

NATIONAL DIRECTOR CONGRATULATES NORTH DAKOTA ON ITS NURSE DRIVE

"We congratulate North Dakota host heartily on having gone over the top with her application blanks," writes Hannah J. Patterson, resident director of the woman's committee of the council of national defense...

"We have recorded in this office 374 blanks received," continued the resident director, "the quota for North Dakota having been 370. We hope even more will be forthcoming, as the successful states will be obliged to help out those less successful in order to answer the call for 25,000 student nurses."

BISMARCK HOSPITAL UNIT ADVISED OF SAFE ARRIVAL AT FRENCH FRONT

Miss Louise Hoernann, superintendent of the Bismarck hospital, today received a cablegram advising of the safe arrival in France of Base Hospital Unit No. 60, recruited by Lieut. Col. E. P. Quain of Quain & Ramstad and largely composed of Bismarck hospital nurses...

The Bismarck base hospital unit was organized here about a year ago. For several months it was stationed at Fort Oglethorpe, Ga., and later it went into training at an Atlantic seaport, near the point of embarkation...

REPORTING ON CANNING AND DRYING PATRIOTIC DUTY, SAYS COUNTY AGENT

Miss Florence E. Poole, Burleigh County Demonstration Agent.

The requests for reports on food conservation as part of the extension service of the department of agriculture, the express purpose is to show North Dakota's loyalty in providing itself with just as much food from local sources as possible...

the government or any other agency will take any of this product. On the other hand if anyone approaches any of you representing himself as in the employ of the government to collect any of these products, report him to the government promptly and he will be taken care of.

NORTH DAKOTA AGGIE HAS DONE ITS SHARE IN PROSECUTION OF THE WAR

Though the North Dakota agricultural college would be ranked as one of the smaller ones of the country, it has a relatively large number of men and women in war service. According to the registrar, thus far, record has been made of 76 of the 356 college graduates who are in war service...

college, whether in the draft or not, is practically under army orders. Admission to certain parts of the campus and to certain buildings, except between 8:00 a. m. and 5:00 p. m. is by pass. Ceres hall, the women's dormitory, has been converted into a soldiers' barracks, as has also the armory...

In a few short months the college has become one of the regular army training schools, and received for its vocational training, 206 in June, 251 in August and expects 600 in October. In addition to these, 260 will be sent here from the September draft; that will mean 860 men training for the army on the campus in October...

The college faculty has had a honorable share in general war activities. It has subscribed to date, in Liberty bonds, W. S. S. Y. M. C. A. and Red Cross, \$75,000. There are Red Cross classes for men and women on the campus, and college men and women are serving on registration boards and taking an active part in the various bond, Y. M. C. A., Red Cross, etc., campaigns.

From Fort Yates. Mrs. M. Carignan and Mrs. A. Colville of Fort Yates are in the city for the week-end.

Nurse Survey Completed. The survey for women having had nurses' training or experience has been carried out so far as the city is concerned. If any women who have ever had any training, or who have ever done any professional nursing, have been overlooked, or for any other reason have failed to fill out a questionnaire will call at the office of the Red Cross in the federal building...

In St. Paul. Sheriff J. P. French is in St. Paul, selling two carloads of prime cattle which he shipped from Britton.

Defend all Safeguards. "For the purpose of safe-guarding the fund an amendment was sought to be made to the bill which amendment was as follows: 'Mr. Chairman, I move as an amendment to section 153 of House Bill No. 171, and the following, insert at the end of said section, 'provided, however, none of the school funds shall be invested in bonds issued or guaranteed by the state of North Dakota or any political subdivision thereof...'

Gaston in City. Herbert E. Gaston of St. Paul, editor of all the Townley publications, is in the city today on a business mission.

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Mrs. Streeter Here. Mrs. Frank E. Streeter, who is now making her home with her husband, Lieut. Frank B. Streeter, editor and publisher of the Emmons County Record and the Braddock News, at Waco, Tex., where the newspaper man is assigned to an infantry command, was in the city today en route to Linton to arrange for the publication of their papers pending Lieut. Streeter's absence.

