

The Bismarck Tribune.

BISMARCK TRIBUNE COMPANY

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WHERE THE TRIBUNE CAN BE BOUGHT.

Fargo, N. D. Gardner Hotel.

Grand Forks, N. D. Hotel Frederick.

Devils Lake, N. D. M. B. Rosenburg, News agent.

St. Charles Hotel. Minneapolis, Minn. Kemp & Cohen, News agents.

Hotel Dyckman. St. Paul, Minn. Merchants Hotel.

St. Marie, Fifth St., News agent.

LOCAL WEATHER BULLETIN.

For the 24 hours ending at 7:00 p. m., Jan. 17, 1916.

Temperature at 7:00 a. m. . . . . 10

Temperature at 7:00 p. m. . . . . 2

Highest temperature . . . . . 13

Lowest temperature . . . . . -3

Precipitation . . . . . Trace

Highest wind velocity . . . . . 34-NW

Forecast.

For North Dakota: Partly cloudy and colder tonight; Tuesday unsettled.

OURUS W. ROBERTS, Section Director.

THE PERSIA MYSTERY.

When the British liner, Persia, was sunk in the Mediterranean, most Americans assumed that an Austrian submarine had done it.

The Persia may have been blown up by a floating mine. It may have been a boiler explosion—her boilers seem actually to have exploded, and it is uncertain whether that was the primary or secondary cause of her sinking.

It is one of the great sea mysteries of the war, even more mysterious than the explosion of certain British battleships whose destruction has never been satisfactorily explained.

Big Brother "Cops."

It's a rather unusual conception of the policeman to think of him as the "big brother" of bad boys.

The New York "cops" however, are assuming this very character.

The police commissioner has detailed a staff of sergeants to visit the city's correctional institutions and make a business of talking to juvenile delinquents in big-brotherly fashion.

This purpose is to remove from the mind of the youthful offender the notion that the policeman is his natural and inveterate enemy.

It's an excellent thing to emphasize that side of police work in every city.

It's good for the boys and girls, and good for the policemen themselves.

The traditional fear of an officer implanted in a youngster's heart is absurd, but not altogether causeless.

Policemen have a tendency at times to abuse their powers and emphasize the sternness of the law rather than its essential kindness.

An active effort on their part to befriend erring youth instead of

antagonizing them will go far in decreasing delinquency and preventing the development of criminals.

FAITHFUL REPORTER.

The loyalty of newspaper men to their papers is proverbial.

There have been many accounts of reporters sacrificing their lives to get a "story."

But the climax seems to have been reached in the case of an Alabama newspaper man, who, adjudged insane, remembered his duty to the Montgomery Advertiser, whose correspondent he was, and, gathering together his little remnant of mental strength, sent the paper his own story before he disappeared into the asylum.

Floralia, Ala., Jan. 8.—Oscar R. Smith, who for the past eight years has represented state papers as correspondent at Florida.

Mr. Smith has been in bad health several months and was a nervous wreck. The report that he tried to injure any member of his family or commit any rash deed is a mistake.

Mr. Smith is now at home and being taken care of by his wife and daughter. He will be taken to Tuscaloosa for treatment.

Mr. Smith is a newspaper man and a printer, having edited weekly newspapers in Florida for the past eight years.

The loss of his mind was caused by overwork, worry, and sickness in his family and the illness of himself.

OSCAR R. SMITH.

There's the true journalistic viewpoint. News is an impersonal master whose authority can't be questioned.

It must be served at all hazards. Sickness, even insanity, is no excuse for not getting and writing it.

The personal effect on the reporter is of no importance.

In what other profession can be found such faithful, self-obliterating service?

CENSORSHIP OF MOVIES.

A bill now pending in congress provides for the federal censorship of moving pictures.

The wisdom of creating such a censorship is very doubtful.

The public should be protected, of course, against the exhibition of improper films.

But the best form of protection isn't necessarily the passing of arbitrary judgment by an all-powerful board of government censors.

Moving pictures are not essentially different from other pictures, and we have no censors to say beforehand what specimens of pictorial art shall be shown to the public.

They are not essentially different from other forms of drama, and we have no federal censorship of plays.

Our films portray works of fiction, and we have no censorship of literature.

They influence public sentiment, and we have no censorship of oratory.

The American people would not tolerate a censorship applying to all news, art, drama and literature and public speech.

And there is no need. We have decency and truth without it.

The public taste in itself is a pretty dependable protection; false or nasty things don't succeed.

