

Sitting As Supreme Court, Trio Denies Jurisdiction

NORTH DAKOTA HAS TWO TOO MANY COURTS

Three Tribunals Exist for State Today—Each With Some Legal Authority

PROVISIONAL BENCH TO DETERMINE CONTROVERSY Order Issued Last Saturday Was Returnable at 2 O'clock This Afternoon

Sitting as the supreme court of North Dakota, Justices-elect Robinson, Birdzell and Grace at noon today directed an order to district court members of the provisional court assembled for 2 o'clock this afternoon to determine the present controversy between Justices-elect and retiring Justices, advising them that the subscribers as the supreme court of North Dakota, denied the jurisdiction and refused to recognize the existence of the provisional court.

Judges Pollock, Crawford and Leighton were served at noon, while Judge Nuesse and Judge Hanley, who complete the provisional panel, were served upon their arrival from the east and respectively.

The order follows: "Whereas, At the last general election J. E. Robinson, L. E. Birdzell and R. H. Grace were each duly elected to the office of judge of the supreme court, to hold said office for six years from the first Monday of December, 1916, pursuant to the constitution, and they have duly qualified and organized and entered upon the discharge of their duties as the supreme court of the state;

"And whereas, The former judges, the Honorable Charles J. Fisk, E. T. Burke and E. B. Goss, wrongfully claim the right to hold over after the termination of their office on the first Monday of December;

"And whereas, You are invited to appear and assume to act as a court for the special purpose of determining in a summary manner their claim of right to hold office.

"The said invitation is made under Section 100 of the constitution, providing that in case a judge of the supreme court shall be in any way interested in a cause brought before said court, the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause. It shows that you are not called to sit with any of the judges of the supreme court on the hearing of any cause and that there is no cause or action pending in said court against the parties named as respondents and that in the alleged cause all the judges holding office are interested and that they have no right in any way to constitute a new supreme court.

"Therefore, By the supreme court of North Dakota and by the undersigned, duly elected and qualified and acting judges, you are advised that you have no right or jurisdiction to appear as a court and to assume to hear and adjudicate said matter, or to appear as court to consider the same.

"Dated at the Capitol in Bismarck, North Dakota, this 6th day of December, 1916.

"By the Supreme Court of the State of North Dakota, J. E. ROBINSON, L. E. BIRDZELL, R. H. GRACE, Judges of the Supreme Court."

Two Courts Too Many. For the day North Dakota has three supreme courts, each of which may regard itself as the one and properly constituted tribunal.

They are: First Court—Chief Justice C. J. Fisk and Associate Justices E. T. Burke, E. B. Goss, A. A. Bruce and A. Christianson.

Second Court—Chief Justice Andrew A. Bruce, Associate Justices A. Christianson, Luther E. Birdzell, J. E. Robinson and R. H. Grace.

Third Court—Chief Justice Charles A. Pollock, Associate Justices W. L. Nuesse, J. M. Hanley, W. C. Crawford and K. E. Leighton.

For the immediate present, the third named would seem to have slightly the better of the argument. It is recognized, for the once, by the first court, and it has constitutional authority for sitting today at the request of the first court.

The second court, or the majority of it, composed of the three Justices-elect named at the recent general election, claims its rights from the constitutional clause which provides that newly elected members of the supreme bench shall serve from the first Monday in December. The trio's election certificates, which will be issued some time today, if the state canvass board completes its work in time, will read "from the first Monday in December," and whether the court is seated now or put off until the first of January, when other Justices-elect have been seated, it will continue to regard itself as the one and only legally constituted supreme court for North Dakota during the month of December, 1916.

Provisional Court Sits. The provisional court consisting of the five district judges called in by the old supreme court convened at 2 o'clock this afternoon, for which hour it had summoned Chief Justice Fisk and Associate Justices Burke and (Continued on Page Two)

WOMAN MAY CAUSE CHANGE IN CABINET



Thos. W. and Mrs. Gregory. Mrs. Gregory may cause a change in President Wilson's cabinet by the resignation of her husband as attorney general. It is said he asked her husband to resign so she may go back to her Texas home.

