

TAX BOARD IS HOISTED BY ITS OWN PETARD: THE REFERENDUM ACT

COMMISSION WAS READY TO SUSPEND ONE MAN COMMISSION APPROPRIATION WHEN THE EMERGENCY CLAUSE UNDER BESSESSEN ACT ESTOPPED THEM; OLD APPROPRIATION IS REPEALED; ONLY \$3,000 PER ANNUM FOR THREE COMMISSIONERS.

WHO WILL NOW GET THE SALARY?

While the house refused to abolish the three man tax commission, the budget only provides an appropriation for a one man tax commission. By fixing the fancy clincher supplied by the Packard-Bessesen, Divet, et al, initiative and referendum act, the tax commission cannot suspend the operation of the appropriation. Also the general budget bill specifically repeals the old tax commission appropriation which under a recent decision of the supreme court was held to be a continuing one.

Repeal Clause Absolute.
The repeal clause in the present budget passed last evening was so worded as to overcome the objections of the supreme court. In fact certain judges were consulted in advance, so that the tax commission instead of saving \$40,000 a biennial period has only \$23,800. Instead of becoming operative July 1, the appropriation begins today so that with adjournment the old tax commission appropriation is repealed.

Only One Salary.
But the appropriation only provides salary for one tax commissioner at \$2,000 per annum. Governor Hanna last evening sent to the senate the appointment of H. H. Steele, as the third tax commissioner. The question now is who will get the \$3,000 a year. It will be split up into \$1,000 a year each or will State Auditor Jorgenson refuse to pay only one and let the other two mandamus and seek relief in the court.

Wipes Out Commission.
It was generally believed that the budget bill in effect wiped out the tax commission because it deprives it of one commissioner of his salary. The supreme court's decision will be called upon to determine the proposition.

But the repeal clause of the budget bill reads:
"It is the intent hereby to enact an inclusive general appropriation bill, and to repeal each and every act and all parts of acts now existing which appropriate or purport to appropriate money for any of the offices, officers, positions and things set out in section 3 thereof in so far as the same conflict therewith, or relate to appropriations for the same matters or purposes provided for therein."

Packard Was Ready.
It was known that the present tax commission was preparing to circulate a petition to suspend the one man tax commission in the event it passed the house, knowing that it would take a two-thirds vote to put on an effective clincher such as is provided in the initiative and referendum. Mr. Packard has been busy preparing for this. He has been fortified with decisions and data and petitions would have been started today. If enough signatures had been secured, any single tax commissioner bill which the legislature had enacted could have been suspended for two years.

The tax commission also relied on its power through the same medium to suspend the one man tax commission appropriation, but Ployhar, Divet and others of its defenders were deep at the switch.

Caught in Meshes.
Seldom has there been an instance where a piece of fool legislation was caught in its meshes, the very men who perpetrated it upon the state. The question is now how can three men serve the state on \$3,000 a year. This appropriation doubtless will be thrown into the courts. It is the general opinion that the bill will put the tax commission on short rations and practically eliminate all but one commissioner.

Verify this referendum is a wonderful thing.

FARGO MAN MAY HAVE PERISHED

Joseph Dubeau Believed Among the Three Victims of Hotel Fire in Minneapolis.

Minneapolis, March 5.—Three men believed to have perished in a fire which early today destroyed two adjoining hotels, the Astoria and Fredrick. The missing are Joseph Dubeau, chauffeur, of Fargo, N. D., and two unknown foreigners. Edward Perry, a guest, was seriously burned and taken to a hospital. Two firemen were hurt falling from ladders and several others injured. Twenty women were carried from the burning buildings. The loss is estimated at \$50,000.

MEXICAN TROUBLE SERIOUS

PRESIDENT WILSON IS CONFRONTED WITH MOST SERIOUS AND PERPLEXING SITUATION

MEXICO CITY FACES FAMINE

General Obregon Announces He Will Not Prevent Looting; Refuses Outside Aid.