And we have plenty of legal defense against them, anyway. We have laws protecting the public against indecent newspapers, indecent literature, indecent plays, indecent pictures and indecent pictures.

We have such laws, too, against indecent films. And this method of punishing offenders is better for the moving picture business, and more in harmony with American institutions than any system of eliminating suspected films beforehand by the fiat of a few men whose judgment may be wrong.

"SCHOOL PLAN."

Considerable attention is being given to the "school plan" as a step toward national preparedness.

The plan in brief is as follows: Educate the soldier for civil life.

Let him get his military training exactly as now, during the forenoon; then in the afternoon teach him English, arithmetic, science, bookkeeping, civil engineering, history, philosophy.

Classes can be arranged in all subjects, ranging from grammar school requirements to advanced college work.

For class rooms the present barracks now used semi-occasionally for military instruction can be engaged, the quarters enlarged as our army is increased.

As teachers: The present corps of officers, supplemented preferably by teachers taken from civil life.

The time for instruction might be 1:30 to 4:00 p. m. As a soldier's duties usually end at 11:30 a. m., these afternoon hours are now usually spent in idleness or pseudo-occupation.

When the entire day is required for the soldier's work, such as for parades, maneuvers or marches, classes could be omitted, and, considering the long vacations of a school year, there would still remain more than enough afternoons open in the course of 52 weeks.

Hence there need be no interference whatever with the time and thought at present

put on the state's object of military training.

At present, trades are being taught to men in the navy. Excellent!—a step in the right direction.

But, after all, the plan means only that the government says to the man who has learned nothing, "Come and learn something."

The school plan for the army, however, appeals to the man who has learned something, and says, "Come and learn more."

To start the plan no elaborate preparations are required. Assign the subject; parcel out the time of the army officers as teachers and the school plan is operative.

CEATING CHILDREN.

Of many forms of knavery, cheating orphans of their small estates seems one of the meanest and most disgraceful.

It has been charged recently that 46 per cent of children's guardians permitted to serve without bond have defrauded the estates of their charges.

These guardians have coolly taken whole estates or appropriated allowances, secure in their personal irresponsibility before the law.

Most of the estates so robbed have been small ones, since the large ones are usually so placed that schemers can't get at them.

These modern babes in the woods have no redress for their wrongs if the court has failed in the first place to require bonds of the guardians.

It is a strange comment on human nature that there are so many grown-ups who will deliberately take advantage of such a trust to cheat and defraud their wards.

It seems always to have been done, however. Even relatives of helpless children yield to the temptation of greed and dishonest gain.

Unless adequate protection is given by the law there is no assurance that the child's rights will be honestly looked after.

As long as human nature has this streak of meanness all guardians should be held absolutely responsible before the law, making such abuse of guardianship impossible.

CORRESPONDENCE.

Mr. and Mrs. Lawrence Aknew left last week for a three months' vacation to be spent with relatives in Superior, Wis.

They will spend some time in Washington and other western states before returning home.

Mrs. Anton Neugebauer left Saturday for a visit with relatives in Canada.

Melvin Agnew and August Klipstein are loading a car each of grain this week.

Farmers are kept busy hauling hay this cold weather.

Walter and George Dietzman are the proud owners of two new Ford's.

Everyone had a good time at the dance and oyster supper Friday night, given by the Farmers' union in the hall.

Word has been received from Mr. and Mrs. Lyman Harris that they are at their destination and are enjoying the climate and scenery of California.

H. B. Moffitt and family are visiting relatives and friends in Montana.

Walter Dietzman and Melvin Agnew motored to Menoken Thursday.

Mary Wood has been confined to her home this week, suffering from an attack of h grippe.

Mrs. M. V. Craven returned from Bismarck, where she is having dental work done.

George Shafer, an employe of the Stacy Fruit company of Bismarck, spent the week end at the home of Mr. and Mrs. William Allison, enroute to his home in Hampton, Ia.

Miss Violet Smith spent Sunday with Miss Lillian Reineke at the home of Mr. and Mrs. V. M. Craven.

Mrs. A. P. Welch returned Saturday from Bismarck Saturday, where she is receiving medical treatment.

GOVERNOR OF CANAL ZONE TO ISSUE A STATEMENT ON WORK

Panama, Jan. 17.—Major General George W. Goethals, governor of the Canal Zone, is preparing to issue a statement relative to the condition of the Panama Canal, with special reference to the reopening of the waterway to light draft vessels at an early date.

