

THE TRIBUNE

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THE STATE'S OLDEST NEWSPAPER (Established 1873)

You make it impossible for people in this land to starve next winter, and you make it possible for other people upon whom war's desolations have been thrust, to live.

The department of agriculture reports a vastly increased acreage of farm land given this season over to growing foodstuffs.

But you, Mr. Cityman and Mrs. Citywoman, can help. Your back yard can help. The vacant lot near your home can help. All you need is elbow grease and spade, hoe and rake this summer. You then will have to worry less about your own cost of living and the large cities of the land will see no hunger strikes next winter.

Make a garden in your own back yard, or in the vacant lot nearby! There's patriotism, profit and good health in it!

To help you get the most out of your back yard or vacant lot gardens, the Tribune has engaged the services of a good vegetable gardener—not a college professor expert, but a practical man, who gardens himself, to write a series of articles covering every phase of the garden subject.

The first article was printed yesterday. Other garden lessons by him will be printed until well on into the growing season.

We hope you will read them, think over them, save them for future reference during the gardening season, and—

Have a garden this summer! Will you?

THE LABOR VOTE.

W. J. Prater and Carl Kositzky discovered yesterday when the vote was canvassed that it is impossible to ram the Non-partisan league doctrine of discord down the throats of the voters of Bismarck.

These gentlemen conducted a sort of detached campaign of their own, confined chiefly to the issue of class prejudice and hatred.

The Tribune is informed, reliably, that many of the candidates who failed of election at the polls yesterday have repudiated the intrusion of Mr. Prater with his blatant agitation and Mr. Kositzky with his Non-partisan league roorbacks, seeking to align labor against capital by ribald, demagogic appeals of the cheapest kind.

Mr. Prater's address at the political tea party in Patterson's hall fixed this gentleman definitely in Bismarck's political status. It should relegate him completely to the rear. As chairman of the Burleigh County Republican committee, he showed poor judgment in prostituting his office in a purely non-partisan election.

In view of the reprimand administered to these gentlemen at the polls for seeking to foist socialism into the campaign, it is fitting to press home a much needed lesson for all "reformers" sailing under false colors.

The result yesterday was a tribute to the intelligence of the labor voters, who realized that an attempt was being made to draw them into the contest for the purpose of injecting an issue that had absolutely no place in the campaign.

FARMER AND LAND, TOO.

Organizers and the paid promoters of the Non-partisan league do not disguise their socialism. They have accepted any political label to sugarcoat the bitter pill. But the main objective which is never lost sight of by the leaders is the promotion of socialistic doctrines.

The regulation of the markets and the establishment of state owned utilities, such as elevators, packing plants and flour mills, are the basic issues now. Those in charge of the destinies of the league have showed political acumen in selecting these as paramount in a state where about eighty per cent of the population is engaged in agriculture.

But the propaganda, Mr. Farmer, will not end there. In the midst of so much regulation how can the farmer himself escape. Put all the elements of distribution on a socialistic basis, then, as night follows day, the land and the farmer as part of the general scheme must also go on a socialistic schedule.

Destroy the speculative market, eliminate initiative and competition from the marketing of farm products and where will the farmer of North Dakota be within the next five or ten years?

