

LINDE SAYS AMENDMENT IS VALID

ATTORNEY GENERAL ADVISES GOVERNOR THAT THE AMENDMENT IS IN ALL RESPECTS CONSTITUTIONAL.

ANSWERS ALL ARGUMENTS

Three Main Contentions Are Taken Up and Fully Discussed in Opinion.

That the amendment to the constitution of the state of North Dakota providing for the initiative and referendum has been legally made a part of the constitution and is in all respects valid, and that all rumors relating to the alleged unconstitutionality of that amendment are baseless is the opinion of Attorney General Henry J. Linde, in a recent letter addressed to the governor.

The opinion of the attorney general with regard to the constitutionality of the initiative and referendum is printed in full as follows:

Hon. L. B. Hanna, Governor, Bismarck, N. D.

Pursuant to your request for an opinion with respect to the validity of the initiative and referendum amendment to our constitution, I beg to advise you that I have made some investigation of the authorities relating to this matter. As I understand it, the following three questions have been suggested which might affect the validity of this amendment:

- 1. Would the failure to enter the concurrent resolution providing for the initiative and referendum in full or at length upon the journal of the house and senate make such constitutional amendment invalid?
2. Would the fact that the initiative and referendum provision was submitted as one proposition at the general election in 1914 in place of submitting each separately as two propositions affect its validity?
3. Was there such a discrepancy in the wording and language thereof as the same was passed by the 1911 and 1913 Legislative Assemblies as would make the enactment subject to attack.

First Proposition.

The journal of the house and senate during the 1911 and 1913 legislative assemblies discloses that, in the passage of the so-called initiative and referendum concurrent resolution, the number of the resolution and its title only were recorded. Section 202 of our constitution provides among other things that "such proposed amendment should be entered on the journal of the house with the yeas and nays taken thereon. This same question has been raised in a number of states and in my opinion by far the greater weight of authority in construing similar sections of the constitution of other states holds that the words, "entered on the journal," does not mean "entered in full" or "entered at length" or "copy," but that the constitutional amendment is full met if such constitutional amendment is recorded in the journals of the house by an identifying reference.

Prohibitory Amendment Cases, 24 Kans. 700.

Oakland Paving Co. vs. Tompkins, 72 Cal. 5.

In re Senate File, 41 N. W. 981 (Neb.).

Orman vs. Hagan, 27 At. (Md.).

State, ex rel. Adams, et al. vs. Herried, et al., 19 S. D. 109; 72 N. W. 93.

Cuddehe vs. Phelps, 76 Wash. 579; 137 Pac. 1040.

West vs. State, 39 Sn. Rep. 412 (Fla.).

Taber vs. Walla Walla, 77 Wash. 579; 137 Pac. 1040.

Furthermore, in this state it seems to have been clearly the intention of the framers of our constitution not to require such resolutions to be copied in full in the journal for the reason that in the constitutional convention an amendment was proposed by Mr. Williams to section 202 of the constitution which provided that "such proposed amendment, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals," but upon a vote this amendment was defeated and section 202 of our constitution finally adopted without containing the words "in full" after the word "enter."

See Debates Constitutional Convention, pages 502 and 624.

The Second Proposition.

Referring to the second proposition, in the light of the authorities relating thereto, it is my opinion that our constitution would not require that the initiative be submitted as one proposition as distinguished from the referendum. The weight of authority, in my opinion, holds that the initiative and referendum are so closely associated that they, in fact, embrace one amendment and one subject.

People vs. Sours, 31 Cal. 369; 74 Pac. 167; 402 Am. St. Rep. 34.

State, ex rel. Adams vs. Herried, et al., 19 S. D. 109; 72 N. W. 93.

Wormax vs. Hagan, 27 At. 616 (Md.).