The statement is expected to be made public just before General Goethals starts for Washington on January 27, where he goes to appear before congressional committees regarding the Panama Canal.

Canal engineers, conditions at the Gaillard cut are most encouraging, and it is expected that the Canal at this point will be opened to smaller vessels within a few weeks.

Fortifications Planned.

It is understood that fortification, for which appropriations are likely to be made, will include forts on the Taboga and Atoke islands, and also on Minfield and on the Pearl Islands.

The construction of a modern fortification on the sight of the ancient Atoke is planned for the mouth of the Chagres river, also is understood to be under consideration.

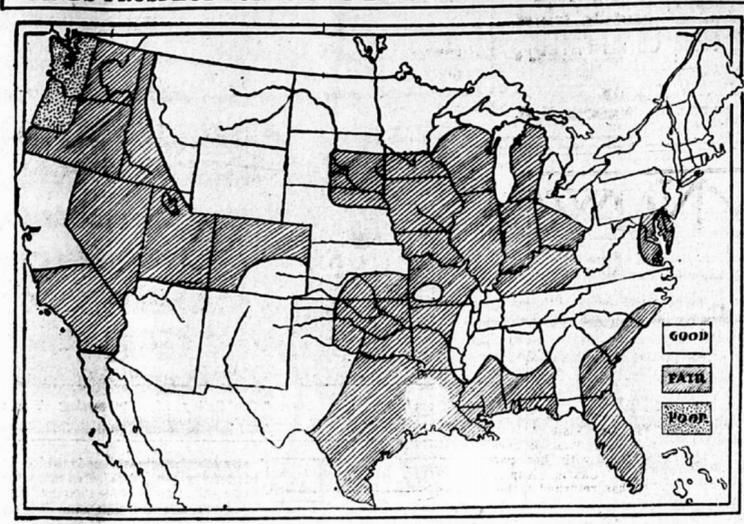
According to Canal engineers, conditions at the Gaillard cut are most encouraging, and it is expected that the Canal at this point will be opened to smaller vessels within a few weeks.

GASOLINE LAMP EXPLODES; MAN HAS CLOSE CALL

Werner, N. D., Jan. 17.—When a gasoline lamp exploded in the office of the Star elevator, Manager J. Mutchler was seriously burned and saved himself from cremation by rolling in a deep snow drift.

The fire following the explosion caused a loss of \$500.

U. S. CHAMBER OF COMMERCE FORECASTS BUSINESS CONDITIONS; FINDS PROSPECT FOR 1916 AT LEAST FAIR THROUGHOUT NATION



U. S. Chamber of Commerce map showing prospect for United States in 1916. The U. S. Chamber of Commerce has just sent out from its Washington headquarters this map, giving a forecast of business conditions in the United States during the first four months of 1916.

The map was made after an exhaustive study of industrial and commercial conditions by the experts of the chamber.

POLITICAL GOSSIP

THEY DISAGREE. The Minto Journal can't agree with Wilson and voices its objection as follows:

Democracy's veteran, Editor Frank Wilson of the Bathgate Pink Paper has hoisted his idea of a democratic primary ticket in big black type right to the top of his editorial columns.

It reads: "For U. S. Senator John Burke, for governor, Dr. Plateau of Valley City, for delegate to the National convention Hon. John L. Cashel of Grafton." Now here will be another instance where a whole bunch of the State's unwashed will disagree with Veteran Frank.

CAMPAIGN STATES. Three States—Iowa, South Dakota and West Virginia—are to vote this year upon proposed suffrage amendments.

In Iowa, the vote will be taken on the 5th of June, at the primaries. Iowa is a State to which the suffragists have laid persistent siege; beginning in 1892, with a presidential suffrage bill, and presenting resolutions for the submission of a constitutional amendment in the legislatures of 1894, 1896, 1898, 1899, 1900, 1902, 1904, 1906, 1907, 1909 and 1911.

They have not yet been defeated in committee or in one branch or the other of the legislature, until, in 1913, they were persuaded to take a favorable action and last year secured the sanction of a second legislature.

In South Dakota, suffrage amendments have been four times submitted to the voters. The first time was in 1890, when, after an active campaign and on a full vote, the amendment was defeated: 22,972 for and 45,682 against. In 1898, the question was again submitted; and, on a very light vote the proposal was defeated by a majority of only 3,285.

Encouraged by this narrow margin against them, the suffragists got the amendment before the people in 1910, but were defeated by a majority almost exactly the same as in 1890—the vote standing 35,290 for and 57,709 against. In 1914, the vote stood: For, 29,605, against, 51,519, an adverse majority of 11,914.

