

LAWYERS GIVE FINAL ARGUMENTS

TRACY BANGS MADE ELO- QUENT PLEA LAST NIGHT IN CLOSING CASE FOR THE DEFENSE.

BILIRETH ROUNDLY SCORED

For More Than Three Hours Jim Jam Jems Analysed by Grand Forks Attorney.

The case of the United States vs. Sam Clark and C. H. Crookard will go to the jury today. Attorney Tracy R. Bangs, senior counsel for the defense, followed District Attorney Hildreth's introductory arguments to the jury yesterday afternoon, and late last night at a special session of court completed his remarks in behalf of his clients. Adjournment was then taken until 9:30 o'clock this morning when the district attorney will again be heard in the final arguments for the government. Judge W. F. Booth will then charge the jury and it is expected the case will be submitted for consideration about noon.

Final Witnesses Examined.

J. J. Casey of Billings, Mont., was the first witness called to testify when the trial was resumed yesterday morning. Mr. Casey is named in the indictment as one of the parties to whom he March issue of 1912 was sent. This is the particular issue on which the government has founded its charges.

District Attorney Hildreth renewed his efforts to refresh Mr. Casey's memory as to his recollection of having received the particular March issue. The witness testified that he could not positively say one way or the other that he had received the shipment of this number. A transcript of Casey's testimony at the first trial of Jim Jam Jems in March, 1913, failed to show where Casey had testified positively at that time as to his receiving the certain March issue.

Exhibits Are Offered.

After the witness had been excused from the stand, the district attorney offered in evidence the March issue of 1912, as having been deposited by the defendants and sent by express to Casey. Attorney Tracy Bangs objected to this, stating that no foundation had been laid for its admission, and was sustained in his objection by Judge Booth. Letters to certain Chicago parties concerning individual orders for Jim Jam Jems and containing Crookard's signatures were introduced. They had previously been accepted by the court as being against Crookard only. They were now accepted generally as against both defendants.

Stipulation Is Made.

On Thursday afternoon, about the time the district attorney had practically completed his evidence, he moved that a recess be taken until yesterday morning in order to permit the arrival of an important witness from South Dakota whose testimony he believed would have an important bearing on the deposit and delivery of the March issue of 1912 and receipt of said issue at the Monogram Cigar store in the city of Aberdeen at that state. The witness did not arrive, and Mr. Hildreth asked the further indulgence of the court and suggested another adjournment until 4 o'clock yesterday afternoon. The senior counsel for the defense stated that he would like to facilitate matters and inasmuch as the district attorney had knowledge as to what the aforesaid witness would testify, he believed the matter could be stipulated. This was done.

Moves for Directed Verdict.

The government and defense then rested their cases. Senior counsel for the defendants, who moved for a directed verdict of "not guilty" on the grounds of insufficient evidence, improper jurisdiction, and the contention that there was no proof advanced that the articles deposited had been written or designed for immoral use. His move for a directed verdict covered both counts. This motion was denied. Attorney Bangs then offered to submit the case to the jury without comment, but the district attorney would not agree. Later, and prior to his introductory remarks yesterday afternoon, the senior counsel stated that if it would please the court he desired the argument for the defendants offered jointly by himself and Attorney George Bangs. Mr. Hildreth did not believe this fair, inasmuch as it was the custom of the federal court in this circuit to have the arguments in any other but homicide cases and because of that fact that he appeared alone in the prosecution. He added that the task of answering to both opponents would be exhaustive. The court ruled in favor of the district attorney.

District Attorney Heard.

Attorney Hildreth opened his arguments to the jury at 11 o'clock. His first remarks were advanced in an effort to bring to the minds of the jury, the obligation resting upon their oath, any friendship that they might bear towards the defendants be-

PRZEMYSL DEFENDER IS RUSS PRISONER



General von Kusmanek.

General von Kusmanek was the commander of the Austrian fortress at Przemyśl, which finally capitulated to the Czar's forces after a six months' siege.

