

# Auto Hits No. 3 at Steele; Two Injured

## GEN. FALKENHAYN SAYS TASK IS TO DESTROY ARMY

Rumanian Roads Blocked With Fleeing Men and Women

"WE WANT BUCHAREST" SAYS TEUTON WARRIOR

German Cavalry Crawls Toward Capital Like Huge Snake

(United Press Staff Correspondent.) Headquarters of General von Falkenhayn in the Transylvanian Alps, Nov. 28, via Berlin and Sayville wireless.—"Our task is to destroy the Rumanian army and that we are doing as best we can."

So spoke Gen. Falkenhayn today, his brows wrinkled, but his eyes sparkling as he submitted to questions concerning the victorious progress of his troops against Rumania. "Our flyers," he continued, "report the Rumanian roads blocked with people and wagons bearing refugees fleeing from Little Wallachia toward the Alt river. That is the terrible part of war. That soldiers should suffer is war, but that women and children should be put to such misery—that is terrible. But it was Rumania's choice. Rumania played with fire too long—and is now getting burned."

"How soon do you expect to get to Bucharest?" the German general was asked. "We want Bucharest," he responded immediately. "Every time we take charge of a city we have to feed the population. We are not bothered by that question. We are soldiers. Our task is to destroy the Rumanian army and that we are doing as best we can."

"May I ask another question, excellency?" I ventured. "The general's brows moved up and down and his eyes looked out sharply as only von Falkenhayn's eyes can do. He nodded assent."

"When will the Rumanian army be destroyed?" I asked. "An officer standing nearby smiled. But Falkenhayn looked straight at his questioner, as he replied: "Rain or snow, a railway accident, or almost anything can destroy the best made plans. I have been in this war two and a half years and can say the only certain thing about it is—uncertainty. I am only certain of one thing—and that is, that we will win."

Seated across from his excellency was his chief of staff. Turning next to him for comment on the Rumanian operations about Craiova, he responded: "In the warfare here the cavalry goes forward like a snake over new territory—with its fangs out and waving in the air. When those fangs encounter an obstacle they are drawn into the snake's mouth. Then after a while the fangs reappear and the snake continues."

Officers declare it will be interesting to see what the Rumanians decide to do, whether they will fight or surrender. Reports reaching von Falkenhayn's headquarters today indicated that German operations are progressing splendidly. It is believed the Rumanians will be obliged to choose a new line, as far back as the Alt river, protecting valuable stores, most of which are owned by England.

This important success achieved by von Falkenhayn will open the Danube for many miles, affording important transportation facilities. As far as comment on von Falkenhayn's headquarters concerned, the situation of the central powers against Rumania is regarded as excellent. All five passes are now in German hands.

## WILSON LEAD JUMPS TO 1,950 WITH BUT TWO COUNTIES OUT

With but two counties to hear from, Wilson's lead over Hughes this morning had jumped to 1,950. The vote-mine's official returns from Eddy and Mountrail counties stands: Wilson, 53,358; Hughes, 51,406.

The normal school this morning has a majority of almost 20,000. It is anticipated that both Mountrail and Eddy will assist in swelling this total. Monday was the last day for filing election returns. Burleigh and several other counties got in under the wire. The two named are the only ones which failed to comply with the statute requiring that official returns of the county canvassing boards be filed with the secretary of state not later than 20 days following election.

CROWDS PACK HALL TO HEAR TRIAL PROCEEDINGS  
Buffalo, N. Y., Nov. 27.—Scores of women crowded the city hall and its corridors here this afternoon for hours to get a glimpse of John Edward Tepler, tall athletic black-haired brick manufacturer, and his pretty young wife, both of whom face the ordeal of trial, charged with murdering his mother and brother.

## JUSTICES-ELECT WOULD DEPOSE PREDECESSORS FIRST MONDAY IN DECEMBER—QUOTE CONSTITUTION

### Getting Fat on 40-cent-a-Day-Diet

Chicago, Nov. 28.—A smaller diet is likely for the 40-cent a day experimenters. All twelve dieters showed weight gains today.

## DEPORTATION OF BELGIANS STIRS WILSON'S ANGER

Washington, Nov. 28.—United States Ambassador Gerard will carry a vigorous protest from the United States against the deportation of Belgians, when he returns to Berlin on December 5.

