

In the Field of Sport

Short and Pithy Paragraphs From Daily Sports

FEDS INJURE THE MINOR LEAGUES

If They Remain Out of Fold Young Players Will Not Stick to Small Clubs.

New York, May 8.—The real problem brought about by the Federal league does not affect the major leagues, nor even those leagues just below the majors...

higher class organizations supplied with talent. Every club in the two major leagues has players who came to the majors direct from class B organizations.

BASEBALL SCORES

NATIONAL LEAGUE

Table with columns: Team, W, L, Pct. Rows include Pittsburgh, Philadelphia, Brooklyn, New York, Cincinnati, St. Louis, Chicago, Boston.

Friday's Games

Table with columns: Team, Score. Rows include Boston and New York, Chicago and Pittsburgh.

AMERICAN LEAGUE

Table with columns: Team, W, L, Pct. Rows include Detroit, St. Louis, Washington, New York, Chicago, Philadelphia, Boston, Cleveland.

Friday's Games

Table with columns: Team, Score. Rows include St. Louis and Cleveland, Chicago and St. Paul.

FEDERAL LEAGUE

Table with columns: Team, W, L, Pct. Rows include St. Louis, Baltimore, Brooklyn, Indianapolis, Chicago, Kansas City, Buffalo, Pittsburgh.

Friday's Games

Table with columns: Team, Score. Rows include Pittsburgh and Chicago, St. Louis and Cleveland.

Buffalo 200 100 041—R. H. E. Kansas City 190 200 200—5 9 3 Batteries—Kaiser and Blair; Henning and Easterly. Umpires—Bush and Mannassan.

AMERICAN ASSOCIATION

Table with columns: Team, W, L, Pct. Rows include Milwaukee, Kansas City, Louisville, Indianapolis, Minneapolis, Cleveland, St. Paul, Columbus.

Friday's Games

Table with columns: Team, Score. Rows include Louisville, Milwaukee, Kansas City.

AMERICAN ASSOCIATION

Table with columns: Team, W, L, Pct. Rows include Cleveland, St. Paul, Indianapolis, Kansas City.

DECISION OF SUPREME COURT

From Morton County. Alexander McKenzie, Ruth Rodman and Amy Rodman, Plaintiffs and Appellants, vs. City of Mandan, County of Morton, O. H. Killard, County Treasurer and H. H. Harmon, County Auditor Defendants and Respondents.

A description in an ordinance creating a sewer district which reads "all lots and parts of lots, all blocks and parts of blocks, and all other parcels of land within the City of Mandan, Morton County North Dakota, as the same is now platted and recorded in the office of register of deeds in and for said Morton County which lies north of the right of way of the Northern Pacific Railway Company, including Mandan proper, First Northern Pacific Addition to Mandan, Heart View Addition to Mandan, that portion of Mead's Addition to Mandan lying north of said right of way, and all of Helmsworth & McLean's Addition to Mandan and all of said right of way belonging to the said Northern Pacific Railway Company," is held to include that portion of Helmsworth & McLean's Addition which lies south of the railway track as well as that portion which lies north thereof.

(2) Section 2801, R. C. 1905, requires special assessments to be made on the basis of benefits and of benefits alone. It specifically requires an inspection of the lots or parcels of land by the commission and a complete list of both the benefits and the assessments to be made.

(3) If in making an assessment under Section 2801, R. C. 1905, the commission neglects to inspect the land and to make or cause to be made a complete list of both the benefits and the assessments or in computing such assessments adopts a method which is unwarranted by the statute, the assessment is void and property owners will not be precluded from bringing an action in a court of equity to enjoin the collection of the same by the mere fact that they did not appear before the board of commissioners or the city council to object to such assessment.

(4) Objections to an assessment which seek to correct errors in judgment, and mistakes as to the real amount of the property is benefited, must be urged before the commissioners and the city council, and if not so urged cannot afterwards be relied upon in a subsequent suit in equity to restrain the collection of such assessment. This is not true, however, of objections which involve the legality of the proceedings and raise the question that the method pursued was contrary to that provided by the statute.

(5) A complaint which alleges "that such special assessment commission in attempting to determine the actual benefits to accrue to the lots and parcels of land in said pretended assessment district by the construction of aid sewer acted arbitrarily and unlawfully and by an inflexible rule, and totally failed and neglected to exercise any discretion; that it did not determine said benefits, if one there were at the time nor in the manner prescribed by law, but first determining arbitrarily how much the cost of said sewer and of said trunk line should be borne by each of the lots in said district and having so determined the amount to assess against each lot and parcel of land arbitrarily and illegally as aforesaid, and basing the estimate of benefits upon the cost of the sewer and the proportion thereof assessed to each lot and parcel of land determined of the lots and parcels of land in said district was benefited fifty per cent more than the proportion of cost so assessed; and this though many of the lots and parcels of land in said sewer district were not benefited at all by said sewer, and have benefited more than others, and some were so situated that said sewer could not serve them" shows and alleges a method of procedure on the part of the commissioners

which is not warranted by Section 2801 R. C. 1905, and it is illegal. Creates a District. An ordinance which creates a sewer district is not invalid because it contains a clause to the effect that said district is "created for all purposes of local improvement within the boundaries thereof, contemplated by the provisions of the laws of North Dakota, as laid down in Article 18 Chapter 30 of the Political Code of 1915." Even if such clause can not be construed as relating to sewer purposes merely, it may be stricken from the ordinance as surplusage, and if the said ordinance is otherwise complete and connected in subject matter the ordinance may stand and be enforceable after such exclusion.