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MIDDY DRESS FOR 'TEEN AGE. For the "difficult" 'teen age girl—caught awkwardly between the graces of childhood and the grace of girlhood, there is nothing more suitable and becoming than a standardized costume of serge. Here is an excellent model in a middy dress, of dark blue serge with scarlet braid, tie and embroidered sleeve chevrons. Two such dresses, one of dark red or brown and one of blue, should be sufficient for the winter school months and will assure the school girl comfort and good appearance at a minimum cost.



By BETY BROWN

DIVET TELLS OF ATTACK ON SCHOOL FUND

Veteran Legislator Describes League Plans to Invest Trust Heritage.

SAFEGUARDS REMOVED

Townley Would Tear From Constitution Everything That Hampers Him.

Devils Lake, N. D., Oct. 12.—A. G. Divet, in a conference with Doyle for Governor workers held in Devils Lake last night, laid before them the story of the attempt of the Socialists to open the way to get at the North Dakota school fund.

"The next thing that attracted the attention of the thoughtful in connection with the remarkable proposition was its effect upon the state school fund. In that fund is untold wealth preserved for the education of the children of the future. Once it was admitted that the proposition was to permit debts without limit to the danger of the property of the state all systems of this sacred fund were thumbed with anxiety to ascertain how it fit all was affected."

"Section 153 of the present constitution provides that the moneys of the permanent school funds shall be invested in bonds of school districts and other municipalities, on mortgages, bonds of other states and bonds of the United States, and of the state of North Dakota."

Exclude U. S. Bonds. By Section 153 of the proposed new constitution it was provided that such funds could only be invested in bonds of school districts, or the state of North Dakota or in mortgages. Bonds of other states and bonds of the United States, and of the state of North Dakota, were excluded. Why the exclusion of bonds of the United States from the field of investment of our school fund? From what district of the state came the mandate to the legislature to change the constitution in that state? It will be remembered this was two months before the country was a time when we were trembling on the brink of war, a time when every thought was expected from day to day that the country would be pushed over the brink into the struggle. Why this particular time for eliminating United States bonds? The answer is that the limitation of the field was that there would be more money available for investment in such bonds as the state might issue as guarantee under the provisions of Sec. 13. It occurred to us that bonds indiscriminately issued under the wide open policy of that section must be at the safety of the fund was to be a controlling consideration United States bonds should be resorted to, and that the fund ought not to be allowed to be invested at all in such precarious securities as it was contemplating authorizing. It occurred to us also that the United States was a poor time in the interests of the country to discriminate against its securities. If the bill had passed and been ratified by the people it would have been impossible to have invested a dollar of the fund in Liberty bonds, though a large amount has at last been so invested in response to an urgent public opinion.

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Why This Omission? "Why was this provision of the constitution confessedly proper and wise

SATURDAY EVENING LETTER

By Justice J. E. Robinson

October 12, 1918.—Delighted am I with the recent decision of our court sustaining the right of the people to amend the constitution. It is a new declaration of independence; it settles a great question for all time; it is the final triumph of a great civic right over a great wrong.

It is said that at the last general election Justice Robinson obtained his great majority of 83,000 votes by promising to reverse the decision against the right of the people to amend the constitution, but that is not exactly true. Robinson made no promises, except to use his best efforts to put a stop to the law's work, and thus far he has met with little success. Hence, on the court calendar there are still fifty chronic cases and 116 appeals yet to be heard.

ROBINSON, J. (concurring). In this case I fully concur in the well considered opinions by Justices Grace and Justice Birdzell. This matter presents a petition by a private citizen to restrain the secretary of state from publishing certain proposed constitutional amendments and submitting the same to the voters at the next general election.

The petition for the submission of the amendments was filed March 3, 1918. It is signed by a majority of all the voters. It was given to one newspaper in each county to be published six times as provided by law during three months prior to the election.

The proposed amendments were filed in the office of the secretary of state pursuant to sub-division 2 of section 202 of the constitution. That section was adopted in 1914 by a vote of 43,000 to 22,000. It provides that when there is filed with the secretary of state a certain petition for an amendment of the constitution it shall be published as the legislature of the state of North Dakota, and preceding the general election and shall be placed on the ballot to be voted for at the next general election.

The section consists of two paragraphs. The first relates to the submission of constitutional amendments by the legislative assembly; the second to the submission of amendments by petition. The objections are: 1. That the amended section 202 is void because it was not entered on the journal of the House in accordance with the original section 202.