## NUPEN HIT BY CAR DRIVEN BY ALFRED M'BRIDE

Bismarck Salesman in Critical Condition at St. Alexis Hospital; Broken Ribs and Cervical Accident Occurred at Broadway and Third

C. B. Nupen, traveling salesman residing at 425 Tenth street, was struck and probably fatally injured by an automobile driven by Alfred McBride, a farmer living near the city, late yesterday afternoon at the intersection of Fourth street and Thayer.

Nupen, picked up in an unconscious condition, was hurried to St. Alexis hospital. Dr. M. W. Roan was called. An examination disclosed a broken collarbone and three fractured ribs, besides severe injuries to the back. Late this morning he was in a semi-conscious condition.

## ATTORNEY GENERAL LINDE TO REMAIN IN BISMARCK; MURPHY GOES TO MINOT

Attorney General H. J. Linde will remain a Bismarck citizen after his term expires, January 1. The law offices of Linde & Murphy will be conducted as heretofore, but Francis J. Murphy junior, member of the firm and deputy attorney general, will devote practically all of his time to Minot, where Mr. and Mrs. Murphy will reside.

"I am confident," said Mr. Linde this morning, "that Bismarck is due to become the best town in North Dakota."

CASE IS CONTINUED.  
The case against Albert E. Marquett, charged with kidnaping the 15-year-old daughter of Mr. and Mrs. Michael Balzer of this city, which came up before Judge Dolan at 2 o'clock this afternoon, was continued until December 1.

EMBARGO ON STOCK.  
South St. Paul, Minn., Nov. 28.—William McGivany, president of the stockyards, placed an embargo on live stock shipments from Illinois.

## \$100,000 Fire in Chicago Threatens Manufacturing District of Windy City

Chicago, Nov. 28.—A \$100,000 fire in the heart of Chicago's most important manufacturing district threatened to wipe out that section today. The Hookaday paint warehouse caught fire and explosions of oil caused a well to collapse. Several foremen narrowly escaped with their lives. The fire is reported to be under control.

## BIRDZELL PROBING

Member of University Faculty Here Today To Look Into Right To Take Job

ROBINSON TAKES ISSUE WITH FISK ON QUESTION

Fargo Member of Supreme Court Notes Precedent To Establish His Claims

The supreme court of North Dakota may have three justices too many next Monday. On that date the justices-elect named at the recent general election: J. E. Robinson, R. H. Grace and Luther E. Birdzell, plan to come to Bismarck to claim their seats on the supreme bench. On that same date the retiring justices—C. J. Fisk, E. T. Burke and E. B. Goss—will be sitting. The former will contend that their six-year terms date from the first Monday in December; the latter claim they were elected for six years from the first day of January, 1910, and that their terms do not expire until the 31st day of December.

Old Provision Dug Up. There is involved principle, precedent and one month's salary, amounting to \$416 and some cents. In support of their contention, the justices-elect quote section 92 of the state constitution, which provides that justices of the supreme court shall serve from the first Monday in December following their election.

The retiring justices assert that this provision was embodied in the constitution as an emergency measure, when the state was admitted in 1890, and as a means of assuring that the state would not remain two months without a supreme court after the general election was held that fall.

Justices Fisk, Burke and Goss contend there is nothing in established precedent or custom which would warrant the step contemplated by the justices-elect. The justices-elect claim there is, and their position is stated in the following letter from J. E. Robinson:

"Dear Judge: "Your favor regarding the time for the next supreme court judges to qualify and take office duly received, and submitted to Messrs. Birdzell and Grace.

"You claim that by custom and statute, the time is the first Monday in January. We claim it is the first Monday in December, and that it is controlled by the constitution, which fixes the latter date.

"Wallin Served From December. Custom consists of only a few single instances. Justice Wallin first took office for seven years, and then for six years, and his second term ended on the first Monday of December, 1902. The first three judges were elected to succeed themselves, and the same is true of several other judges.

"You may know the judge who was elected in 1906 to fill a vacancy caused by the resignation of Judge Young. He held the office of district judge and did not care to resign until January 1, 1907, so that Governor Burke might appoint his successor.

