

The Bismarck Tribune

BISMARCK TRIBUNE COMPANY

Every Morning, except Monday, and Weekly

Publication Office: 850 FOURTH ST., COR. BROADWAY

Daily established 1881; Weekly, 1878. BY MARSHALL H. JEWELL, Oldest in State.

Subscription Rates: Daily by carrier, 10 cents a month; Daily by mail, \$3.00 a year; Weekly by mail, \$1.50 per year.

Correspondents wanted in every city, town and precinct in the western part of the state.

No attention paid to anonymous contributions. Writer's name must be known to the editor, but not necessarily for publication.

Manuscripts offered for publication will be returned if not available. Communications for the Weekly Tribune should reach this office not later than Tuesday of each week to insure publication in the current issue.

Foreign Advertising Representatives: Payne & Young, Chicago office, 748 Marquette bldg.; New York office, 30 West 33rd st.

OFFICIAL PAPER OF BURLEIGH COUNTY.

OFFICIAL PAPER OF CITY OF BISMARCK.

Entered at the post office at Bismarck, N. D., as second-class matter under Act of Congress of March 3, 1879.

Member of Associated Press.

Bismarck, Tuesday, April 29, 1913

ARBOR AND BIRD DAY.

In conformity with wise custom and to encourage the people of our state, young and old, to plant and care for trees, shrubs and flowers, I hereby designate Friday, May 2, 1913 as Arbor and Bird Day for the State of North Dakota. I ask that this day be set apart for the beautifying of our farms, homes and public places, and for the instruction of our school children in the knowledge of forestry, and bird life, and the importance of both to our comfort, happiness and well being.

Done at the Capitol at Bismarck this seventh day of April, 1913.

L. B. HANNA, Governor.

LARGE INTEREST ATTRACTED.

Now that the plans for the proposed state exposition at Bismarck are assuming form and the process of organization has commenced, the scope and general objects of the undertaking must become of great interest to the prospective exhibitor. It will therefore be of importance to know that it is intended to make a special effort to attract attention from other interests than those that are purely agricultural, so that the exposition as a whole may be a true presentation of the state's development in manufacturing and mercantile activities, as well as of those products of the soil which have won for North Dakota the proud distinction of being the banner agricultural state of the Union. Following out this plan it is expected that the large wholesale-retail and retail establishments of our larger cities will be represented. North Dakota is famed for her large emporiums of trade and up-to-the-minute methods of her merchants. Fargo, Grand Forks, Minot, Devils Lake, Jamestown, Bismarck, Dickinson, Mandan, Valley City and a score of other cities have all large establishments which call for more than passing remark and their representation at a great state exposition cannot fail to emphasize our people's activities along other than purely rural lines.

A striking example of a mercantile concern which typifies our progress in this respect as well as furnishing a concrete example of what can be accomplished by energy and intelligent organization, backed by ample capital, is the mammoth establishment at Bismarck owned and operated by A. W. Lucas, whose name it bears. Bismarck has now a population of some 6,000 people, yet here, covering almost one fourth of one of her city blocks, can be found a prosperous business, whose clientele reaches a hundred miles from the capital city in every direction, the equal in every respect of similar establishments in cities of from 100,000 upwards. Almost every need of the average American household can be supplied from its ample stocks, and new departments are being constantly added. Originally catering principally to ladies' furnishings the establishment has grown, both in scope and size, until it embraces furniture, household hardware, carpets, toys, awnings, garden implements and scores of other articles too numerous to be named here and only to be properly appreciated in an illustrated catalogue duly arranged and indexed. At first occupying a twenty-five foot frontage of two stories the business now requires a frontage of 125 feet by 140 in depth, with a basement and two stories above crowded with merchandise of every description. That such an establishment can be profitably conducted in a city the size of Bismarck—no larger than many a village in the crowded east—is a splendid illustration of the purchasing power of the west, and of North Dakota in particular, and also emphasizes the vim and energy of the western business man who can see opportunity

when it beckons and who has initiative to profit by what he sees. This feature of the proposed exposition is one that cannot fail to add to the many other attractions of that event as well as throwing an additional side light upon the state and its activities.