SEED LIEN CASE IS NOW DECIDED

Court Passes on Question of Priority of Lien in Ward County Case.

Judge Bruce wrote an opinion of some importance yesterday in the case of Strand vs. W. A. Martin and Ward county, which is well known as the seed lien case.

The facts in this case, in brief, are as follows: The legislature passed a law providing that the counties might give farmers seed and charge the cost of the seed against the farmer's property as a tax. One farmer in Ward county had a mortgage on his land. He procured some seed from the county under the provisions of the act referred to. The mortgagee foreclosed his mortgage and took possession of the property. The county attempted to collect from the mortgagee the amount of the claim for seed, contending that this claim was really a first lien and that the tax had priority over the mortgage. Thus the question of priority of liens came up.

The supreme court held that the mere fact that this was looked upon as a tax did not make the county's claim a first lien and decided the case in favor of the mortgagee.

Syllabus of Case.

1. Esther Strand and Joseph Strand, Plaintiffs and Respondents, vs. W. A. Martin and Ward County, a Municipal Corporation, Defendants; Ward County, alone, Appellant.

Syllabus: (1) The seed lien or charges which is provided for by Chapter 210 of the Laws of 1909, though in some respects treated as a tax, is not a tax in the strict sense of the term so as to be a paramount lien under the provisions of Sections 1557 and 1572, R. C. 1905.

(2) A tax is an enforced burden or charge imposed by the legislative power upon persons or property to raise money for public purposes.

(3) The seed lien or charge which is provided for by Chapter 210 of the Laws of 1909, is not an enforced burden or charge which is imposed for the purpose of raising money for public purposes.

(4) The seed lien charge which is provided for by Chapter 210 of the Laws of 1909, is not paramount to the lien of an antecedent real estate mortgage.

Appeal from the District Court of Ward County, Leighton, J. Action to quiet title to real estate. Judgment for plaintiff. Defendant Ward County appeals.

Affirmed. Opinion of the Court by Bruce, J.

Thompson & Woolledge of Minot, N. D., Attorneys for Plaintiffs and Respondents.

R. A. Nestos, States Attorney of Ward County, and Dorr H. Carroll, Assistant States Attorney, both of Minot, N. D., Attorneys for Defendant and Appellant.

TENER MAKES NEW ANNOUNCING RULE

New York, March 26.—A new system of announcing the official batting order of teams in championship games will be used in the National league this year, Secretary John A. Heydler announced today.

In consequence of a request that an official announcement of the batting order of the teams be made to the press prior to the start of games, President John K. Tener has promulgated a rule making it incumbent on the umpire-in-chief to announce the official batting order, and the names of players and positions they play, just as they are obtained from the managers or captains prior to the start of a game, said Secretary Heydler. "This announcement will be the last word of the umpire before calling 'play.'"

SUBMARINE COLLAPSES WITH CREW

UNITED STATES CRAFT IN HARBOR OF HONOLULU GOES DOWN IN FIFTY FATHOMS OF WATER.

TWENTY-SIX ARE ON BOARD

Naval Boats Towing Wreckage to Shore; Little Hope for Sailors on Board.

Honolulu, March 26.—Vessels outside of the harbor reported at 3 o'clock this afternoon that submarine F-4, which has been missing since early yesterday, had been located by grapplers, and was being towed to shallow water by the naval tug Navajo and the steamer Makaala. The cables, the grapplers said, were fast to a heavy mass which steadily was being drawn shoreward. Oil is coming to the surface in quantities.

An hour later word was received that it had been definitely ascertained that the mass towed toward shore was the F-4. The sounding showed that the disabled submarine was about 30 feet below the surface, on an even keel. Towing was proceeding slowly. The officials in charge expressed themselves as confident that the vessel will be raised soon. They were dubious concerning the lives of 26 men aboard.

Rear Admiral Moore at Honolulu cabled the navy department late at night that the missing submarine F-4 had been located in fifty fathoms. He gave no details. The hope for lives of twenty-one men aboard the submarine is practically abandoned by the naval officers here on receipt of this news. The F-4 was designated to resist water pressure at a depth of approximately fifty fathoms, but it is believed to be impossible for her to remain at such a depth for any length of time with safety.