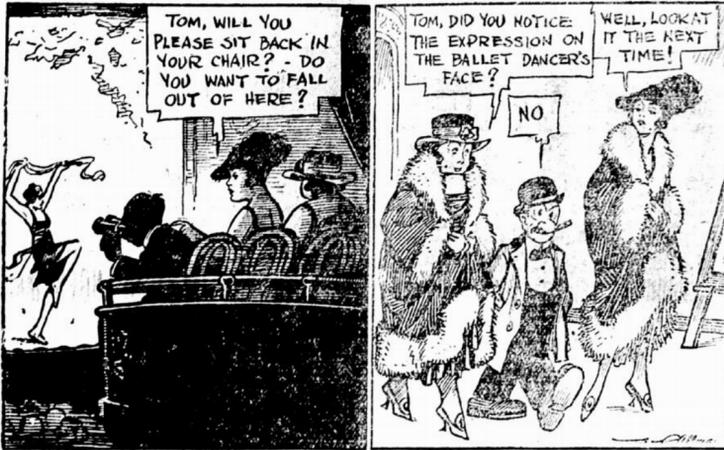
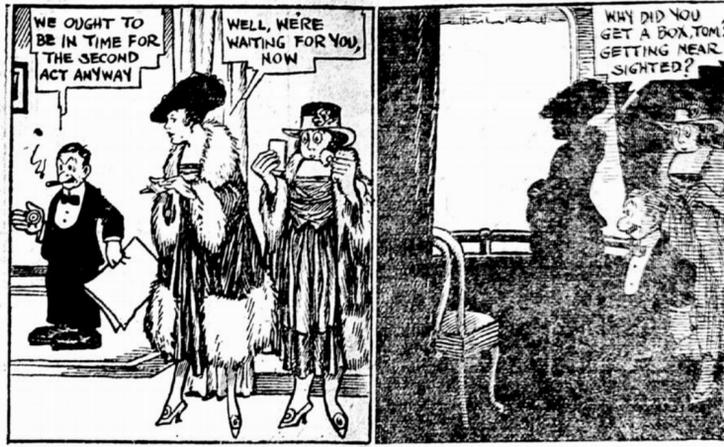
It is futile for the satellites of Townley to tell the North Dakota farmers that they can control the markets of the nation. The reverse is true. If Townley and his band of Socialists can put all the markets on a socialistic, non-competitive and profit-sharing basis, the farmers of North Dakota will have to send their produce to such a market and get what such a market sees fit to pay.

Stated in concrete terms, the socialistic program requires the public or collective ownership of all principal instruments of production, as well as distribution of wealth—THE LAND, mines, railroads, steamboats, telegraph lines, railroads, telephone properties, mills, factories and all modern machinery.

It is very significant that the Socialists put the public ownership of LAND FIRST in their program. Just because they have elected under the leadership of Townley to start with

DOINGS OF THE DUFFS. By Allman

ANYONE IS APT TO MISS SOMETHING AT A SHOW



Thorberg, Thies department store, succeeding A. E. Thorberg.

From Minnesota. Mr. and Mrs. Gerald Bowers of Bemidji, Minn., arrived in the city recently and are spending a few days in Mandan, visiting with the latter's parents, Mr. and Mrs. Martin Bull.

Returns to City. Miss Victoria Lindor, who had been in Mandan visiting a few days, returned to Bismarck yesterday to resume her duties in the Bismarck hospital as nurse.

Visiting His Family. Agent H. E. Franz of the Northern Express company is spending a few days in Little Falls, Minn., visiting his family.

SUPREME COURT

FROM SLOPE COUNTY.

Hattie E. Wade, Plaintiff and Respondent.

vs.

William L. Major and Allie Major, His Wife, and W. J. Johnson, North Dakota, Defendants and Appellants.

Syllabus: After the lapse of a year from the date of a mortgage sale, the Courts have full power to permit a redemption when equity and justice demands it.

Appeal from the District Court of Slope County; Hon. W. C. Crawford, J.

Affirmed.

Opinion of the Court by Robinson, J.

Christianson, J., and Bruce, C. J., dissent.

Theo. B. Torkeison, Bowman, Attorney for Appellants.

J. P. Cain, Dickinson, Attorney for Respondent.

FROM TOWNER COUNTY.

State of North Dakota, Plaintiff and Respondent.

vs.

Rogahild Sogge, Elmer Jones and Betsy Jones, Defendants and Appellants.

Syllabus: 1. The expression, "corpus delicti" as understood in cases of homicide, means the body of the crime and consists of two component parts, the first of which is the death of the person alleged to have been killed, and the second, that such death was caused through criminal agency.

2. Section 9459 Compiled Laws of 1913 provides that no person can be convicted of murder or manslaughter unless the death of the person alleged to have been killed and the fact of the killing are each established as independent facts; the former by direct proof and the latter beyond a reasonable doubt; construed, and held that the legislature used the words "direct proof" as the equivalent of, and a synonym for, "direct evidence."

3. Evidence examined and held that the court cannot say as a matter of law that the corpus delicti has not been established.