"Judge Cochrane was elected as the successor of Judge Wallin. They were bosom friends, and Judge Wallin may have served a month on the term of Judge Cochrane.

"When Judges Burke and Goss were elected, I think they were each on the district bench, and it is possible that they had some business to detain them. But, of course, the fact that a judge does not choose to qualify on the day his term of office commences, does not lengthen out his term; if it did, then no one would have any means of knowing by law the day when the term commences. I am sure there is no evidence of custom that amounts to anything.

"What Statute Provides. "It is true the statute plainly states that except as otherwise provided, all state officers shall take office on the first Monday in January. But in regard to the supreme court judges, we think the constitution does otherwise provide. The first Monday of December, 1889, is the first milestone. It is the starting point, and it is not far away, and no judge has ever been

(Continued on page 4.)

## ZEPPELINS IN NIGHTLY RAID OVER LONDON

Two of Fleet Brought Down by British Aerial Defense Craft

ONE IS DESTROYED ON DURHAM COAST

Serbian Capture One of Hills Commanding City of Monastir

ZEPPELIN BOMBS F.N.D. LONDON WOMAN VICTIM

London, Nov. 28.—(Official)—A German aeroplane dropped six bombs over London between 11:30 and noon. Four were injured, one woman seriously. No great property damage was done.

London, Nov. 28.—Two Zeppelins of a German fleet which raided England last night were brought down by aerial defenders. One was disabled on the Durham coast, and the second was put out of commission nine miles off Norfolk. Both headed seaward when hit.

Another raid by airships over the northeastern coast of England took place last night. The official statement says: "Hostile airships crossed the northwestern coast Monday night. Bombs, it is reported, have been dropped in several places in the northern counties, but no reports of casualties or damage have yet been received."

Led by French Zeppelins, Serbian forces captured an important hill overlooking Monastir. There were violent Teutonic opposition. Four Teutonic counter attacks were repulsed.

Official reports say that there is a heavy and continuous shelling of British position by the Germans north of Ypres. Small losses on the part of the Allies are reported.

## HUNTERS SHOOT MAN TAKING DEER HOME

Bemidji, Minn., Nov. 28.—Andrus Chisolm, 48, killed a deer and while he was carrying it from the woods, seven other hunters, sighting it through the brush, shot at the carcass. One bullet severed Chisolm's spinal cord. He may die.

## BANKER DENIES WALL STREET URGES PEACE

New York, Nov. 28.—A prominent banker emphatically denied here today that Wall Street is behind the present peace talk in America. He said financiers of Europe could not prevent the war, and, of course, financial men of America would be foolish to think that they could stop it.

The banker continues: "If we were worried about loans piling up and that we worried about the loans falling off, then the loans would end automatically, if unattractive from a business standpoint. That is the cold blooded financial view of it. Personally, I don't believe that there is a banker in the United States who would not like to see the war end tomorrow. That is the human, not the business side.

"What could we do to stop the war? "Stop lending money? "Germany is not a borrower, yet she continues to fight on her own resources. The Allies have enormous funds. They have been fighting on borrowed money, while they conserve their own funds.

"It is unlikely that the peace movement will be successful at this time, but it is untrue that Wall Street is having any effect upon peace efforts."

21 SHOPPING DAYS CHRISTMAS

## ROMANIAN ARMY CONTINUES ORDERLY RETREAT BEFORE FORCE OF TEUTONIC DRIVES

LONDON IS HOPEFUL

No Attempt Made, However, to Minimize Effectiveness of German Offensive

SUPERIOR NUMBERS FACE SMALL BALKAN ARMY

Hostile Aircraft Scouting Ahead Assists Progress Toward Bucharest

CAPTURES CITY. Berlin, Nov. 28.—Mackensen has captured Giugiva City on the Danube, 38 miles south of Bucharest. Danube army gaining ground.

German naval raiders near Lowestoft sink vessel, capture crew and return safely. Liner City of Birmingham, 7,000 tons, steel vessel from Liverpool, sunk. No details.

London, Nov. 28.—Rumanians are retreating orderly before the strong drives of the Teutons. This is the only satisfactory part of the situation in the minds of the military experts here. No one is attempting to minimize the effectiveness of the German drive, which is accompanied by superior forces and plenty of aviators against an army that possesses neither of these factors.