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Widow "Hoped to Land Old Dear;" Didn't; Now Suing Him for \$500,000

Washington, April 15.—A letter written by Mrs. Ida M. McNabb, 11 days after she met John S. Kinney, reputed millionaire Michigan mine owner, from whom she seeks \$500,000 damages for alleged breach of contract to marry, has been the most interesting bit of testimony yet introduced at the trial, now in progress here. The letter was read by the defendant's woman lawyer, Miss Harriet Freebey, during cross-examination of the plaintiff.

Mrs. McNabb admitted writing the letter to Mrs. Ida Leifeldt, who was acting as her housekeeper. Some of the statements she was unable to explain and contented herself by calling them pleasanties.

"I am bringing the rich old man home with me," and "I think I will land the old dear," were two excerpts from the letter, concerning which the lawyer made inquiries. Miss Freebey pressed the witness for an explanation of the concluding statement in the letter. "There is one thing about me he doesn't like. He says I am too young."

The lawyer inquired if the statement did not rather indicate that Mr. Kinney was receiving the proposal of marriage than that he was making it? When the witness declared it did not seem so to her the lawyer passed to another line of inquiry.

The letter as read by counsel for the defense to the jury is as follows: "Dear Ida: Your good letters received, also the girls, but I haven't time to write to them today, and as I will be at home Saturday night I won't write till I come. You are a hustler. I am so anxious to see the kitchen. You must have had a terrible time. Well, there is always something hard to all of us. And maybe I am up against mine now. I am bringing the rich old man home with me and have dinner. So prepare for a nice big dinner. Have a roast, strawberries and cream and get a nice cucumber for the potato salad for supper and have nice fresh bread and anything else you want."

"I think I will land the old dear. I am tired working and I think you'd



Mrs. Ida M. McNabb.

like working for me better if I had lots of money, and I wouldn't be jealous of you 'cause you wouldn't want him."

"Of course, he is coming home to see the children, so you tell the girls he is coming and pump them a little so you can tell me what they say."

"He wants to go east in his car the 1st of July and wants me to go along. He has a peach of a car. I think that would please Marcella. Tell her she can be in the kitchen if she wants. There is one thing about me he doesn't like. He says I am too young. First time I ever regretted my good looks. Love to all."

Mrs. McNabb is at present a boarding-house keeper in Milwaukee. At one time she was charitable association field agent in Upper Michigan. She is 40, while Kinney is past 70. Kinney's iron mines at Stambaugh, Mich., are reputed to be worth more than \$1,000,000.

SAYS GERMANY IS READY TO END WAR NOW

HERMAN RIDDER, GERMAN EDITOR, SAYS FATHERLAND WOULD GO BACK TO CONDITIONS OF AUGUST 1.

HAVE NO DESIRE FOR LAND

Declares the United States Could End the War in Two Months.

Chicago, April 15.—Germany is ready to stop the war and go back to the conditions of August 1, according to B. Herman Ridder, of the New York Staats-Zeitung, son of the editor of that paper. Mr. Ridder spoke last night at Orchestra hall. When he finished his talks he said he would answer questions.

One man in the audience put the question:

"On what terms would Germany stop the war?"

"Halt hostilities."

"I think Germany would halt hostilities right now and retire to the conditions existing on August 1," said Mr. Ridder.

"There were shouts of 'No, no,' from the audience."

"Germany does not want internal problems, such as Belgium and Poland," he continued. "She is fighting for her independence and her union, and she is not attempting to win the four corners of the earth, as London would have people believe."

"It is my opinion that Germany has no desire for territory except her own. What earthly use would Belgium be to Germany?" several people shouted. "A whole lot."

Accomplish One Thing.

"If the war stops now," said Mr. Ridder, "Germany will have accomplished one thing, and that is that she will have convinced the world that a policy of aggression against her does not pay."

Her armies are strong beyond the fondest dreams of us German-Americans."

The first question asked when the discussion was thrown open was:

"How many millions graft money did Wilson and Bryan get from England?"

"That question shouldn't be answered," shouted another man. And it was not.

Food Supply.

"How long will the food supply in Germany last?" was another question.