STEELE MAN TO BE DEPUTY FOR CARL KOSITZKY

O. B. Lund, Retiring Treasurer of Kidder County, Gets Appointment

GREENWOOD TO REMAIN DAIRY COMMISSIONER

O. B. Lund of Steele, retiring treasurer of Kidder county, is to succeed W. R. Edwards as deputy state auditor. The announcement was made yesterday by Carl Kositzky, state auditor-elect. Mr. Kositzky stated, however, that he hopes to retain Mr. Edwards' services for the present at least.

Dan McPhee will remain in the state auditor's office as chief clerk. Miss Keiton of Mercer will become Auditor Kositzky's personal stenographer. No changes in the office staff other than those named are contemplated for the present.

Greenwood Keeps Job. Among present appointive officials who are billed to keep their jobs under the new administration, is E. A. Greenwood, dairy commissioner. Another deputy who does not stand much chance losing out is J. O. Lyngstad, John Steen's right hand in the state treasurer's office. Lyngstad has served as deputy for Steen from the time the kugly man took office, and he has made good.

The Governor's Secretary. The governor's secretaryship had been nicely lined up when a little fracas in the ranks over the proposed appointee kicked the beans into the fire. Now the secretaryship is somewhat up in the air.

The deputyship just vacated by John Andrews in the secretary of state's office is yet to be filled. Secretary of State Hill says he has two good men in view and that he has not quite made up his mind between them.

Austin Will Stick. For the present, at least, W. D. Austin will retain his place as deputy insurance commissioner. Austin is generally regarded as a first-rate insurance man, and S. A. Olsness, the incoming commissioner, being little versed in the technical features of the business, will find the experience of his deputy a valuable aid in readjusting the office along lines proposed in the Non-Partisan plank adopted by the two principal parties.

MacDonald Keeps Quiet. Neil MacDonald, the incoming superintendent of public instruction, has said nothing to date on the subject of appointments. There will be one certain vacancy, that created by the resignation of W. E. Parsons, deputy superintendent, who becomes superintendent of schools in Burleigh county January 1.

TWO CARDINALS GET RED CAP

Rome, Dec. 7.—Two new cardinals were given the red cap by the pope at his public consistory here today. Both new cardinals are former papal nuncios. They are Mgr. Count Raffaele Scarpellini, former papal nuncio at Vienna and Mgr. Fruewirth, former papal nuncio at Munich.

Pope Benedict will deliver an address in which he will outline the Vatican's neutral attitude in the war and pray for a cessation of hostilities as soon as possible. He will make a plea for the continuance of Catholic prayers for peace throughout the world. This public consistory follows the secret consistory of the pope on December 4.

King Boreas Spills First Icy Whiffs

Cut Paths Across North Dakota Late Yesterday—Four Below Prince Albert Last Night

WILLISTON COLDEST POINT IN NORTHWEST—4 ABOVE

Disturbance Is Central Over Minnesota and Iowa This Afternoon in Drive East



The first wintery whiff from King Boreas cut its path through North Dakota late yesterday afternoon, causing a drop in temperature from 37 degrees at noon yesterday to 21 degrees last night and bringing a snowfall with a precipitation of .65 of an inch.

In his dash southward the king shook off most of his frigidly, for at Prince Albert a temperature of 4 degrees below was reported as the lowest at last night, 4 degrees above as the lowest at Williston and 21 degrees above as the lowest for Bismarck.

The disturbance which has caused such unsettled weather conditions during the past 24 hours, resulting in snow and high winds, is moving eastward and is central this afternoon over Minnesota and Iowa. Much higher pressure follows and will result in fair weather tonight and Friday, with lower temperature in the east and the south portions tonight and rising temperature Friday.

Galveston held the highest temperature last night, with 66 degrees; Prince Albert, with 4 below, and Williston with 4 above being the coldest spots in the northwest.

SECRETARY WILSON DEPLORES SYSTEM

Washington, Dec. 7.—Marshaling armed thugs to quell labor disputes was denounced as a menace to the nation's industrial peace and prosperity in the annual report of the federal department of labor, submitted to congress today.

