

### DECIDE PAVING CASE MONDAY; ARGUMENT IN

(Continued from Page One)

this court to step in and protect the property owner against confiscation. But no such situation exists now or can exist by the very facts in the case. "That the city engineer is to be paid four per cent of the cost, is not an issue. If that is an exorbitant fee, then a separate action would lie against the commission to restrain through them against paying him an unlawful fee. The fee has nothing to do with the improvement and does not affect the main issues at all.

**No Contract Exists.** "But, as a matter of fact, no contract has been entered into as yet. These specifications which the complainants attack have not been made the part of any contract entered into between the city and any paving concern. They are merely of an informative nature, sent out to guide the bidders as to what kind of a contract they might expect. They may and probably will be altered in many respects."

Then Mr. Miller took up the voluminous complaint drawn by Mr. Stevens and contended that the objections set forth should be directed to the city commission, a legislative body, and not to the court. He declared that "no one was germane to the action."

**Don't Represent Majority.** He told the court that these complainants did not represent a majority

of the property owners in the paving district attacked. Property owners had not appeared before the commission within the time set by law for protest and hence waived objection to the improvement. As a matter of fact, ample time was given to all property owners to file formal protests. It was not until the evening fixed for the opening of paving bids that Mr. Stevens appeared to object. It was a week later that formal protests were filed. More than two weeks after expiration of time for formal protest.

R. N. Stevens opened the argument for the applicants. His address was a reiteration of a speech before the city commission when the paving bids were opened.

At the afternoon session, C. L. Young made a strong presentation of the authorities in support of the argument made in the morning by Mr. Miller. By way of emphasis, he cited other reasons why, in the estimation of the defendants, the action is immature. He deplored the use of the temporary injunction to tie up public improvements merely to secure delay.

**Explains Procedure.** Mr. McCurdy followed Mr. Young and briefly sketched the steps taken by the city commission preliminary to the opening of the paving bids.

Judge Ellsworth of Jamestown who significantly suggested in passing the advisability of re-advertising for bids, attacked the proposed contract with City Engineer Atkinson and directed his plea chiefly for time in which to discuss the case on what he termed "its merits."

Mr. Register was silent throughout the case, except at the close when he arose to explain to the court that business, not political considerations, brought him into the case.

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Dustin  
Farnum



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Lasky-Paramount

Tuesday  
Billie Burke  
in  
Gloria's  
Romance



LENORE ULRICH  
Lasky-Paramount

Wednesday  
Sept. 13th  
Henry B.  
Walthall  
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## HALT!

### Read Insurance Talk No. 3

Don't go on trusting that the future will take care of itself—it never does.  
Help yourself and protect your dependents by investing a small amount each year in a policy that will prove to be your best friend.  
It protects you if disabled; affords an income or lump sum of money, in older age; offers cash loan privilege; guards your dependents from poverty, if you die.  
State supervision guarantees that we make ample provision for you when you insure in the



### CHURCH NOTICES

**CATHOLIC.**  
8:00 a. m.—First Mass, English sermon.  
9:15 a. m.—Second Mass, German sermon.  
10:30 a. m.—High Mass, English sermon.  
2:00 p. m.—Sunday School.  
7:30—Evening Service and Benediction.  
FATHER HILTNER, Pastor.  
**METHODIST EPISCOPAL.**  
Two blocks north of the McKenzie hotel.  
10:30 a. m.—Sermon on the "God Who Goes Just Ahead."  
12, noon—Sabbath School. All are invited to share in the privileges of the various classes.  
7:00 p. m.—Epworth League Service, conducted by Miss May Swift.

**ROBT. KOEHNLEIN**  
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BISMARCK, N. D.

All Leaguers are particularly urged to be present. The service is the "Rally" Day service.  
8:00 p. m.—Sermon on "Seizing Opportunities."  
Special music will be rendered at both services.  
W. J. HUTCHESON,  
Minister.

**ST. GEORGE'S.**  
(Episcopal).  
Morning Prayer and Sermon, at 11 o'clock.  
Sunday School, at 12:15.  
Vesper Service, at 7:30.  
Bishop Tyler of Fargo will be in charge.

**CHRISTIAN SCIENCE.**  
Corner Fourth street and Avenue C.  
Sunday morning at 11 a. m.  
Sunday school at 9:45 a. m.  
Wednesday evening at 8 o'clock.  
Reading room at church, open Tuesdays, Thursdays and Saturdays from 3 to 5 p. m.  
All are cordially invited.