YOUR ATTITUDE TOWARD MONEY

Do you think of money in terms of what it will buy or of what it will earn?

When a sum of money comes into your possession, do you at once figure out how to spend it or do you plan to put it at work profitably to earn more money for you.

A good many persons overlook the fact that when they spend a sum of money they give up the benefit of the earning power of that particular sum for all the rest of their lives. If the all well and good, but if your better expenditure in question is worth that, judgment tells you it is not, you would be wiser to save the money and let it earn more for you in a savings bank account or in some safe investment.

Do you ever stop to figure compound interest? Do you know how important a part it plays in the accumulation of wealth? Combined with frugality and sound investment, compound interest is the foundation upon which the majority of fortunes are built. It works silently but incessantly—Sundays, week days and holidays. It works while you sleep and while you play. At four per cent semi-annually compounded interest any sum will double itself in approximately seventeen and a half years.

In other words, when your son is born, suppose you put \$1,000 in a savings bank for him and let it alone. Forget it, if you wish, until the boy is ready to go to college. Then by the time he is eighteen years of age and ready to matriculate as a freshman, there is, not just \$1,000, but \$2,000, waiting for him in the bank—enough to pay his way through the whole four years college course. Or, if he does not want to go to college the \$2,000 would give him a good start in business or on a farm. In any case, he would be fitted to start on a successful career in life.

Of course, you might decide that you would get more benefit out of that thousand dollars by using it to buy an automobile or piano now. Perhaps you might come to the conclusion that a summer's trip to Europe would pay good dividends in health and happiness and result in greater working efficiency. That would be all right if you felt reasonably sure that the probability of a larger income later on was strong enough to warrant your counting on it to provide for the future requirements of yourself and your family.

It is for you to decide whether or not you can afford to give up the earning power of money for a long time to enjoy its purchasing power for a short time.

Probably the wisest plan is to choose some of both.

FINANCING FARMERS.

The need of financing farmers in America better, which has become necessary to put agriculture even in the corn belt around Chicago on a better footing, has caused an inquiry into the Credit Foncier of Australia thru which the savings may be loaned to the farmers under the government guarantee. "Under that system," a report states, "the commissioners of savings banks will grant loans in amounts of from \$250 to \$10,000, with interest at the rate of 4-1/2 per cent per annum. In addition to paying the interest the borrower must pay half-yearly installments on account of the principal, which, with the interest, make the total payments equal to six per cent per annum, and these pay off the loan in 31-1/2 years. The success of the movement is shown by the fact that considerably over \$10,000,000 has already been advanced. The economic charges and the system of a sinking fund which automatically liquidates the liability over a long term of years, with the option of paying off the whole or any part at the end of any half-year, are very attractive features." The purpose in the adoption of this plan by Victoria in Australia, is that the rapid settlement of hundreds of thousands of acres of new land, and the rapidly increasing resultant products, is making the want of agricultural laborers of both sexes keenly felt.

TO TEST CAVALRY MOUNTS

(Special to The Tribune.) WASHINGTON, D. C., April 28.—The third annual military horse show at Fort Myer began today and will continue until Thursday. The chief object of the show is to determine the question whether the thoroughbred or the ordinary or "scrub" horse is better suited to the needs of the military service.

TO TRY ALLEGED BRIBERY CASE

(Special to The Tribune.) CHARLESTON, W. Va., April 28.—The cases of the several members of the West Virginia legislature under charges of giving or receiving bribes in the recent contest for the United States senatorship are expected to come up for trial here this week. Five members are under indictment for alleged felony and eight are charged with misdemeanor.

Walker Whiteside will appear again next season in "The Typhoon."

News of the State

A box car filled with crockery was torn down at Langdon.

The old skating rink has been torn down at Langdon.

There is a smallpox epidemic at Westfield, near Linton.

Woodworth has a live farmers' club which is "doing things."

Rain has interrupted seeding in some parts of the state.

The Braddock News wants the dog in that vicinity tied up.