"There is a committee of seventeen scientists," replied Mr. Ridder, "which has taken an inventory of all the food in Germany. That committee has said that there is enough food in Germany to last until January 1916, without regard to the present crop, and Germany has planted enough grain to supply her people."

The final question put was:

"If Germany takes possession of England, will she give England home rule?"

In his talk before the discussion Mr. Ridder said:

"The United States could end this war in two months by threatening to place an embargo on all munitions of war unless the contending nations joined in a peace conference, but that would require a little constructive statesmanship in Washington, which is asking a good deal. The United States is making the arms and ammunition for Great Britain and Great Britain is getting the trade."

FEDERATION OF LUTHERANS MAY BE ACCOMPLISHED

Toledo, O., April 15.—The initial steps looking toward the federation of all the Lutheran bodies in this country and Canada were announced here. Representatives of seven general bodies of the church meeting here adopted a constitution to be presented to the general bodies there at the next convention.

COAL MINE FIRE FINALLY PUT OUT

The famous coal mine fire near Haynes has finally been extinguished according to reports received at the state land department. The fire was put out several days ago but not until a great many men had been employed to aid in fighting the flames and not until a great deal of dynamite had been used. The coal mine was on state school land and for this reason the state was interested in the matter. The coal was afire for over a month.

LIBERTY BELL WILL BE SENT TO EXPO

Philadelphia, Pa., April 15.—The select and common councils today decided to allow the historic Liberty Bell to be sent to the Panama-Pacific Exposition. Mayor Blankenburg announced he would sign the resolutions providing for the trip across the continent. Only minor details remain to complete the arrangements.

BURROWING OF GOPHERS CAUSES FLOOD

TWO RESERVOIR DAMS OVERHELMED BY TORNENTS FROM MELTING SNOW OF WHITE MOUNTAINS.

SEVERAL LIVES ARE LOST

Property to Extent of \$500,000 Damaged; Huge Wall of Water.

Holbrook, Ariz., April 15.—Torrents from melting snow of the White mountains overwhelmed two reservoir dams on the Little Colorado river near St. Johns last night, and today drowned eight and damaged property to the extent of half a million dollars, and left over thirty thousand acres of the irrigation project to the exigency of dry farming until new dams are built.

Weakened by the burrowing of gophers, a sixty-foot earthen dam at Lyman, twelve miles south of St. Johns, was the first to give way at midnight. Here five men and three children lost their lives. Rushing northward, a huge wall of water rolled into the town of St. Johns, county seat of Apache county, and submerged sections to a depth of three feet. The Hunt dam, twenty miles north of St. Johns, was the next to collapse. The flood swept onward to the village of Woodruff, and raced into Holbrook tonight.

WAGES LOWERED BY STEEL CO.

Big Cut in All Plants Announced Effective at Once.

Pittsburgh, April 14.—Reductions in wages in the hot mill departments of all the works of the American Sheet and Tin Plate company, an important subsidiary of the United States Steel corporation, was announced today when notices were posted in the company's plants, following a statement given out at general offices in this city.

"Reductions in scales affecting the employees in hot mill departments becomes effective April 16. Changes are necessary because of reductions having been made since the first of the year in hot mill scales in competitive mills. The American Sheet and Tin Plate company's hot mill scales still are as heretofore, the highest paid in the industry."

The exact rate is unknown, but it is stated it would average between six and twelve per cent. It affects the company's twenty-nine plants in western Pennsylvania, Ohio and West Virginia.

JURY CASE DENIED HARRY THAW TO DECIDE HIS SANITY

New York, April 14.—Supreme Court Justice Newburger declined today to consider the motion of lawyers for Harry Thaw that he be granted a jury trial to determine his sanity. He held that the writ in the case was returnable Monday and should be entertained by the justice then sitting at that time, who will be Justice Hendricks.