Records show that when the F-1, a sister submarine, on her trial trip for just ten minutes at a depth of 283 feet, the hull groaned and took in water. Naval experts agree that the tremendous pressure of water at any depth below fifty or sixty feet offers serious handicap, to say the least, to any effort to provide a safe exit from a sunken submarine.

It was discovered to be impossible to tow the submarine into shallow water and it was then decided to fetch a crane from the naval station to raise the vessel. When located the F-4 was submerged to a depth of three hundred feet.

Washington, March 2.—A revision of the official list of the ship's company of the F-4 issued at the navy department tonight added the names of Ensign T. A. Parker, Frederick Gillman, first class gunner's mate, and Frank Herzog, second class electrician. The names of James Haggrett and Albert Mellen were eliminated from the corrected list, showing that these were not on board.

SPECULATE WHETHER GERMAN BOAT WILL LEAVE THE PORT

Washington, March 26.—Rumors from Newport News reached Washington tonight that the Prinz Eitel Friedrich, the German sea raider, docked there for repairs and is preparing to depart. The report said the cruiser left the dock at the shipyard, putting to sea to escape or defy the British and French warships patrolling beyond the Virginia capes. All the stories proved groundless, as the Friedrich was at the dock late tonight and repair work is progressing. Immigrant passengers aboard were removed yesterday and this, together with the fact that her time limit is drawing near, gave rise to the reports. Officials refuse to discuss the time of her departure.

BANKERS' MEETING.

At a meeting of the executive committee of the Missouri Slope group of the North Dakota Bankers' association, Bowman was selected as the place and Wednesday, May 26, was named as the date for the annual meeting.

A tentative program has been arranged, on which talks will be made by Gordon C. Smith, St. Paul, on livestock; John H. Richmond, one of the directors of the Minneapolis Federal Reserve bank; North Dakota Insurance Commissioner W. C. Taylor; R. F. Flint, North Dakota commissioner of agriculture and labor; and Supt. W. A. Peterson of the United States dry land farming experimental station at Mandan, and W. C. McFadden, secretary of the State Bankers' association.

The visiting bankers will be entertained by the bankers of Bowman, J. E. Phelan being named chairman of the committee.

The executive committee is composed of J. L. Bell, First National bank of Bismarck; B. C. Marks, City National of Bismarck; and T. E. Hayward, First National of Mandan.

REPORTED SIXTY WERE HANGED

MISSIONARIES IN PERSIA ARE IN GRAVE DANGER OF A GENERAL MASSACRE BY THE TURKS.

U.S. IS NOW INVESTIGATING

Suggests That Turkish Troops Be Dispatched to Relieve Conditions.

Washington, D. C., March 26.—Alarming reports of atrocities, including the hanging of sixty men taken from the French mission and five from the American mission at Gul-pashan, Persia, stirred the state department today to further efforts to obtain protection for American missionaries and refugees in the vicinity of Urumiah, Persia, where the uprising of Kurds threatens a general Christian massacre.

Sends for Help.

Ambassador Morgenthau at Constantinople has been twice appealed to by Bryan in the last few days to urge the Turkish government to send protection to the imperiled section. In view of the present efforts of the American government to have Turkish troops sent to that region, it was regarded as probable here that there will be no further effort made to get aid from the Russian soldiers. In view of hostilities between Russia and Turkey, aid from both sides will be impossible. It is suggested also that consuls at Tabriz be warned to be cautious in getting troops into the district for fear that their coming might precipitate a massacre.

Appeals have been made to Russian commanders at Tiflis by the British and American consuls at Tabriz, Persia, to protect the imperiled American missionaries and Christian natives in Urumiah and vicinity, from Turkish outrages. Assurances come from the Turkish government that steps will be taken to protect the missionaries.

MURDER CASE IS ON TRIAL

Mrs. Jones, Elmer Jones and Mrs. Sogge Face Charge at Cando.