The Regan Headlight remarks that "Rupp's cattle are running the own."

Jens Jensen, a farmer living near Garrison, lost four stacks of grain by fire.

Wheat seeding is said to be well advanced in the vicinity of Martsonmoor.

Why not boost for a big tree planting stunt in your section on Arbor Day?

The Langdon creamery, which was closed during the winter, was opened last week.

The Soo put a new time card in effect on the line that runs through Egan's county.

The people living along the Mott line will appreciate the new passenger train service.

The sale of automobiles in North Dakota is beyond even the expectations of the dealers.

Some valuable papers were discovered when the nurses of the state held their meeting at Fargo.

A number of farmers in the vicinity of Kindred are experimenting with the new marquis wheat.

The program has been arranged for the bankers' convention, which is to be held at Fargo in June.

The streets in Bowbells are in better condition than any time within the memory of the oldest inhabitant.

Ed Van Beek of Westfield is running an engine which draws five plows, a drill and a drag and has no one to assist.

It will take the people along the main line of the N. P. a little time to become accustomed to the change of the train schedule.

The Kindred Tribune man goes into details regarding the disease autolitis. He had the disease bad, but got an auto and is entirely cured.

Lisbon has put in a school playground with a "giant stride," "shoot the chutes," and pile, etc., which is proving immensely popular.

The Binford Times man went over to the new town of Sutton and was quite surprised at the construction work that has been going on there.

The McHenry Tribune issues warning that the ordinance against hauling refuse and garbage through the main streets of the village will be enforced.

The recent municipality election in Larimore, in which M. Cass won out for mayor over John Nelson by three votes, will probably be taken to the courts.

There is an honest farmer near Sanborn. He reports to The Sanborn Enterprise that seven stray "thanks-giving dinner" turkeys are stranded on his farm.

The baby girl of Mrs. James Ford, who lives thirty miles south of Mandan, was poisoned from eating seed grain that had been treated with formaldehyde.

The Walcott Reporter wants to know why the auto owner should be singled out for double taxation and suggests a license on baby carriages and wheelbarrows and buggies.

Valley City lost many of the star players that composed its baseball team last year because of delay in organizing the team, but expects to have a good bunch of players.

Station Agent F. P. McClure of Sanborn, who is an enthusiastic sportsman, spent a day last week working wild rice around sloughs in that vicinity, to tempt the ducks next fall.

Reports are beginning to wander back from some of those who have gone from this state to Montana to take up claims that all is not as rosy as it looked from long distance.

The students of the Agricultural college have hit upon the scheme of raising funds for the boys' dormitory by asking the farmers over the state to donate one bushel of wheat. Some of the farmers have already offered as high as 100 bushels.

The Lisbon Free Press, speaking of the recent election in Fargo, says: "Hoover came out ahead in the school elections at Fargo, and from the discussions, public and private, we believe the voters gave a righteous judgment."

In its eighteen years ago column The Lisbon Free Press says: Recently of the farmers have already offered as high as 100 bushels.

The Minnesota legislature has closed its sessions, and unlike North Dakota, which has to wait weeks for a digest of the laws passed, in a few days hundreds of Minnesota papers will contain a complete list of the laws passed.

BIRTHDAY ANNIVERSARY

Sir Philip Grey-Egerton.

Sir Philip Grey-Egerton, whose name is familiar to American readers by reason of his marriage to an American woman, was born April 29, 1864. His family is a very ancient one, tracing back to Philip Egerton, one of the knights of Edward IV., and from whose younger son, Ralph, are descended some of the most notable houses of the English aristocracy. In 1895 Sir Philip Grey-Egerton was married to Miss May Cuyler of New York, daughter of Major J. V.ayne Cuyler, U. S. A., and a great-granddaughter of General Anthony Wayne, of Revolutionary fame. In 1903 the couple separated and later Lady Egerton secured a divorce and remarried. Outcrook Park, in Cheshire, the country seat of Sir Philip, is a magnificent estate of about 9,000 acres, with a great house dating back to the beginning of the eighteenth century and containing many valuable paintings and other art treasures.