Secretary of Labor Wilson, in commenting on the situation, said there was a general disposition on the part of the employers to recognize the workmen's rights and bargain collectively with them for better wages.

HUNDRED MILLION LAND BANK BOND ISSUE

Washington, Dec. 7.—The United Press learned that farm loan banks will declare \$100,000,000 bond issue. It is to be made shortly after the new banks open their doors for business.

WANTS COURT TO ENFORCE STOCK REFUND CONTRACT. Bart Guild started a suit today against Marsh & Pentreas for performance of contract to buy 21 shares of Courier-News stock in the event he retired from the company. Guild was discharged Monday by Brinton, the Non-Partisan Publishing company's manager of The Courier-News.

MR. HUGHES HERE. Rev. John A. Hughes of Aberdeen, S. D., but formerly of this city, is spending a few days here calling on friends.

NEW PREMIER FACES BIG JOB; FACTIONS BITTER

Lloyd George Encounters Bitter Opposition of Political Cliques

QUESTION IS WHETHER HE CAN FORM CABINET

Greek, Muddle and Rumanian Disaster Lead To Downfall of Asquith Ministry

London, Dec. 7.—The supreme question of the hour is whether David Lloyd-George will succeed in forming a new cabinet. He has been asked by King George to form a new ministry following the retirement of the Asquith regime.

Against him is bitterness of the political factions and refusal of some members of these cliques to serve in the new ministry. The crisis may reach such a point that an election will be necessary to decide the issues at stake.

Lacked Firmness. An editorial in one of the leading newspapers of Rome says that the Asquith cabinet lacked firmness, decision and initiative and was indirectly responsible for the Greek muddle and the Rumanian disaster. This journal expresses the hope that the new ministry will be politically stronger and in military affairs more successful.

Northcliffe's Statement. Lord Northcliffe, England's foremost publisher, one of the strongest figures in British public life today and the man who through constant iteration in his great London newspapers of demand for greater unity, aggressiveness, efficiency and force in England's conduct of the war, really was responsible for the shake up in the British cabinet in a written statement for the United Press today, detailed his own personal belief of what that shake-up means to England. His statement follows:

"Lloyd George has given the knock out to the gang of aged or inept mediocrities, who have prevented the British empire from exerting its full force in the war. Whatever happens these mediocrities cannot get together again. Whatever government arises cannot but be an immense improvement on that which has disappeared.

"Lloyd George is one of the few British statesmen who understand the United States and I look for good relations between Great Britain and the republic as a result of his forceful action of yesterday.

Bonar Law is a safe man and if he becomes prime minister, he will be the first Canadian to achieve an honor equal in dignity and importance to your president."

Serious Obstacles. Those familiar with Lloyd George's determination, resourcefulness, personal magnetism and good luck are entertaining serious doubts whether he can surmount the obstacles before him. It is thought that he will make a vigorous appeal to all parties to sink their political differences with the single purpose of energetically continuing the war. If successful, it is believed that Lloyd-George will carry to even greater extent than proposed, the powers of a plenary war council, probably limiting the actual working cabinet to five or six members in complete accord with each other.

The house of commons met and adjourned without announcement of the new ministry. After a two-minute session it adjourned until next Tuesday. The labor party has agreed to participate in Lloyd George's new government.

Here Girls Learn These First Aids

Minister Who Has Married 4,000 Couples Gives Expert Advice

SHUN ROUGE POT AND POWDER PUFF

When He Speaks Listen, It Is In-Cense To His Pride—Silence Is Eloquence

Oakland, Cal., Dec. 7.—How to win a husband is told in Rev. John H. Pierce's "ten commandments" for girls seeking the royal road to matrimony today. Rev. Pierce has married 4,000 couples in 30 years. Here are his commandments:

First—Plan your campaign with the wisdom of the serpent, conceal it with the silence of the clam, execute it with the strategy of Machiavelli.

Second—Avoid all witticism about marriage.

Third—Veil with alluring helplessness the iron of self-sufficiency.

Fourth—When a man declares "I shall never marry!" mark him for easy prey.