Washington, March 6.—President Wilson was confronted with one of the most serious and perplexing developments tonight that has ever arisen in the Mexican situation. Mexico City is on the verge of starvation. General Obregon, the Carranza commander, refuses to permit the international relief committee, composed of the wealthy of foreign colonies, to succor the needy. "Mexico needs no foreign aid," Obregon said. All merchants who closed their stores were threatened with punishment unless they re-opened. People in the city are living in terror of another evacuation, since Obregon announced he will not prevent looting and pillaging for food and money. The Brazilian, Spanish, British and Italian ambassadors called with pessimistic reports at the state department today. No solution was suggested. Freight service is suspended between Mexico City and Vera Cruz. Transportation facilities for relief purposes are withheld by Obregon. Tonight the president is studying the various phases of the situation closely.

Drastic measures may be necessary should Obregon continue to refuse outside aid. Foreign diplomats describe the situation more intolerable than it ever has been since the revolutionary troubles began. Varied wild rumors are afloat in Mexico City owing to incendiary utterances.

(Continued on Page Two.)

VICE-PRESIDENT TO REPRESENT WILSON

President Regrets His Inability to Be Present at Dedication of Exposition.

Washington, March 15.—Vice President Marshall goes to San Francisco to represent President Wilson at the formal dedication of the Panama-Pacific exposition on March 20. The president still hopes to visit the exposition later, and regrets his inability to do so at the present.

DETECTIVES POSING AS SCRUBWOMEN SAVE WEALTHY MEN FROM BOMB PLOT



Left to right: Patrick Walsh, Jerome Murphy and Jim Starrett.

A huge bomb plot, of which St. Patrick's Cathedral at New York, the Rockefeller's, Carnegie, Vanderbilt and other wealthy men were the objects, was nipped in the bud by the work of these clever detectives, two of whom posed as scrubwomen and the third as a church usher. Frank Abarno, an Italian anarchist, was to start the reign of terror. He was caught by these detectives when he threw a bomb with fuse lighted in St. Patrick's Cathedral.

HOUSE WINDS UP BUSINESS LAST NIGHT

STAAL HENDRICKSON ACCEPTS A FOUR-FIFTHS AMENDMENT TO H. B. 32.

NO PASSES ARE ALLOWED

House Declines to Permit Railroad Commissioners to Accept Passes.

Staal Hendrickson's H. B. 32, the now famous unanimous decision law, but stripped of the unanimous feature and amended so that a four-fifths decision of the supreme court only is required to declare legislative enactments unconstitutional, was the last bill to be passed by the house and it drew a big vote in its amended form, 92 voting for the bill and but 7 against it.

Other bills which the house considered at the night session were as follows:

H. B. 302, Westdal, adds chairman of the tax commission and board of railroad commissioners to the membership of the state board of equalization, killed.

H. B. 488, Lathrop Committee, the budget bill, senate amendments concurring in and the bill was passed.

H. B. 321, Dean, relating to township road overseers, passed as amended.

H. B. 417, Heckle, relating to state high school inspector and state aid to high schools, passed as amended.

S. B. 315, McFadden, providing free transportation to railroad commissioners, lost.

S. B. 36, Trageton, excise tax on foreign corporations doing business in the state, killed.

S. B. 284, Gibbens, relating to teachers' insurance and retirement act, passed as amended.

Pendray Resolution.
The Pendray resolution relating to the publication of all testimony introduced in the board of control investigation was reconsidered on motion of Dickinson and was killed. L. L. Twichell argued against the resolution, claiming that it was a useless expenditure of from \$500 to \$750 of the state's money to satisfy some of the people of Stutsman county.

L. L. Twichell also offered an amendment to S. B. 36, Trageton's corporation tax measure, to make the rate of taxation one-twentieth of one per cent instead of one-fiftieth as the bill originally provided. On motion of Morrison the bill was indefinitely postponed.