(7) Where an ordinance creating a sewer district contains a provision that the district so established "is so created for all purposes of local improvement within the boundaries thereof, contemplated by the provisions of the laws of North Dakota, as laid down in Article 18 Chapter 30 of the Political Code of 1915" and the title of the ordinance is "An Ordinance Creating and Establishing Sewer Improvement District Number One in the City of Mandan, North Dakota, and Defining the Boundaries of the same" and no other improvement is spoken of in the ordinance but that of a sewer, the title may be used for the purpose of arriving at the intention of the council and the said clause may be construed as relating to sewer purposes.

Shall Specify Work. Section 2780, R. C. 1905, as amended by Chapter 46 of the Laws of 1907 and which as so amended provides that advertisements for bids for the construction of sewers "shall specify the work to be done according to the plans and specifications thereof on file in the auditor's office and shall call for bids thereon upon a basis of cash payment for said work and state the time within which such work is to be completed. The city council may also require bidders to state the rate of interest the warrants shall bear (not exceeding seven per cent per annum) which are to be received and accepted by them at par in payment for such work." Is mandatory and must be reasonably complied with in so far as the provision in regard to the bids upon a cash basis and the rate of interest which the warrants shall bear are concerned.

Appeal from the district court of Morton county, Nichols J. Action to restrain the collection of a special assessment sought to be levied under Chapter 62 of the Laws of 1905 Judgment for defendants sustaining a demurrer to the complaint. Plaintiffs appeal. Reversed. Opinion of the Court by Bruce J.

W. H. Stutsman, of Mandan, North Dakota attorney for plaintiffs and appellants. L. H. Connolly City Attorney of Mandan North Dakota, attorney for defendants and respondents.

Syllabus By the Court. Appeal from the district court of Morton county, Nichols J. Action to restrain the collection of a special assessment sought to be levied under Chapter 62 of the Laws of 1905 Judgment for defendants sustaining a demurrer to the complaint. Plaintiffs appeal. Reversed. Opinion of the Court by Bruce J.

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PLANT LIFE IS QUITE PLIANT

Luther Burbank, the Wizard of Vegetable Life Tells On His Work.

I asked Luther Burbank the other day what he thought was his greatest achievement. A smile came to his mouth, followed by furrows to his brow. He had been asked the same question perhaps ten thousand times in the last ten years. One way of answering it is a reference to his catalogued creations with a prompt dismissal of the subject. But this time he gave the question a deeper thought.

"The greatest thing I have ever done," he said, "is the lesson that I have taught the world that plant life is pliant."

"To cite an example: Three years ago a man came to me and asked me if I could produce an edible sweet pea of a certain uniform size and taste, of a specified color and texture and all at the same time. He wanted them for canning purposes. It seemed to the packer that he was requesting an unusual, radical thing and he doubted that the matter could be put only a contractual basis, like an order for a suit of clothes, or a building, or anything else made by the hand of man. He was genuinely surprised when I answered with a positive 'Yes.' Just three years later the plant that would produce the desired kind of pea was ready for him. Six planting stages were all that were necessary, but each one represented selections from thousands and thousands of brown plants. The packer has his pea and it is a permanent variety—it will never go back to its forbears."

Three years is a short time in which to create a new variety. As a rule, Burbank needs a cycle or more to evolve new creations. It took him sixteen years to eliminate the thorns from Spiny Cactus. But once the finished product leaves the Burbank factory—the soil of his proving grounds—it is a fluky, the same as a manufactured article of commerce fashioned after a pattern designed by the hand of man and run off in endless duplication in man-made machines. To give a new shade to a rose; to make nature remove or so modify the pit in a plum that it is practically stoneless; to produce a cherry bigger than any cherry ever known, and to get more clusters at the same time on the individual tree; to force a walnut tree to an eight-years' growth in three; not to speak of making a superior potato quality of a size that would be preserved as a phenomenon, and commercialize it through out the world, to eliminate the thorns from cactus, and a hundred and more other achievements, and to be able to do all of them upon actual predetermined specifications is the remarkable

element in the Burbank accomplishment. It is truly teaching the lesson that plant life is pliant. Subscriptions to the William Moore Memorial association will close on May 20th. Those wishing to become members of the association must send subscriptions to Brooks Hoskins, Treasurer, on or before that date.—Adv. Fargo is to have a municipal market in the near future.

When You Plan Your Home, Store, School, Church or any Building Remember the importance of Heating, Plumbing and Ventilating We are expert Sanitary Plumbers, Heating and Ventilating Contractors, and guarantee both our work and the goods we sell. No job too large to handle successfully and Economically Valves, Pipes, Fittings and accessories for wholesale trade carried in complete stock for immediate shipment. Write us your needs Let us bid on any construction work you have in mind. Estimates cheerfully furnished Correspondence Solicited Grambs & Peet Co. Heating, Plumbing and Ventilating Contractors and Engineers Phone 561 Bismarck, N. D.

U. S. Depository Also Depository for Gov. Postal Savings Bank Funds C. B. LITTLE, Pres. J. L. Bell, V. Pres. FRANK E. SHEPARD, Cashier A. J. Arnot, Asst. Cashier First National Bank BISMARCK, NORTH DAKOTA Established 1879 Capital and Surplus \$200,000 OUR NATIONAL BANK HAS A CHARTER FROM THE U. S. GOVERNMENT A NATIONAL BANK, before being permitted to do business, must first receive a CHARTER from the U. S. Government. Before this charter is granted, the Government must be satisfied that there are men of both CHARACTER and FINANCIAL RESPONSIBILITY behind a bank. A National Bank must operate under strong restrictions for SAFETY, laid down by the Government at Washington, which includes being regularly examined by representatives of the Treasury Department. Make OUR Bank YOUR Bank

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