**TRINITY LUTHERAN.**  
Corner Seventh street and Avenue C.  
Services Sunday morning, in the Norwegian language, at 11 o'clock.  
Services Sunday evening in the English language, at 8 o'clock.  
Sunday School, at 10:00 a. m.  
Come to our services. You are welcome.  
O. R. SVORE,  
Pastor.

**EVANGELICAL.**  
Morning Worship, 10:30.  
Sunday School, 11:15.  
Y. P. A. Meeting, 7:15.  
Preaching, in the English language, 7:15.  
Rev. Geo. B. Newcomb of this city will preach the evening sermon.  
We give a hearty invitation to all our friends to attend these services. Be sure and come in the evening and hear Mr. Newcomb; he has a message that will be of interest to you.  
R. E. STRUTZ.

**PRESBYTERIAN.**  
Regular morning services at 10:30. Subject of sermon, "At the End of the Rainbow," preceded by a sermonette to the boys and girls.  
Sunday School at 12:00.  
Evening Service at 8:00. The topic will be of special interest to young people. Special music. Solo by Miss Bayliss.  
Rev. F. W. Thompson, pastor of the First Presbyterian church of Mandan, will preach at both services. Rev. Mr. Thompson is a speaker and thinker of the best type and those who have had the privilege of hearing him the past two Sundays will not miss the services today.  
A cordial invitation is extended to everybody and especially to those in the city away from their homes.  
Corner of Thayer and Second streets.

**FIRST BAPTIST.**  
Corner of Fourth street and Avenue B.  
Bruce Edmund Jackson, Pastor.  
"The Friendly Church."  
Morning Worship at 10:30. Theme of the sermon, "Delighting in the Lord."  
Sunday School at 12, noon. No better time to join a wide-awake Bible school.  
Christian Endeavor at 7:00 p. m. This will be an important meeting, with election of officers for the new year.  
Evening Worship at 8:00 p. m. Mr. Jackson will deliver the third sermon of the series on "Applied Christianity," the theme being, "Christianity and Gossip." A cordial invitation is extended to all to hear this message. Mrs. R. A. Treacy will sing.  
We are especially glad to welcome strangers. Our church is three blocks north of the Grand Pacific hotel.  
Buy a Castellanos next time. A mild Havana 10c cigar. All dealers.

### F-M GRIDIRON SQUADS WILL START PRACTICE

Fargo, N. D., Sept. 9.—Three of Fargo and Moorhead's quintet of football teams will be engaged in practice during the coming week, the preliminary work of another will be under way, while the fifth will not get under way for another week.  
Moorhead Normal, Fargo and Moorhead high school teams get their first workouts next week. The Agricultural college recruits come Tuesday for preliminary work, while Fargo college doesn't get under way for a week.  
Concordia college, it is announced, will not place a football team in the field this year, according to present plans. It is understood, however,

that interclass football will be maintained at that college.  
Coach Edgar Brown, the newly elected director of athletics at Fargo college, is due to arrive here Sunday of Monday, to begin his preliminary work.  
Coach Crull, of the Fargo high school team, had his men out for the first workout yesterday afternoon, while Coach Rusness of the Moorhead Normal school has had his men out one day.

### IT'S NO SECRET

In three months' time I have sent 70 orders to Ed. V. Price & Co. for good tailored clothes. Have had as high as four orders from one man; several have given me two and three orders in this short time.  
They're satisfied.  
Order today.  
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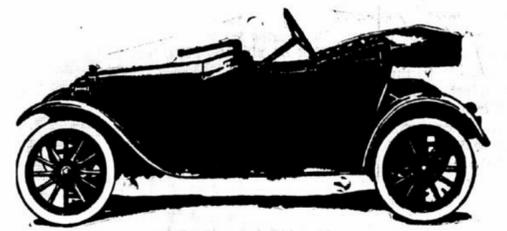
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Suits and Overcoats in Our Own Sanitary Shop for \$35 Up  
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## Saxon Roadster



### Excerpt of letter to

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—Last, but not least, I wish to say that I am delighted with my little Saxon beyond expectations. —Yesterday I left the N. P. depot in Bismarck and never stopped until I got in front of the garage in Wilton. I shifted to intermediate twice only and used a gallon of gasoline.  
Yours very truly,  
MISS JOHANNA ERICKSON,  
Wilton, N. D., August 29, 1916.  
Note—The distance traveled was 28 miles.

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