Anti-Pass Law Stands.

There was a warm fight on S. B. 315, McFadden's bill, which would allow the railroad commissioners, their employees and immigration agents

(Continued on Page Four.)

INITIATIVE AND REFERENDUM VITIATES EVERY EMERGENCY CLAUSE ON BILLS PASSED BY FOURTEENTH LEGISLATURE

Hanna Pleased With Session

Governor Hanna last evening made the following statement as the legislature adjourned:

"The session of the legislature just closed has been a quiet one. The house and senate have been composed of earnest, conscientious men, who have worked faithfully for the state.

"I stated in my message that the sub-committee to be named to consider the finances of the state would be the most important that would be named. The Lathrop committee who had this work in charge was composed of Mr. T. Twichell, chairman, and Mr. Knox and Mr. Dickinson on behalf of the house, and Senators Kretschmar, Albrecht and Sandstrom on the part of the senate. These men worked untiringly for many days and deserve the thanks of the members of the legislature and the people of the state for the splendid work done by them, and through it all they had the hearty co-operation and help of Mr. Jorgenson, the state auditor.

"The Budget Appropriation Bill as brought in by the committee lays the foundation for a new era in state finances and augurs well for the future. It puts practically all of the appropriations together in one bill and will give to the people of the state a comprehensive idea of the cost of state government and where the money goes to.

"Many of the recommendations made by me to the legislature have been enacted into law. Among the more important of these is the act for the Budget committee that will meet in November of the year preceding the convening of the legislature to do the work which was done by the Lathrop committee during this past session.

"The passing of the Board of Regents Bill is a long step forward in the handling of our state educational institutions and putting them upon a sound, business basis. The bill has been carefully drawn and it is believed that it is a workable bill. The men who have been named for members of the first board of regents are all men of character, ability and standing in the state.

"Also, a number of laws beneficial to the farmers, among them being the law reducing the rate of interest from twelve to ten per cent; the law for the fumigation and caring for cars to be used for the shipment of cattle and hogs; and the amendment to the constitution of the state, providing for the inauguration of a system of rural credits. Also the appropriation of funds to pay the claims for dourine against the state and to carry the farm extension work to be done under the national Lever bill into force and effect.

"Immigration has been given an impetus by the appropriation of money to make that department more effective and it is hoped that much may be done in the bringing of people into the state.

"Another law provides for the registration of the trained nurses of the state, which is right; also text-book legislation and other laws in the interest of education. Some legislation has been enacted with reference to good roads, but not as much as should have been. A law passed to provide some county road aid, but a great deal could have been done had the bill passed for state road aid, and also providing for the use of some of the convicts at the penitentiary in working on the roads.

"Among the bills which failed, but which should have been passed were the bills which proposed to limit the sessions of the legislature to one session every four years; another providing for the election of county and state officials for terms of four years; and further, the proposition to cut down the membership of the house and senate. I believe that the majority of the people of the state are very much in favor of each of these three propositions.

"One very good feature adopted by this legislature has been the pushing forward of legislation so that it should not congest in the last two or three days of the session.

"The membership of the senate and house have been an earnest body of men and while men's minds naturally differ upon legislation and as to the way it may affect the particular districts which they represent and which perhaps naturally are thought of first, yet on the whole, I believe that much wise and beneficial legislation has been placed upon the statutes and down the foundation for a better adjustment of the finances of the state has been laid for the future."

FEAR FOR SARAH BERNHARDT.

Bordeaux, via Paris, Mar. 5.—Sarah Bernhardt, whose condition was considered excellent for several days after the amputation of her right leg on February 22, recently has felt a reaction and her condition for the last 48 hours has caused her friends some anxiety. It was announced by her physicians last night, however, that she was somewhat better.

BUDGET BILL IS ONLY ONE PROTECTED THROUGH SKILLFUL WORK OF ATTORNEY GENERAL AND CHAIRMEN OF TWO APPROPRIATIONS COMMITTEES; IT CONTAINS SPECIAL EMERGENCY PROVISION DEMANDED BY THE BESSESSEN-OVERSON CONTRIBUTION TO OUR CONSTITUTION.