PUBLIC BUILDING NOT USED IN MAUNEUVERS

Washington, April 15.—Official denial of reports from Berlin that public buildings in Paris are being used as military observation posts was cabled to the French embassy here today by Foreign Minister Delcasse. The embassy officials said the foreign office saw in these reports the laying of the foundation for attacks by Zeppelins and aeroplanes upon these buildings.

LEHIGH ROAD BELIEVES TIMES WILL BE BETTER

Washington, April 15.—The announcement that the Lehigh railroad will soon award contracts involving an expenditure of almost a million dollars as the result of improved business conditions at this time," was made in a letter to President Wilson from E. B. Thomas, president of the road, which was made public tonight at the White House.

Details were not given, but the letter added that the road contemplated additional expenditures "as conditions improve in the manner I believe they will."

Thomas wrote the president to deny that he meant any criticism of the administration in saying in a recent statement after a call at the White House that the property of railroads depended largely on the attitude of Washington officials.

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16,000 CARPENTERS OF CHICAGO ON STRIKE

Chicago, April 14.—Sixteen thousand union carpenters who anticipated a lockout which becomes effective tomorrow, went on a strike at the close of work today. The strike was ordered by the union officials and followed a demand for increase in wages from sixty-five to seventy cents an hour. The lockout order was the result of a general order of the building construction employers association, directed at every union in the building trades which might permit working agreement to expire. After the strike was declared a special notice was published by the employers saying none of the men striking would be prompted to return to work. Strike carpenters will halt all building construction in Chicago, it is asserted.

GUARDS WILL NOT TAKE TRIP

All Efforts to Secure Cheap Transportation to Exposition Come to Naught.

Circular No. 1, carrying the news of the abandonment of all plans for the participation of the First Infantry, N. D. N. G., in the exercises and encampment to be held at the Panama Pacific exposition during the coming summer, has just been issued from the adjutant general's office and is being sent to all of the companies of the North Dakota National Guard.

The circular reads as follows:

1.—With reference to the participation of the First Inf., N. D. N. G., in the exercises and encampment to be held at the Panama Pacific Exposition, San Francisco, Cal., the following, compiled from correspondence with the War Dept., the Commander in Chief of the National Guard of the State, the Commanding Officer of the 1st Inf., N. D. N. G., and others, is published for the information of a concerned.

2.—After interviews with Mr. Hanford, the President of the N. P. Ry. Co., and with Mr. Cleland, Gen. P. A. for the same company, a tariff was agreed upon whereby they would furnish round trip tickets to and from the west coast at \$42.38 for Officers and \$35.98 for enlisted men. Also that they would furnish Standard Sleepers for the Officers at the regular rates and Tourist Sleepers for the enlisted men at \$25.00 per day for each 14 section Sleeper.

3.—This having been satisfactorily arranged, the next step was to attempt to secure a rate from the Southern Pacific Ry. Co. for transportation over their lines from Portland to San Francisco and return. They refused to make any other rates than the one they made to the public, and all arguments and inducements submitted failed to move them from their decision.

4.—The N. P. Ry. Co. then conceded a \$25.00 round trip rate and an attempt was made to charter a steamer for the haul from Astoria to San Francisco and return. Investigation revealed the fact that, under the unusual conditions existing, only one of sufficient size was available and that this one had no license for carrying passengers. Therefore, this was abandoned.

5.—It was then requested, through the Hon. L. B. Hanna, Governor, and the Hon. John Burke, that the War Dept. furnish an Army Transport for this part of the trip. This, for various reasons, the War Dept. refused.

6.—The failure to secure a Steamer or Army Transport, at the high cost of the Southern Pacific Arbitrary makes the carrying out of the project impracticable, as it could not be attempted with the funds that would be available.

7.—In conclusion I wish to thank, in behalf of the Commander in Chief of the National Guard of the State, the Commanding Officer of the 1st Inf., and all other members of the National Guard of the State, the officials of the Northern Pacific Ry. Co. for their good will and hearty support of the project, and for their liberal concessions, and for their co-operation in trying to secure conditions that would be favorable for the continuance of the trip beyond their lines.