Why not boost for a big tree planting stunt in your section on Arbor Day?

The Langdon creamery, which was closed during the winter, was opened last week.

The Soo put a new time card in effect on the line that runs through Egan's county.

The people living along the Mott line will appreciate the new passenger train service.

The sale of automobiles in North Dakota is beyond even the expectations of the dealers.

Some valuable papers were discovered when the nurses of the state held their meeting at Fargo.

A number of farmers in the vicinity of Kindred are experimenting with the new marquis wheat.

The program has been arranged for the bankers' convention, which is to be held at Fargo in June.

The streets in Bowbells are in better condition than any time within the memory of the oldest inhabitant.

Ed Van Beek of Westfield is running an engine which draws five plows, a drill and a drag and has no one to assist.

It will take the people along the main line of the N. P. a little time to become accustomed to the change of the train schedule.

The Kindred Tribune man goes into details regarding the disease autolitis. He had the disease bad, but got an auto and is entirely cured.

Lisbon has put in a school playground with a "giant stride," "shoot the chutes," and pile, etc., which is proving immensely popular.

The Binford Times man went over to the new town of Sutton and was quite surprised at the construction work that has been going on there.

The McHenry Tribune issues warning that the ordinance against hauling refuse and garbage through the main streets of the village will be enforced.

The recent municipality election in Larimore, in which M. Cass won out for mayor over John Nelson by three votes, will probably be taken to the courts.

There is an honest farmer near Sanborn. He reports to The Sanborn Enterprise that seven stray "thanks-giving dinner" turkeys are stranded on his farm.

The baby girl of Mrs. James Ford, who lives thirty miles south of Mandan, was poisoned from eating seed grain that had been treated with formaldehyde.

The Walcott Reporter wants to know why the auto owner should be singled out for double taxation and suggests a license on baby carriages and wheelbarrows and buggies.

Valley City lost many of the star players that composed its baseball team last year because of delay in organizing the team, but expects to have a good bunch of players.

Station Agent F. P. McClure of Sanborn, who is an enthusiastic sportsman, spent a day last week working wild rice around sloughs in that vicinity, to tempt the ducks next fall.

Reports are beginning to wander back from some of those who have gone from this state to Montana to take up claims that all is not as rosy as it looked from long distance.

The students of the Agricultural college have hit upon the scheme of raising funds for the boys' dormitory by asking the farmers over the state to donate one bushel of wheat. Some of the farmers have already offered as high as 100 bushels.

The Lisbon Free Press, speaking of the recent election in Fargo, says: "Hoover came out ahead in the school elections at Fargo, and from the discussions, public and private, we believe the voters gave a righteous judgment."

In its eighteen years ago column The Lisbon Free Press says: Recently of the farmers have already offered as high as 100 bushels.

The Minnesota legislature has closed its sessions, and unlike North Dakota, which has to wait weeks for a digest of the laws passed, in a few days hundreds of Minnesota papers will contain a complete list of the laws passed.

Supreme Court

In the Supreme Court, State of North Dakota, October Term, 1912.

First National Bank of Westhope, a corporation, Plaintiff and Respondent, vs. J. M. Mesner and P. S. Hilleboe, Defendants and Appellants.

1. A loan made by a national bank upon real estate security, although prohibited by Section 5137, U. S. Statutes, 1878, is voidable and not void, and the sovereign alone can be heard to object. Its ultra vires nature cannot be pleaded as a defense by the debtor.

2. Where an agent to collect, in violation of his duty, releases notes and securities for less than their face value, he can be held liable in an action for damages brought by his principal, even though such principal has not first sought to collect the sum so remitted from the original debtor or to set aside the release and to re-assert his lien in a court of equity, upon the securities. The principal is not required to undo or to seek to undo that which his agent has voluntarily done.

3. In a suit by a principal against an agent for damages arising out of an unauthorized act, the complaint is not required to negative a ratification by such principal. The ratification, if any, would be a matter of defense.

4. Under the Code of Civil Procedure complaints are liberally and not strictly construed, and the old rule that pleadings are to be interpreted strictly against the pleader no longer obtains. (Syllabus by the Court.)