Fifth—Be inwardly bold as a lion, outwardly timid as a fawn.

Sixth—The loudest flattery is the silence of attention. When he speaks listen. It is incense to his pride.

Seventh—Shun the rouge pot and the powder puff, for many a maid has lost out by sailing under false colors.

Eighth—Pick out a chemical affinity. Remember, oil won't mix with water, but it will with myrrh.

Ninth—Copy the cat, for it is squeezable, and the dove, for it cooes caressingly, and the whippoorwill, for it seems elusive.

Tenth—Remember that the supreme test of a man is a kiss. If he will not yield under its pressure, scorn him; he is either brute or idiot.

TWO KILLED; AUTOS SKID OFF BRIDGE

VICTIMS RECOVERING. Fargo, N. D., Dec. 7.—All four injured victims of the Georgetown accident, in which two persons were killed last night, when two autos skidded off a bridge over the Buffalo river, are reported this afternoon to be recovering satisfactorily.

Fargo, N. D., Dec. 7.—C. J. Johnson, 60 years, and his daughter, 30 years, name unknown, are dead; Ole Bolstad, 40, and Gilbert Estensen, 36, both of Hendrum, are not expected to live, and Ernest Estensen, 15, and Joseph Stennes, 22, also of Hendrum, suffered severe injuries when two autos skidded on the sleet through a bridge railing and crashed 20 feet to the river below, one mile east of Georgetown, Minn., last night.

The two accidents took place within an hour's interval and were not discovered until fully an hour afterwards, owing to the lack of travel at the point. As near as Clay county officials could learn last night, the second accident must have happened at 10:30 o'clock, one hour and a-half later than the first.

Johnson was instantly killed by a blow over the left eye as the machine fell to the ice below. His daughter is believed to have attempted safety by jumping from the car. She was thrown onto the ice, her body breaking through the thin frozen crust and death resulting from drowning. The young son of Johnson was pinned underneath the machine, his leg dislocated and body painfully bruised.

ANARCHY, TERROR AND DEATH FATE OF RUMANIA AS TEUTONS ENTER PARIS OF BALKANS

Bucharest Evacuated Amid Strenuous Rear Guard Fighting Against Swift Advance of German Armies

GOVERNMENT INCREASED SUFFERING BY ORDERING SUBJECTS FROM HOMES

ALLIED FORCES EVACUATE BUCHAREST AND PLOSTI London, Dec. 7.—Bucharest and Ploesti have been evacuated by the Allied forces in order to shorten the lines in Wallachia, officials say.

Berlin, Dec. 7.—The Rumanians evacuated Bucharest in good order, according to Paris dispatches, saving the army. This is the first admission on the part of the Allies that the Rumanian capital had fallen.

At every hundred yards there is something dead or dying in Rumania. The entire nation is a bloody, reeking shambles.

MAD WITH TERROR. The country is mad with terror. Anarchy and chaos reign. Misery of the inhabitants is terrible. Most of this is due to the Rumanian government itself which ordered all citizens to leave their homes as the Germans advanced with almost incredible swiftness.

The Rumanian rear guard continued to fight strenuously to save the capital from disaster, but their efforts were in vain.

Four Capitals. With the fall of Bucharest, the central powers are in possession of four capitals of entente allied states, the other being Brussel, Belgrade and Cetinje.

In the northwest, in the Carpathian region, near the Bukovina frontier and along the Moldavia front, the Russian offensive begun as a diversion against the Teutonic advance into Rumania, apparently is meeting with little success.

To one who for the past ten days has followed the advancing German troops by automobile over 1,500 miles through Craiova, Alexandria, Salina and Pitesti-Bucharest is not the sole object of the German offensive. To such an observer, Germany's object is the destruction of as much of the Rumanian army as possible, preparatory to a march toward Russia, perhaps with Odessa as the final goal. The German operations are moving forward here on a gigantic scale. For miles over Rumania's roads, thousands of columns pass in a ceaseless moving picture. Besides these advancing columns are wagon trains of desperate-looking refugees and in the villages, packed with troops are the Rumanian army prisoners. Desperation of the Rumanian army staff in its efforts to mobilize all possible forces against the German advance was evidenced today, when a force of landsturm troops, clad in civilian clothes and armed with hunting rifles, was captured.