ALL OTHER LEGISLATION IN PERIL

Within Ninety Days Upon Small Petition of Voters Any Law Enacted Can Be Suspended for Two Years; "Legal Lights" of House Exposed by Twichell.

North Dakota's Fourteenth legislative session passed into history last evening at midnight.

But no man knows how much of its work will survive the next ninety days. Every emergency clause with the exception of the one placed on the budget are not worth the paper they are written upon, and most of the laws with the one exception of the general appropriation bill will go into effect until July 1. All are subject to suspension on petition of the people.

Only Ten Per Cent.

Under the initiative and referendum amendment passed by the people, commonly known as the Bessesen concurrent resolution, any act with the exception of the budget bill is liable to suspension within ninety days upon a petition of ten per cent of the voters of the state.

Few Signers Needed.

Slightly more than 8,000 voters can suspend any law but the budget. A law when once suspended will become ineffective for two years until the next session of the legislature.

This is the situation which escaped the notice of the chairman of the house and senate judiciary committees. Representative Divet, who has drawn many of the emergency clauses to the bills overlooked the matter.

When Treadwell Twichell, chairman of the house appropriations committee, acting in conjunction with P. D. Kretschmar, chairman of the senate appropriations committee, secured an opinion from Attorney General Linde it developed that every emergency clause was vitiated by the initiative and referendum amendment to the constitution and suggested that a special emergency clause as laid down by this section of the constitution protect the budget.

Taken by Surprise.
When Mr. Twichell sprung this opinion on the house last evening and moved that the special emergency clause be affixed to the budget bill to safeguard the operations of the government against a possible suspension by the referendum, it took the house by surprise. A special roll call was had and there was not one dissenting voice. Ployhar seconded the motion and insisted upon a call of the house. Divet's face, who has been regarded as the legal brains of the house, was a study. He had overlooked a bet.

Might Have Held Up State.
If this provision had not been placed in the budget, it would have been possible to suspend any or all appropriations for two years. A special session of the legislature would have been necessary to doctor the bill up had anyone seen fit to suspend any feature of the budget bill.

May Suspend Measures.
It is not known whether any laws passed by this legislature will be attacked under the initiative and referendum. There is a rumor that several important measures are slated for suspension if for no other reason than to demonstrate the fallacy of the kind of initiative and referendum law that makes it possible to vitiate any legislation for a period of 90 days following adjournment of the legislature.

Asleep at Switch.
Had the lawyers of the house and senate been alert they would have known that the general emergency clauses under the old laws were of no effect under the present initiative and referendum act. Attorney General Linde's letter sets forth the point plainly. It follows:

Linde's Opinion.
"You ask whether the emergency clause to be attached to the general appropriation bill is sufficient to put such act in force immediately after passage and approval by the governor or whether the operation of the same would be suspended for a period of ninety days before it became effective.

"The emergency clause to which you refer is the customary form heretofore followed, pursuant to Section 67 of the Constitution, being a mere declaration that an emergency exists and that the act shall go into effect immediately after its passage and approval by the governor.

Not Sufficient.
"In my view, the emergency clause above referred to is not sufficient to

(Continued on Page Six.)

MILO'S NECK IS SAVED

Senate and House Pass Bill Amended to Cover His Case After Long Debate.

Milo will not swing to his death Friday, August 13.

After a series of conferences the bill abolishing capital punishment was passed. It includes by its terms Milo by making provision for all who are now under death sentence.

Any life prisoner is subject to pardon or parole after he has served 60 per cent of his life's expectancy. The bill in its original form provided for 80 per cent.

Several conference committees had to be appointed before a compromise was effected.

The power rests with the pardon board under the present law. The senate, however, did not want to shift the burden to the officials comprising that board.