another town on tap on the Little Fork river in Itasca county.

Lydick and Coulthurst, the Cass Lake loggers, are making preparations to do an immense amount of logging in Beltrami county this winter. They will use the Halverson & Richards' warehouse, and will make Bemidji their headquarters. They have taken a contract to get out several million feet of logs for the Thief River Lumber company. They will operate three camps south of Red Lake in the neighborhood of Nebish, twenty-four miles north of here.

Cass Lake Board Organizes.

Special to The Journal.

Cass Lake, Minn., Oct. 18.—The members of the newly elected board of education met yesterday. E. L. Warren was elected president, Mrs. Ella J. Foley clerk and John Sheehy treasurer. The bond of the treasurer was fixed at $3,000. The board voted to levy fifteen mills for general school purposes for independent school district No. 3. The president appointed the following committees: On books, Mrs. Foley, John Sheehy; furniture, Sheehy and Munson; buildings and furniture, Johnson, Gannon and Warren.

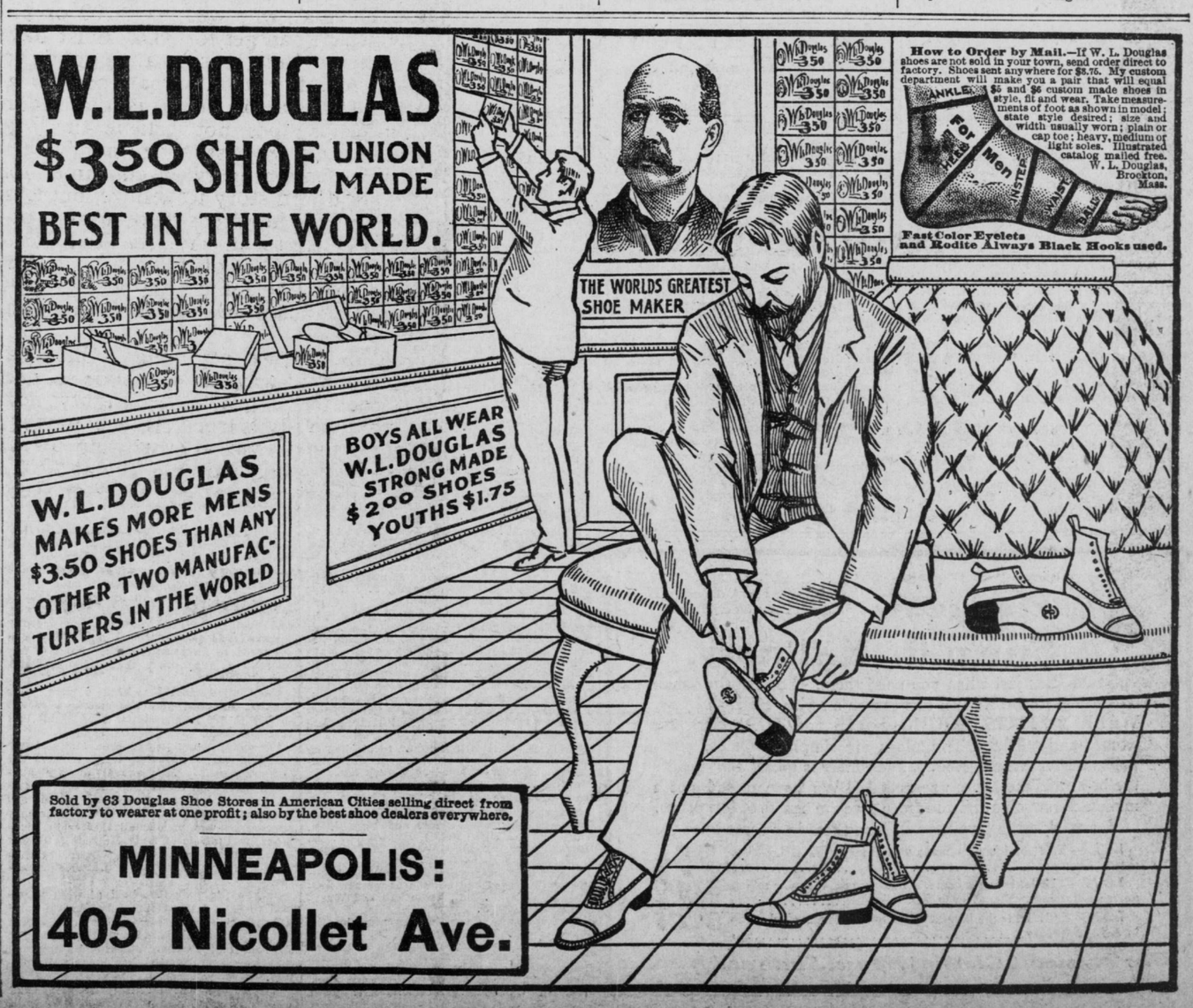
To Kill the Indian's Ducks.

Special to The Journal.

White Earth, Minn., Oct. 18.—Senator Browers, his law partner, George Stewart, Frank Randal, Dr. Hubert, sunperintendent of the state reformatory, Dr. Hoyt and Louis Wakeman, all residents of St. Cloud, have obtained permission from Agent Michelet to hunt on the reservation. In company with Gus H. Beaulieu of this place they expect to put in several days in hunting ducks.

SEVENTY-TWO ROUNDS WITH SABERS

Milan, Oct. 18.—A remarkable duel with sabers has taken place near Leghorn between Lieutenant Rerivera of the artillery and Signor Ferrini. They fought seventy-two rounds, and, although actually slashing and thrusting at one another for an hour and forty minutes, they both escaped with slight cuts.

California Tourist Cars.

To find out all about them, consult Minneapolis & St. Louis Agents.