Cando, N. D., March 26.—For the first time since their arrest, Dec. 19, 1914, on a charge of murder in the first degree, the three defendants in the Benson county child-murder case, Mrs. Betsy Jones, her husband, Elmer Jones, and her mother, Mrs. Hans Sogge, met in the district court this morning.

First Mrs. Betsy Jones, advised and aided by her mother and by a man who a day later became her husband, deposited her living, newborn babe in an outhouse on October 19, at the farm home of her mother in Benson county. It is the contention of the prosecution. It develops that careless statements by the defendants assisted in outlining the chain of evidence collected by the state, which led to the triple arrest.

The court room was jammed with spectators when Judge Buttz called the case for trial. For three months the trio have been kept in separate cells in the county jail at Minnewaukan, where a close guard has been maintained to prevent any communication between them.

Five of 19 witnesses will be offered by the state. It is believed that medical testimony which will be offered by both the state and the defense will be the basis for the legal battle.

The state will endeavor to prove by experts that the child, which it is charged Betsy Jones gave birth to on October 19, was alive when deposited in its grave.

Officer Tells Story.

The gruesome story of Deputy Sheriff John Kiblinger of Benson county was told today in the child-murder case. The jury was completed this morning and the preliminary statement made by Prosecutor Burke to the twelve men who will soon hold the fate of Mrs. Betsy Jones, her husband, Elmer Jones, and her mother, Mrs. Hans Sogge. The officer told of finding the body of the child in the vault of the outhouse.

From the line of examination in selecting jurors in the murder trial of Mrs. Betsy Jones and her husband and mother, Mrs. Hans Sogge, it was apparent this morning that the one question of whether or not the newborn babe which was deposited in the vault of the outhouse on the Sogge farm in Benson county, ever breathed the breath of life will be the big issue. It appears certain that on this point the defense hopes to save the trio charged with murder in the first

DID SUITORS FIGHT BATTLE OVER THIS GIRL? ONE OF THEM GOT HURT, ANYWAY



Miss Edith Bryson.

Savannah, Ga., March 26.—(Special)—Did Steelman Bain and George Gilbert fight a midnight duel on the isolated links of the Savannah Golf club with the love of pretty Edith Bryson as a stake? Or did Bain, realizing that he had lost in the race for the hand of the girl, inflict a more or less serious injury upon himself in an attempt to end his sorrow by taking his own life? Or was Bain shot, as he himself maintains, by a mysterious stranger who enticed him to the golf club course by means of an anonymous communication?

These are some of the questions that are occupying the attention of the younger social set in Savannah, in the fragment of which Miss Bryson has been the guiding star since her debut a year ago, with Bain and Gilbert as her particular satellites. Whatever may be the answer—and theories are as numerous as there are people to vouch for them—there appears to be no doubt that the girl, about whom all men rave, is at the bottom of whatever happened on the golf club grounds on the night in question.

SERBIA IN GRIP OF A VIRULENT TYPHUS SCOURGE

New York, March 26.—Serbia is in the grip of an epidemic of typhus, more virulent and attended by greater fatality than the world in modern times has ever been called on to combat, according to Henry James, Jr., of the war relief commission of the Rockefeller Foundation, arriving here from Liverpool. James and Ernest Dicknell, national director of the American Red Cross, were in Serbia during February. They made a careful investigation of conditions and urge every possible measure for the relief of the stricken country.

NEW OFFICERS ELECTED.

Minneapolis, Minn., March 26.—The First and Security National bank, the new organization resulting from the consolidation of the First National and Security National, today announced the full personnel of its official staff.

Donald G. Winston, following out a desire that he had expressed long before the consolidation and which he was then induced to reconsider, has resigned as vice president of the Security National.

George A. Lyon, assistant cashier of the First National, will be cashier of the new bank.

The list made public today by F. M. Prince, chairman of the board of directors, and F. A. Chamberlain, president of the new bank, is that which will be put before the board of directors Saturday for approval. That it will promptly be confirmed is the expectation.