Aside from reports of the repulse of the Bulgarians by the Serbians and of continued progress for the Italians west of Monastir, the Entente allied war office records no important engagements on the Macedonian front.

In the Carnia sector of the Austro-Italian theatre and east of Gorizia the Austrians are vigorously shelling the Italians. On the Russian front there has been considerable activity by both the Russians and Germans at various points.

Comparative Calm in France. Comparative calm still prevails all along the front in France so far as infantry engagements are concerned. A Berlin semi-official dispatch says there are indications that the Entente Allies contemplate a fresh offensive, probably near Armentieres and east of Arras, where heavy artillery bombardments are being carried out, and also on the St. Mihiel salient, south of Verdun.

Arabs Defeat Italians. Another semi-official dispatch from Berlin quotes Constantinople advices to the effect that Arabs on the Tripoli-Tunis frontier in north Africa have defeated the Italians and carried the fighting across the border into Tunisia against the French. The losses of the Italians are estimated at 20,000 men, not including prisoners taken into the interior by the Arabs.

## HEAVY GRIST FOR CONGRESS

Washington, Nov. 28.—Early congressional arrivals predict that congress must burn midnight oil prodigally, if its labors are to be completed by March 4. The mere routine is heavy without railroad legislation and proposed food embargo legislation.

BOX CARS ORDERED TO HOME LINES; EFFORT TO RELIEVE DEFICIENCY  
Washington, Nov. 28.—The conference committee on car deficiency of the American Railway association, in the public's interest, to meet the emergency, today ordered each railway to return each box car to the home lines.

## Villa's Victory May Keep National Guard on Border For Rest of the Winter

Washington, Nov. 28.—An official source says the situation at Chihuahua City, where Carranzista and Villistas are battling, is such that probably there will be a halt in the present plans for the returning of several more militia regiments to their homes. The department expected to send several regiments home this week. Officials preferred to await the outcome of the Chihuahua City battle before proceeding with militia plans. They frankly admitted, if Villa gets Chihuahua City, there will be real trouble throughout northern Mexico and particularly at Juarez within a week.

El Paso, Nov. 28.—With four hundred men from Casas Grandes and Namiagua, Carranzista Commander Gonzales, from Juarez, started in the morning for Chihuahua aboard military trains. It is admitted troops for

## Safety Lies in Warning Say Experts

Washington, Nov. 28.—Experts say safety for Americans and their money lies behind the federal reserve bank warning, published this morning, against undue loan expansion. Some said that a possibility of unsettled business conditions was the immediate cause for the warning.

## GERMAN ATTACK FAILS—TRAWLER REPORTED LOST

Paris, Nov. 28.—The German attack near Maison Champagne was repulsed. Elsewhere the night was quiet. The chamber of deputies met today in secret session.

London, Nov. 28.—The armed trawler, Harval, is missing. It is presumed this is the ship a German official statement claims to have been sunk.

## AMERICAN BOAT SUNK BY MINE OR SUBMARINE

London, Nov. 28.—The American steamer Chemung, of 2,615 tons burthen, was sunk today. The steamer was of American registry and carried an American crew.

It cannot be stated whether the Chemung was submarine or mined. The fate of the crew is unknown as yet.

## REGULATION OF NATION'S FOOD SUPPLY ASKED

New York, Nov. 28.—Representatives of two million women of the National Housewives' league today forwarded to President Woodrow Wilson an appeal for government regulation of the nation's food supply.

Simultaneously, Patrick Quinn, government commissioner of New South Wales, explained the Australian system of food control. These developments dovetailed with Governor Whitman's move for the regulation of New York's food supply by the state food commission.

Quinn and Mrs. Julian Heath, president of the Housewives' league, praised Governor Whitman's action. The league based its appeal upon the claim that the people of the United States are suffering from exorbitant prices on account of a shortage of crops, increased exports, decreased imports and speculation.

At the same time, the egg boycott is spreading rapidly and promising to result seriously.