The South Dakota voters may well be weary of these persistent suffrage attacks; and if they want to settle the question so that it will stay settled, the way is open to do it by registering a heavy majority against it.

In West Virginia, the proposal comes before the people for the first time, the ill-considered gallantry of a single legislature being responsible for it.

Anti-suffragists in the four great States which have just rejected woman suffrage amendments should feel a special obligation to do everything in their power to assist in the defeat of like amendments in these States, as in those that have just voted, the aim to be kept in view is the securing of the largest possible majorities. It is only on a light vote that suffrage has any chance of success.

NOT THE FIRST. The Center Republican is wrong this week. North Dakota is not the first State this year to hold a presidential primary. Minnesota and one or two other States are ahead of us.

Four years ago this State was the first to express a preference.

JUST A GUESS. This is the guess of the Portland Republican:

"Now Smith comes out in all seriousness, like a Bull-Mooser and announces himself for governor, expecting the Equity vote. Burdick comes back like a second Johnson. Praine, too, thinks some votes will be spared for him. We think the democrats will stick together."

POST OFFICE MIDDLE. Listen to this Mr. "Jawn" Burke from the Bowman Pioneer:

"Another exhibition of 'the public be damned' policy of the present administration came to light last week, when the daily press announced among the nominations for postmasters, the name of Lillian Totten as postmistress at Bowman, N. D. This

is the wife of E. P. Totten, the candidate who was disqualified as judge of the county court on account of having violated the corrupt practice act of North Dakota to secure his election.

"As announced some weeks ago, Miss Myrtle Nelson, who had held the office for the past year, had resigned, and her father, C. G. Nelson, who had been assistant postmaster, was an applicant for the office.

"Mr. Nelson was the choice of the patrons of the office, not on any political grounds, however, but because Mr. Nelson had become familiar with the work in the office, and the patrons of the office want service in the matter of handling the mails.

"We also announced at the time that it was understood E. P. Totten was an applicant for the office. It seems, however, that his wife was the applicant, which is practically the same thing.

"After the decision of the courts in Totten's case, it is hardly probable that even a democratic senate would confirm his appointment to such a responsible position as postmaster at Bowman.

"The case is almost the same as the Bloom case at Devils Lake which is not settled yet. Mrs. Bloom was appointed, but not confirmed, so after congress adjourned Mr. Bloom was appointed, and up to this time has not been confirmed, and very likely will not be.

"Totten, through John Burke, has made enough trouble about the Bowman post office, and we believe it is time the post office department was listening to the patrons of the office as to their choice of postmaster at this place. The patrons of the office or the members of the democratic county committee were not consulted in this case, and it is possible they may yet be heard from.

The sentiment of the patrons of the office with whom we have talked is to the effect that they do not want the office at Bowman turned over to E. P. Totten, which would be the case should this appointment be confirmed. Should this appointment go through it will cost Mr. Burke a nice bunch of votes in Bowman county should he ever come up for election."

OF INTEREST TO MORTON

The Glen Ullin News, Morton county, trots out two candidates in a recent issue.

"Frank McQuillan of Mandan is an avowed candidate for the office of sheriff of Morton county although he has not yet publicly announced his candidacy. Mr. McQuillan has been a resident of the county for a number of years and is well acquainted in the county. He is well qualified and we believe he would make a very capable official."

"The office of Clerk of Court will have plenty of seekers this year, so we are told. Gen. Ford would look good to the voters up this way should he decide to enter the race."

HAS BETTER JOB

H. N. Lynn, editor of the Rhame Review, Bowman county, declares there is not enough money in politics to make it attractive. Therefore he will not be a candidate for county auditor.

HOPES HE WINS

Grant S. Hager of the Saint Thomas Times is authority for this: "Democratic newspapers are mentioning Senator John L. Cashel of this city, as one of the delegates to the national democratic convention. We, of course, have no right to suggest what is the right line of action for our democratic friends, and yet we feel that: no man in this end of the State is more fitted to fill the position of a delegate to the convention more satisfactorily than Senator Cashel. Hers' hoping he wins."

MIDBO AGAIN

After reading several recent political announcements the Kenmare Journal says:

"Further relief will be added when Herman Midbo tosses in his lid."

BURKE "PEERAGE"

Lisbon Free Press: Burke's peerage is to be tried out in June, if

Hellstrom does not demand a seat on the alleged band wagon of the democrats.