The official line-up follows: Chairman of the board, F. M. Prince.

President, F. A. Chamberlain.

Vice presidents, C. T. Jeffrey, Perry Harrison, A. A. Crane, J. S. Pomroy, Donald Mackerech, Fred Spafford and H. A. Willoughby.

Cashier, George A. Lyon.

Assistant cashiers, P. J. Leeman, Stanley H. Beizer, George Lawther, John G. Maclean, J. G. Byam, Walter A. Meacham.

ITALY HAS NOT SHOWN HER HAND

RUMORS PERSIST THAT AUSTRO-GERMAN TROOPS ARE BEING MASSED NEAR BORDER.

DUTCH PREPARE A PROTEST

Labor Troubles Continue to Embarrass Trade in England; Inactivity in Field.

London, March 26.—Comparative inactivity along the whole western front indicates that both armies are awaiting the turn of events in the Carpathians before attempting to strike a hard blow. The British are still resting on their victory at Neuve Chapelle which cost them nearly as many men as the Germans and the Germans are massing troops for a fresh offensive.

Incredibly expressed that the fall of Przemyśl will exert an immediate influence on warfare in the Carpathians. Germany, it is declared, is sending vast reinforcements into the Carpathians and it is deemed not illogical to conclude that this fighting at the gateway of Hungary is having and will continue to have, a marked influence on the German campaign in the east and west.

Intervention of Italy.

Rumors of approval of intervention of Italy with assertions that the Austro-German troops are massing along the Italian border, continue to be prominently printed, but the foundation of them is uncertain.

The situation in the Dardanelles is unchanged. There is nothing in the rumors from allied sources that German officers are leaving Constantinople, and that the situation at the Ottoman capital is gloomy, and that the Turks are discouraged over the outlook. Dutch newspaper editorials are strong in protests against the sinking of the Dutch steamer, Medea, off Beaulieu Head by a German submarine. A Hague dispatch says the cabinet council today considered the question of damage being done the Dutch ship.

Despite Lord Kitchener's warning, agreements between the government and trades unions that strikes should cease, stoppages of work continue. Fears are expressed that disaffection may spread and the government be driven to adopt drastic measures which have been threatened in order to increase industrial production. At Birkenhead men loading three steamers quit work today.

LOOTING CONTINUES IN MEXICO AND MANY ARE KILLED IN RECENT RAID

Washington, March 26.—Bryan announced tonight that satisfactory progress was being made by the United States in negotiations with the Zapata-Villa government for payment of indemnity to the family of John B. McManus, the American murdered recently at Mexico City by the Zapata troops. Further inquiry on representations has been made by the government concerning the desecration of the American flag over McManus's home.

It developed the fact that a specific request for apology had been made. Bryan stated that the situation regarding exportation of steel from Progresso was "improving."

A telegram from Brownsville, Tex., to the Villa agency here announced that the main body of Villa troops advancing to attack Matamoros reached Russian, five miles from Matamoros, late today.

Members of Netherlands are refraining from any comment on the subject of interference with, and destruction of, Dutch shipping by the German submarines, beyond saying requests for explanations have been sent to Germany with a view to eventual protest after Berlin's reply has been received.

Russians Defeated.

The Over-seas News agency says: "Budapest reports the Russian forces have suffered a defeat in the fighting to the north of Czernowitz and that the Austrians have crossed the Russian frontier in this vicinity."

"Durazzo, Seaport at Albania were shelled yesterday by Albanian insurgents."

The situation at Durazzo in Albania is again serious, according to dispatches. The insurgents are bombarding the port and threatening to destroy it, if consular representatives are not successful in persuading Essad Pasha, the Turkish provisional president, to leave the country. Several cannon shots struck the Pasha's residence during the bombardment.

It was officially stated tonight: "Several hostile airmen dropped bombs on the southern part of Metz today and were driven away by our artillery fire. Three soldiers were killed, but no material damage was done."

THE WEATHER.
Tri-state: Fair Saturday and Sunday; warmer.