2. That section 202 as amended consists of two subjects and two amendments which should have been submitted separately. That section 202 is not self-executing because it does not provide the manner of advertising amendments.

4. The additional reasons stated in the Capitol Removal Case (35 N. D. 34-78). In the Senate Journal for 1911, the amendment is everywhere entered as "Senate Bill No. 153. A Concurrent Resolution amending the Constitution of the State of North Dakota, Providing for Future Amendments thereof." In the House Journal for 1911, the resolution is everywhere entered in the same identical manner, and the resolution is entered at large in the Session Laws of 1911 as chapter 89. In 1913 the journals show similar entries and so it appears the concurrent resolution was adopted by two successive legislative assemblies without the changing of even a punctuation mark. And its place in the session laws gave it a publicity and permanency far greater than any entry that might have been made in the journals.

Now as the law neither does nor requires idle acts, it is manifest that the entries in the journals and in the session laws were entirely sufficient. It is not true that Section 202 contains two subjects or two amendments, and that the proposed amendment of the constitution. It provides that an amendment may be as a safety measure omitted from the new proposed instrument? I know at once what you will say. It was overlooked. Sure you will say no one ever did it purposely. Well you are wrong. It was done purposely. Let us turn again to the report of the proceedings where this very matter was discussed. I said with reference to it in debate on the amendment.

"I wish to be heard briefly in support of the amendment. It is prompted by the fact that the school funds of the state. In the controversy of yesterday which might be denominated a search for a limit the limit was found in the blue sky of heaven. This might now be dominated a search for safety, and believing that the class of bonds and securities contemplated to be issued in excess of the old limit as provided for in Section 13 must necessarily be of a very insecure character it is my belief that the school funds should be protected from such investment. I wish to refer to Section 165 of the old constitution. Those who have the codes handy will find it very readily.

Eliminate Seat of Hand. "The section was then read in full. 'Continuing I said: 'It seems to me that that was a very wise, safe and salutary provision of the old constitution which has been eliminated. No suggestion has ever been made to me of any reason why a provision of that kind for the safety of a sacred trust fund should be eliminated from a revision of an old or the making of a new constitution. The fact that those who have taken it upon themselves to prepare and present a constitution of this kind have seen fit to leave out a provision of that kind justifies me or any other thinking man in insisting that we throw about the investment of the school fund every safeguard reasonably possible.'"

"The motion to amend was lost by the regular party vote. It will be seen therefore that the omission was deliberate and intentional in the face of printed criticism. The sponsors for the constitution have never offered any explanation of this omission for the obvious reason there is no explanation that can be made to square with honesty of purpose and fair regard for the rights of the children of the state. When did the people send up the mandate to make a constitution of that kind for this state? When did you first conceive the idea that you wanted the officers in charge of the school fund relieved from bonds and left free of guilt of felony if they converted the fund to their own use?"

"By this time we had become interested in the possibilities of this constitution and the days and nights were not long enough to study it, and the more we studied the more the wonder grew how many unjustifiable things could be embodied in one proposed constitution."

submitted either in accordance with a concurrent resolution of two successive legislative assemblies, or a petition signed by at least 25 per cent of the voters in each of not less than half the counties of the state. Manifestly it does not contain two amendments.

2. In regard to the advertisement of proposed amendments the words of Section 202 are that amendments shall be published as the legislature may provide. That in manner provided by law. As the people well knew all the amendments to the constitution were advertised as provided by law and there is no reason for one method of advertising amendments submitted by the legislative assembly and a different method of advertising amendments submitted by petition. In voting for section 202 the people acted as a legislative body and it must be conceded that they never thought of voting for a deceptive or delusive measure that could have no force or effect until some future legislature should see fit to provide for a special system of advertising. At the same time the legislature did not intend to submit to the people any tricky or delusive measure. However, if some lawmakers had such a nefarious design it should have no effect.