By Command of the Governor: T. H. THAWLSON, The Adjutant General.

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DUTCH BOAT IS SUNK BY GERMANS

STEAMER KATWYK LOADED WITH CORN FROM BALTIMORE MORE ATTACKED BY SUBMARINE IN NORTH SEA.

HOLLANDERS ARE AROUSED

Battles in France and Carpathian Mountains Go On Without Decisive Results.

London, April 15.—Two Zeppelins visited the east coast of England after midnight and dropped bombs on several towns, doing considerable damage. One person, so far as is known, a woman, was injured. The airships dropped four bombs on Malden, 30 miles northeast of London. It also dropped bombs on Reybridge Basin, setting fire to buildings. At Lowestoft on the North Sea, in Suffolk county, three bombs were dropped, considerable damage resulting. The lumber yard was set afire. Previously an aircraft visited Southwold and proceeded to Halesworth, eight miles inland.

London, April 15.—Although it is not yet certain that the German submarine was responsible for the sinking of the Dutch steamer Katwyk off North Hinder Lightship last night, the sinking of the vessel has aroused indignation of the Dutch as evidenced by editorials of the Holland newspapers. The Katwyk, which was loaded with grain from Baltimore, was consigned to the Dutch government and reported to have been lying at anchor at the time of the explosion, and to have been flying the Dutch flag.

Mistake Not Likely.

Dutch newspapers insist no mistake could have been made, and that if the German submarine actually torpedoed the steamer, "we must expect that Germany will without loss of time be made responsible for this severe violation of the rights of neutral powers."

Fear that the Netherlands is directly involved in the Katwyk's cargo, and that news of sinking came immediately on top of announcement that four Dutch trawlers had been seized by the Germans and taken to Zebrugg, apparently heightened the feelings of Hollanders. The Katwyk incident and many rumors of diplomatic movements of Italy, near the east, seemingly had made the people of Holland almost forgetful of last night's Zeppelin raid over the Northumberland county and fighting on the continent.

Offers Apology.

Next in interest to the sinking of the Katwyk was the publication of the "White Paper," showing England acknowledged British cruisers had sunk the German cruiser Dresden in Chilean territorial waters, and had offered an apology for the action of her squadron.

The Netherlands steamer Katwyk, from Baltimore for Rotterdam, was torpedoed yesterday evening while anchored seven miles west of North Hinder Lightship, in the North sea. The crew of twenty-three men was saved and taken aboard the lightskip. The Katwyk was loaded with 117,000 bushels of corn consigned to the Netherlands government, according to agents of vessels.

The only battles of importance are in the Carpathians and Woewre. The Russians, although now faced by much larger forces than there were at the beginning of the campaign three months ago, are said to be continuing efforts to force the Austro-Germans from the Carpathians and open a way to Hungary. The Austrians insist the recent fighting has been in their favor, and that they have captured another important height northwest of the Uskok pass in Woewre, the French apparently revived the offensive. Berlin declares all French attacks were repulsed.

Hague Is Silent.

The sinking of the Dutch steamer Katwyk was considered at the Hague as the gravest incident of submarine warfare up to the present date, as it directly affects the Dutch government, to which the cargo of grain aboard was consigned. Awaiting further details of the torpedoing, the ministerial departments declined to make any statement.

Air Raid by French.

An official report of the war office tonight says: "A German aviator dropped bombs on a hospital at Mourmelon. By the way of reprisal for the bombardment of Nancy by a Zeppelin, one of our aeroplanes dropped five bombs on the German headquarters. All projectiles fell on the buildings in which the imperial staff was installed. We also bombarded a station at Freiburg, Breisgau."

A flying squadron of fifteen machines dropped bombs with success on the German military buildings at Ostend. Our troops were violently cannonaded."

THE WEATHER.

North Dakota: Local showers.

Friday and probably Saturday.