SUPREME COURT

FROM CASS COUNTY. W. A. Martin, as Receiver of the American Biscuit Company, of Crookston, an insolvent corporation, Plaintiff and Appellant.

vs. Ole J. Augedahl, Defendant and Respondent. Syllabus: The receiver of a defunct Minnesota corporation brings action against a North Dakota stockholder for a superadded liability under the Minnesota laws. No personal service was had upon defendant. A demurrer to the complaint was sustained.

(1) The complaint shows that the defunct corporation was organized for manufacturing purposes and the stockholders of such corporation were, therefore, not liable for superadded liability. For the reasons stated in the opinion the demurrer was properly sustained.

Appeal from the district court of Cass county; Pollock, J. Affirmed. Opinion of the court by Burke, J.

W. J. Mayer, of Grand Forks, N. D., and A. A. Miller, of Crookston, Minn., attorneys for plaintiff and appellant. A. W. Fowler and L. L. Twichell, of Fargo, attorneys for defendant and respondent.

FROM FOSTER COUNTY. John Messer, Plaintiff and Respondent vs. Henry Bruening, Defendant and Appellant.

Syllabus: Where a motion is not made for a directed verdict and the sufficiency of the evidence to support the verdict challenged by a motion for a new trial, the insufficiency of the evidence to support the verdict cannot be raised the first time on appeal and by an alleged specification of error to that effect served with the notice of appeal.

(2) Evidence examined and held to be sufficient to justify the verdict.

(3) Questions of negligence and of contributory negligence are primarily for the jury and not for the court to pass upon.

(4) No error or abuse of discretion is held to have been committed by the trial court in his examination of the defendant when a witness in his own behalf.

(5) A judge presiding on a trial is not a mere moderator but has active duties to perform without partiality in seeing that the truth is developed, and it is his duty in exercise of sound discretion to elicit the evidence upon relevant and material points involved in the case.

Appeal from the district court of Foster county; Coffey, J. Action to recover damages for personal injuries. Judgment for plaintiff. Defendant appeals.

Affirmed. Opinion of the Court by Bruce, J.

C. B. Graven, of Carrington, attorney for defendant and appellant. Edward P. Kelly, of Carrington, attorney for plaintiff and respondent.

FROM SARK COUNTY. John F. Beyer, Plaintiff and Appellant; vs. Arthur B. Robinson, Administrator, et al., Defendants and Respondents.

Syllabus: Appeal from an order setting aside a sale of land made after and supersedeas bond.

(1) Under the facts in this case the giving of twenty-four hours' notice to the adverse party of intention to apply for an order fixing the amount of the supersedeas bond, is not a jurisdictional requirement.

(2) The trial court had, upon due notice, made a correction in its decree in order to show the true description of the land to be sold. It is apparent that the old decree as corrected remained the binding judgment of the court from which the appeal was taken and to supersede which the bond was given. It follows that the judgment was properly superseded, the sale, thereafter made, void, and the order of the trial court setting it aside, proper.

Appeal from the district court of Stark county; Crawford, J. Affirmed. Opinion of the court by Burke, J.

M. A. Hildreth, Fargo, attorney for plaintiff and appellant. Bangs, Netcher & Hamilton and W.

J. Mayer, Grand Forks, attorneys for defendants and respondents.

John F. Beyer, Plaintiff and Appellant; vs. The North American Coal and Mining Company, et al., Defendants and Respondents.

Syllabus: Litigation connected with 22 N. D. 452, 31 N. D. —, 153 N. W. 476, and Beyer v. Robinson, —, N. D. —, N. W. & —, just decided. The facts are disclosed in the opinions above cited. Lower court sustained demurrer to complaint.

(1) Plaintiff had sufficient interest to maintain the suit on account of his interest as a minority stockholder and because he has another action pending to impound the assets of the corporation.

(2) The complaint does not show that the matter involved in this suit has been already adjudicated.

(3) The complaint shows an available defense to the foreclosure of the mortgage held in trust by the defendant.

(4) The complaint shows sufficient excuse for the delay in bringing the suit.

(5) The complaint shows the existence of fraud and collusion sufficient to maintain the action.

(6) The complaint shows the absence of an adequate legal remedy.

(7) The complaint states a cause of action with certainty and particularity.

Appeal from the district court of Stark county; Crawford, J. Reversed. Opinion of the court by Burke, J.

M. A. Hildreth, of Fargo, attorney for