Their ammunition was lead bullets fitting the sporting rifles. Proceed to Black Sea. Camplani and Sinci have been occupied in addition to Bucharest. The Germans are continuing their progress toward the Black Sea. Russian troops have covered the left flank of the Rumanians retreating from Bucharest. Official reports state that Bucharest was evacuated at noon yesterday.

City Deserted. Bucharest was almost deserted by civilians and soldiers when the Germans occupied it. The city was not demolished. Central Powers' detachments captured a garrison of 40 Russians at the Russian outposts west of Lucken Lejar river. Along the same front Teutons maintained positions despite five night attacks.

On the west front the Fifteenth regiment of Infantry succeeded in entering the French trenches and capturing Hill No. 304 on the west bank of the Meuse. This position is located southwest of Malancourt, where there were very heavy engagements this summer. Blockade of Greece will be declared as a reprisal for riots in Athens in which French marines were fired upon.

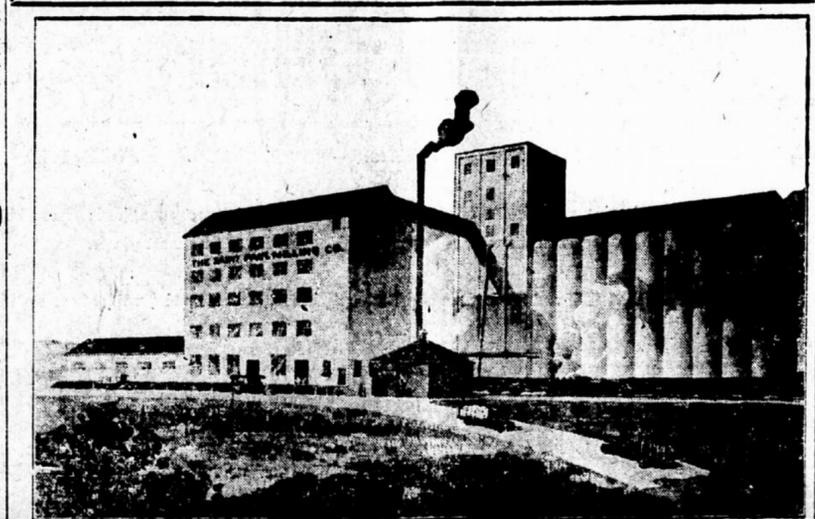
Berlin—(Official)—Dec. 7.—The Russian offensive in the wooded Carpathians is continuing, with temporarily increasing fire in the Moldavia and the Forefield districts. Skirmishes north of Dornavatoro, and in the Troussel valley are reported. All attacks have been repulsed.

TO ARRANGE FOR WILSON INAUGURAL. Washington, Dec. 7.—The house has named Rucker of Missouri, Garret of Tennessee and McKinley of Illinois to make the arrangements for the second inauguration of President Wilson, March 5.

VILLA PREPARES SECOND RAID. El Paso, Texas, Dec. 7.—United States authorities think that Villa, after equipping his army with loot stolen from Chihuahua City, is moving again, splitting his army into small units. He is directing them from San Andreas.

MORE THAN MILLION ON ELECTION. Washington, Dec. 7.—The treasurer of the Democratic party has finally reported receipts of \$1,008,348.16. The expenditures were \$1,684,589.74.

New Farmers Elevator Dedicated



NEW ELEVATOR OF THE EQUITY CO-OPERATIVE EXCHANGE ON THE UPPER LEVEE.

How the great co-operative buying and selling movement is gaining in the United States was shown by charts and exhibits opened this morning at the convention headquarters. C. J. Brand, chief of the market division of the federal department of agriculture, was scheduled to address the meeting this evening, but will arrive too late. A. C. Schmidt, editor of The Organized Farmer, asked all business men present to hold up their hands. Two hands went up. Then Schmidt scored the audience. He said the farmers are the biggest business men in America, and that they should consider themselves as such.

14 SHOPPING DAYS CHRISTMAS

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