Appeal from the District Court of Bottineau county, Barr, J.

Action to recover damages caused by the alleged unauthorized act of plaintiff's agents, defendants in this action. From an order overruling defendant's demurrer to the complaint, defendants appeal.

Affirmed, with 10 cents costs. S. N. D., attorneys for plaintiffs and appellants.

Bangs, Cooley & Hamilton, Grand Forks, N. D., and Coyle & Cooper, Westhope, N. D., attorneys for plaintiff and respondent.

Opinion of the court by Bruce, J. Goss, J., did not participate, being disqualified.

S. Kerlin, Plaintiff and Appellant, vs. City of Devils Lake, Peter J. McClory, as Mayor of the City of Devils Lake, and S. C. Jones, as City Auditor of the City of Devils Lake, Defendants and Respondents.

A special city election was held to determine the question of whether such city would increase its debt limit and issue bonds to establish a city light plant. The election was held at one central voting place, instead of having a place for voting in each ward on an election precinct as required by where city special elections for years had been usually held. A large vote was polled for a special election. Ample opportunity was afforded all electors to vote. No fraud is alleged in the calling of or in the conduct of the election. Held:

1. As by statute an election should have been held in each ward the election was irregular but not void.

2. Section 121 of our Constitution, as amended, in defining the qualifications of an elector, does not prescribe a rule for voting, nor compel a qualified elector to necessarily vote at a place within the boundaries of the ward in which he resides, though every ward is by statute a voting precinct.

3. Where the election is held as called for, at the places designated by the lawful municipal authority, and is regularly conducted and a fair and regular canvass made of all votes cast, with no fraud charged, in the absence of a statute expressly invalidating the election, it will be upheld.

4. General statutory registration requirements do not apply to a special city election held for this purpose; the details of registration are to be provided by municipal ordinance.

5. Want of registration at this special election did not invalidate such election in the absence of fraud or of a charge of illegal voting sufficient to change the result of the election.

6. An allegation that certain named persons illegally voted at such election, without charging that it changed the election result, and where insufficient to impute fraud in the conduct of the election, does not charge facts sufficient to invalidate the election.

7. The official notice of the election by publication was legally given.

8. A special election for such purposes may be authorized either by resolution or by ordinance.

9. The ballot in stating the amount of the proposed bond issue, is too indefinite where the amount is stated as "not to exceed \$38,000."

10. A dual question of (1) increase in debt limit, and (2) bonding after increase of debt limit, both for a stated purpose, may be submitted upon the ballot at one election if the form of the ballot permits such propositions to be voted upon separately.

11. The fact that both of the questions to be voted upon were, under the form of the ballot, submitted jointly instead of separately, did not prejudice or mislead the voter as to the question of increasing the debt limit.

12. Although such election as aforesaid insofar as it authorized the issuance of bonds, it was valid insofar as it authorized an increase of the debt limit for such purposes.

Syllabus by the Court.

Appeal from the District Court of Ramsey county, Winchester, special J., from an order vacating an injunctive order.

Modified.

Opinion by Goss, J. Spalding, C. J., dissenting.

Flynn & Traynor of Devils Lake, attorneys for plaintiff and appellant.

F. T. Cuthbert, city attorney of Devils Lake, attorney for defendants and respondents. A. R. Smythe of Devils Lake, of counsel.

DUCK AND GANDLEPIN BOWLING

(Special to The Tribune.) BOSTON, April 28.—"Little pin" bowlers from several states gathered in Boston today for the opening of the seventh annual tournament of the National Duck and Gandlepin Bowling Congress. The tournament will last ten days and will include events for both amateurs and professionals.

TODAY IN HISTORY

April 29.

1770—Benedict Arnold and his company arrived at Boston on their way to capture Fort Mifflin.

1776—Adoption of the Pine Tree Flag by the Great and General Court of Massachusetts.

1802—Congress passed laws amending the judicial system of the United States.

1816—Congress appropriated \$1,000,000 a year for eight years to increase the navy.