4. It is held for reasons stated in the opinion that the giving of the following instruction constituted prejudicial error: "Circumstantial evidence alone is enough to support the verdict of guilty of any crime, providing the jury believe beyond a reasonable doubt that the accused is guilty under the evidence. No greater degree of certainty in proof is required where the evidence is all circumstantial than where it is direct, for in either case the jury must be convinced of the prisoner's guilt beyond a reasonable doubt. The evidence of circumstances is to be taken on by you the same as evidence of direct and positive acts. It is to be received by you in the light of reason—in the light of actual results. All evidence is more or less circumstantial, all statements of witnesses, all conclusions of jurors, are the results of inference. There is no ground of distinction between circumstantial and direct evidence."

Appeal from District court, Towner county; C. W. Buttz, Judge.

Defendants were convicted of manslaughter and from the judgment of conviction and from the order denying a new trial, they appeal.

Reversed. Opinion of the court by Christianson, J.

Robinson, J., concurs specially.

Greenleaf, Woolee & Leak, of Minot, Attorneys for Appellant.

O. E. Herstad, State's Attorney and Durr Carlson, R. A. Nestos, Assistant State's Attorney and Wm. Langer, Attorney General, and D. V. Brennan, Assistant Attorney General, for Respondent.

Christianson, Judge. Robinson, J., concurs specially.

Torger Sinness and Clyde Duff, Minnewaukon, and Victor Wardrop, Leeds, Attorneys for appellants.

T. H. Burke, state's attorney of Minnewaukon, N. D., (now of Grand, Mont.), E. T. Burke, Bismarck, and Wm. Langer, attorney general, and D. V. Brennan, assistant attorney general, attorneys for respondent.

FROM WELLS COUNTY.

Crane & Ordway Company, a Corporation, Appellant.

vs.

Sykeston School District No. 11, a Municipal Subdivision of the County of Wells and State of North Dakota, Respondent.

Syllabus: (1) Where a contractor induces a board of directors of a school district to issue a district warrant by making false representations as to the performance of a contract between such contractor and the district, the transaction may be rescinded and the contractor required to surrender the warrant for cancellation.

(2) The right of rescission where consent is induced by fraud or by a false representation does not depend upon damage to the party imposed upon.

(3) Under Section 7396 of the Compiled Laws of 1913, which provides that "in the case of an assignment of a thing in action the action by the assignee shall be without prejudice to the right to rescind a transaction for fraud exists against a beneficiary or an assignee as well as against an immediate party to the transaction.

(4) Section 652 of the Compiled Laws of 1913, requiring public officers to take bonds from contractors before entering into contracts with them, is, as to time, directory merely and the contractor is under obligation to recover his compensation.

(5) Section 6532 of the Compiled Laws of 1913, requiring that bonds be taken for the performance of contracts for certain public works to secure material men and laborers and making officers neglecting to comply therewith personally liable to material men and laborers, is not to be construed as making the original contract the individual contract of such officers, but rather as making the officers involuntary sureties of the contractor's obligations to third parties.

(6) The fact that the members of a school board have disbursed school funds in payment of individual judgments obtained against them for materials supplied to the district warrant which had been obtained by fraud.

Appeal from the District Court of Wells County, Coffey, J.

Affirmed.

Opinion of the Court by Birdzell, J.

John O. Hanchett, Fargo, Attorney for Respondent.

From Ward County.

The State of North Dakota, Plaintiff and Respondent.

vs.

Ward McCrill, Defendant and Appellant.

Syllabus: 1. In a criminal action for keeping and maintaining a common nuisance contrary to the provisions of the prohibition law of this state, the improper admission in evidence of a certain search warrant under and by virtue of which the defendant's premises were searched is not prejudicial error, where defendant's guilt is established by other positive, uncontradicted testimony to such a degree of certainty that the jury could not have returned a verdict for the defendant without wilfully disregarding its duty.

2. In such cases the improper admission in evidence of the officer's report on such search warrant is not prejudicial error, where the officer is placed upon the stand as a witness and examined and cross-examined fully with respect to the matters referred to in his return.

Appeal from the County Court of Ward County, Murray, J.

Defendant was convicted of keeping and maintaining a common nuisance, contrary to the provisions of the prohibition law, and appeals from the judgment of conviction and from the order denying a new trial.

Affirmed. Opinion of the Court by Christianson, J.

Robinson, J., concurs specially.