Trevino at Chihuahua City are hard-pressed on all sides by Villa. Tell of Villa Victory. El Paso, Texas, Nov. 28.—United States agents today transmitted to Washington the report they have that Villa possesses Chihuahua City and that Trevino is fleeing south in an attempt to make a junction with Murguia's column. Carranzista officials refused to make a statement today. May Withdraw Perishing. However, if the outcome of the Chihuahua City fighting completely eliminates Villa, the war department may proceed with the withdrawal of Perishing's column. The decision to temporarily halt the military withdrawal follows unconfirmed reports that Villa has captured Chihuahua City.

## HITS MAIL COACH AT 30 MILE SPEED

Occupants of Car Evidently Became Confused When Train Was Sighted

PASSENGER BLOWING DOWN TO MAKE DEPOT

Automobile Demolished and Both Men Picked Up Unconscious; Taken to Bismarck

Peter Dolenberg, a well digger at Steele, is not expected to live, and chances for the recovery of Herman Weisenhutter, a farmer living a-half mile from that city, are about even, as the result of the automobile in which they were riding crashing into train No. 3, east of the station in that city, about 11 o'clock this morning.

Injured Men Brought to City. Bleeding profusely about the head from wounds received when the auto struck the mail car of the train, the men were brought to Bismarck about 12:30 o'clock, placed in an ambulance and hurried to the Bismarck hospital. The extent of the injuries could not be learned at an early hour this afternoon.

Particulars of the accident as related by members of the train crew are to the effect that the auto was traveling toward the Northern Pacific station at Steele and approached the train, which was traveling about 25 miles an hour, and slackening to stop at the station. The automobile was going 30 miles an hour.

Auto Rams Tool Box. The auto rammed the tool box on the side of the mail car, ripping it loose. The machine then swung westward, being parallel with the train when it stopped. The men, who went headlong into the side of the car, striking the steel beams and the steel tool box were picked up about five feet from the spot.

Was Evidently Confused. Dolenberg, who was driving the machine, is married, his family residing in the village of Steele. He evidently was too confused when, traveling at a rate of about 30 miles an hour to see the Limited approaching from the east. It was evident from the north side of the mail coach that he did not have time to apply the emergency brakes before the crash came, as the beams and the tool chest were bent from the force of the impact. The auto struck the center of the car.

Dolenberg and Weisenhutter were picked up about five feet from the wrecked auto. Dolenberg was unconscious. Both were placed in the baggage car and upon the arrival of the train in Bismarck, were taken to the Bismarck hospital.

Life Hangs on a Thread. Dolenberg's life hangs on a thread this afternoon. An examination made by Dr. N. O. Ramstad disclosed that his skull is fractured in six or seven places, besides severe bruises about the face and the shoulders. Up to a late hour this afternoon he had not recovered his mind.

Weisenhutter is said to be a single man, farming a short distance out of Steele. He was picked up in a semi-conscious state of mind. The examination at the hospital this afternoon revealed a fractured collarbone and four or five broken ribs. He is also suffering internal injuries. He regained consciousness shortly after being entered at the hospital.

Pastor Brings Injured Here. Rev. Walters, a pastor at Steele, accompanied the injured man to Bismarck. Conductor Grant Williams of Fargo was in charge of the train.

GREAT NORTHERN THIRD ROAD TO FILE TEST SUIT  
Fargo, N. D., Nov. 28.—The Great Northern today filed a suit testing the Adamson law. This is the third railroad to join in North Dakota actions.

SKELLS CASE DISMISSED IN JUDGE DOLAN'S COURT  
The case against Wm. O. Skells, a former special officer on the Jamestown police force, charged with violating the city ordinance relating to bootlegging, was dismissed in Judge Dolan's court at noon today.

The complaint lodged against Skells, now employed as taxi driver for Bryan & Son, was sworn to by Walter Kuschka, a bricklayer, who claimed that on Saturday night last, between 9 and 10 o'clock, Skells delivered a pint of whiskey to him at the Franklin hotel.

In his testimony, Skells declared that it "was a put up job," because he formerly had arrested Kuschka for being drunk and Kuschka had sought spite. He admitted being called at the hotel about that hour of the night, saying he was the person there by the name of Grant.

WAR WRECKS WHEAT  
Minneapolis, Minn., Nov. 28.—Upon receipt of advice that the American steamer Chemung had been sunk, wheat dropped six cents. December closed at \$1.82 1/2.