1827—Rufus King, federalist candidate for president in 1816, died in New York City. Born in Scarborough, Mass., in 1759.

1837—Gen. Georges Boulanger, who nearly destroyed the French republic, born at Rennes, France. Died in Brussels, Sept. 30, 1891.

1879—Prince Alexander Joseph of Eastenberg elected Prince of Bulgaria.

1886—Foundation of a monument to the confederate soldiers of Alabama laid on the Capitol grounds in Montgomery by Jefferson Davis.

1889—New York City began a three days' celebration of the centennial of Washington's inauguration.

1903—Stuart Robson, noted actor, died in New York City. Born in Annapolis, Md., March 4, 1836.

MARKETS.

MINNEAPOLIS

1 Hard 92 1/4; 1 Nor 90 3/4 to 9 3/4;

1 Nor reg arr 90 3/4 to 9 1/2; 1 Nor 88 3/4 to 89 3/4; 2 Mont hard arr 92 1/4;

3 Wheat 86 1/2 to 87 3/4; 1 Dur 85; 2 Dur 93; arr same; 3 W C 55 to 55 1/2;

July 97; Oats on trk 32 1/8 to 5 8; arr same; Rye of 56 to 59; Barley of 46 to 59; Flax of 1.00 to 1.15; Flax arr same; May 50 1/4; July 13 1/8;

Sent 136; Oct 134 A; Oct 134; high May 90 5/8; Low 90 1/4.

DULUTH.

May 90 3/8 Bid; July 92 5/8 Bid; Sept 92 7/8 Bid; 1 Hard of 92 7/8; 1 Nor of trk 91 7/8; 2 No of 89 3/8 to 89 7/8; too arr 1 Nor 91 7/8; Mont 2 Hard 90 3/8; Spot Dur No 2 95 1/2; May 96 2 1/2; No 4 Corn 52 1/2 a 53 1/2; 3 Oats 42 to 58; Rye 56 to 58 1/2; arr same; Flax 130 1/4 arr same; wk 89 1/8-1/4 B; wn 91 1/2 to 5/8; wn 92 to 5/8 A.

Chicago.

CATTLE—Receipts, 25,000; killers, 10 to 15c lower; steers, \$5.75 to \$8.20; cows and heifers, \$4.50 to \$7.35; calves, steady to 25c higher, \$5.00 to \$8.30; feeders, steady, \$4.20 to \$7.75.

HOGS—Receipts, 35,000; 15 to 25c lower; range, \$8.30 to \$8.40; bulk, \$8.25 to \$8.40.

SHEEP—Receipts, 100; steady; lambs, \$4.50 to \$8.25; wethers, \$4.50 to \$6.25; ewes, \$2.25 to \$6.00.

Chicago.

CATTLE—Receipts, 30,000; weak, 10 to 25c lower; heaves, \$7.20 to \$8.90; Texas steers, \$6.70 to \$7.75; western, \$6.90 to \$8.00; stockers and feeders, \$6.10 to \$8.00; cows and heifers, \$3.90 to \$8.25; calves, \$5.25 to \$9.25.

SHEEP—Receipts, 25,000; weak, 10 to 15c lower; native, \$6.00 to \$7.15; western \$6.25 to \$7.15; yearlings, \$6.50 to \$7.90; lambs, native, \$6.60 to \$8.10; western, \$7.00 to \$8.75.

INTERNATIONAL GARDEN UNION.

(Special to The Tribune.) WASHINGTON, April 28.—Many visitors are arriving in the capital to attend the annual convention of the International Kindergarten Union. The sessions will begin tomorrow and continue until Saturday.

LONG-IDLE PLANT RESUMES

(Special to The Tribune.) SHARON, Pa., April 28.—The local plant of the American Steel Foundries Company, which has been shut down for two years, resume operations today. The plant gives employment to about 600 men.

TAKE THIS MAN'S ADVICE

Try the Great Kidney Remedy

It always gives me pleasure to recommend anything that is right and so I feel it my duty to herald the praises of Dr. Kilmer's Swamp-Root.