Greenleaf, Woolee & Leak, of Minot, Attorneys for Appellant.

O. E. Herstad, State's Attorney and Durr Carlson, R. A. Nestos, Assistant State's Attorney and Wm. Langer, Attorney General, and D. V. Brennan, Assistant Attorney General, for Respondent.

Mandan News Bureau

Fortnight Club Meets. The members of the Fortnightly club held a unique party at the Commercial club rooms yesterday afternoon. It was largely attended.

Club in Session. The Mandan Commercial club directors held an important meeting Monday evening for the purpose of arranging for the big railroad meeting which is to be held at the Commercial club rooms tonight. Messrs. A. J. Sylvester, H. L. Henke and H. J. Tavis were appointed to represent the Mandan Commercial club.

Directors Meet. The directors of the Mandan Town and Country club was held at the Commercial club rooms last evening in the directors' rooms.

Talk Over Baseball. Mandan baseball fans held an important meeting in the Commercial club rooms for the purpose of arranging for a local baseball nine.

Spending Vacation Here. Miss Margaret Cummins, student in the University of Minnesota, is in Mandan, spending her Easter vacation.

Bismarck Visitors. Mr. and Mrs. Eric Thorberg of Bismarck were in Mandan yesterday, the guests of the former's parents, Mr. and Mrs. A. E. Thorberg.

Visited in City. Mrs. V. J. LaRose of Bismarck was the guest of Mandan friends yesterday afternoon.

Purchases Mandan Hotel. A deal was consummated yesterday afternoon of importance, when R. H. Romer of Jamestown, former railroad man, purchased the Mandan hotel from T. H. Luce. Mr. Luce will leave soon for Grand Rapids, Mich., where he will make his future home.

To Dickinson. Mrs. H. S. Russell left yesterday morning for Dickinson for a few days' visit with relatives and friends.

Covers Its Field. Many complimentary statements were heard passed about the extra the Tribune issued Tuesday morning on President Wilson's message to congress. Mandan was well "covered" with the extra edition, giving the Mandan readers the earliest possible complete news of the vital issue of the hour.

Returns to New Salem. Philip Slank returned to his home at New Salem yesterday afternoon.

To Make City Their Home. Mr. and Mrs. C. R. Robinson of Fergus Falls, Minn., arrived in the city Sunday and will make Mandan their home. Mr. Robinson is the new general manager at the Cummins.

WOMAN RECRUITING OFFICER GETS MEN FOR NAVY

Washington Pictorially in Wartime Snapshot No. 5.



One of the first women in the United States to offer their services to recruit men for the navy was Miss Vivienne Whittall Adams, daughter of Capt. John Q. Adams of Boston. She is a native of Turkey and of English parentage. She is here shown collecting recruits on the Boston Common.

The state auditor's office is engaged in apportioning taxes received from private car lines among the various counties. About \$5,000 has been received to date. The distribution is made on the basis of mileage, after the state has deducted its 4.5 mills for each of the five years covered by the back taxes, and which will approximate about \$29 out of each hundred, leaving a very small amount for any individual county.

WOULD LEAD COLORED ARMY INTO THE FIELD

(United Press) London, April 4.—America will be represented immediately in the field against Germany by a colored army if George Washington, door-keeper for the United States consul general, has his way. Washington asked permission to recruit a body of negroes.

You will find more of the leading people of North Dakota registered at the Radisson than at any other hotel in the Twin Cities.

DOING THEIR DUTY

Scores of Bismarck Readers Are Learning the Duty of the Kidneys. To filter the blood is the kidneys' duty.

When they fail to do this the kidneys are weak. Backache and other kidney ills may follow.

Help the kidneys do their work. Use Doan's Kidney Pills—the tested kidney remedy.

Bismarck people endorse their worth. J. A. Montgomery, 710 Seventh St., Bismarck, says: "I suffered for a long time from a bad attack of kidney trouble. Doan's Kidney Pills were just what I needed. They strengthened my kidneys and back and regulated the kidney action. I haven't had any kidney trouble since."

Price 50c, at all dealers. Don't simply ask for a kidney remedy—get Doan's Kidney Pills—the name that Mr. Montgomery had. Foster-McIlbarn Co., Proprietors, Buffalo, N. Y.