The judges are bound to give force to the manifest intention of the people—the legislative body that adopted the amendments. When the people act as law-makers their action is governed by the accepted maxims of legislation. Like reasons doth make like laws. The law neither does nor requires idle acts. The law respects form less than substance; the interpretation which gives effect is to be preferred to that which makes void. In the construction of a statute where any uncertainty exists, the question is: What was the intention of the lawmakers? In the language of Justice Field, instances without number exist where the meaning of words of a statute have been enlarged or restricted to carry out the intention of the lawmakers. Thus in the Oregon Donation Statute, the term "a single man" was held to include an unmarried woman. The purpose of a constitution is to give formal and authentic expression to the will of the people. Hence, constitutions are to be construed as the people construed them in their adoption.

It is true that in the Capitol Removal Case, the court held against that part of section 202 which relates to the submission of amendments on petition. It was held to be a dead letter until such time as a legislative body should see fit to breathe into its nostrils the breath of life. To prescribe and fix the percentage of voters, the time of filing a petition, the manner of advertising it and the form of its enacting clause. But section 202 was framed for submission to the common people who had asked for bread and did not expect to be given a stone. For years they had made a petition and determined to fight for the initiative and referendum, and they did not look for their public servants to offer them for approval a thing in the form of a snare, a trap or a delusion. They had never read or heard of a constitutional amendment having an enacting clause, and they knew that for such a nice technical reason that all the amendments had been advertised as provided by law and of course they never thought that there should be a special law for the advertisement of an amendment submitted by petition. They knew that section 202 provided that a petition for an amendment must contain the signatures of at least 25 per cent of the legal voters and of course it never occurred to them that a legislature should have any right or authority to change the percentage.

Hence, it behooves the courts to give to section 202 a broad and liberal construction so as to advance and secure the purposes and intentions of those who adopted the amendment.

Finally, on the initiative and referendum question, the people have fought a good fight; they have kept the faith; they have spoken with confidence and emphasis; their intention cannot be mistaken; hence, they have, and may exercise, the right to control their own affairs and to make their own laws and constitutions. Petition denied and dismissed.

Nothing New—Simply the Old Grip, or la Grippe That Was Epidemic in 1889-90, Only Then It Came From Russia by Way of France and This Time by Way of Spain.

Go to Bed and Stay Quiet—Take a Laxative—Eat Plenty of Nourishing Food—Keep Up Your Strength—Nature is the "Cure."

ALWAYS CALL A DOCTOR

NO OCCASION FOR PANIC. Spanish influenza, which appeared in Spain in May, has all the appearance of grip or la grippe, which has swept the world in numerous epidemics as far back as history runs. Hippocrates refers to an epidemic in 412 B. C. which is regarded by many to have been influenza. Every century has had its attacks. Beginning with 1831, this country has had five epidemics, the last in 1889-90.

There is no occasion for panic—influenza itself has a very low percentage of fatalities—not over one death out of every four hundred cases, according to the N. C. Board of Health. The chief danger lies in complications arising, attacking principally, patients in a run down condition—those who don't go to bed soon enough or those who get up too early.

THE SYMPTOMS. Grippe, or influenza as it is now called, usually begins with a chill followed by aching, feverishness and sometimes nausea and dizziness, and a general feeling of weakness and depression. The temperature is from 100 to 104, and the fever usually lasts from three to five days. The germs attack the mucous membrane, or lining of the air passages—nose, throat and bronchial tubes—there is usually a hard cough, especially bad at night, often times a sore throat or tonsillitis, and frequently all the appearances of a severe head cold.

THE TREATMENT. Go to bed at the first symptoms, not only for your own sake but to avoid spreading the disease to others—take a purgative, eat plenty of nourishing food—remain perfectly quiet and don't worry. Quinine, aspirin or Dover's Powder, etc., may be administered by the physician's directions to relieve the aching. But there is no cure or specific for influenza—the disease must run its course, but Nature will throw off the attack if only you keep up your strength. The chief danger lies in the complications which may arise. Influenza so weakens the bodily resistance that there is danger of pneumonia or bronchitis developing, and sometimes inflammation of the middle ear, or heart affections. For these reasons, it is very important that the patient remain in bed until his strength returns—stay in bed at least two days or more after the fever has left you, or if you are over 50 or not strong, stay in bed four days or more, according to the severity of the attack.

EXTERNAL APPLICATIONS. In order to stimulate the lining of the air passages to throw off the grippe germs, to aid in loosening the mucus and keeping the air passages open, thus making the breathing easier, Vick's VapoRub will be found most effective. Hot, wet towels should be applied over the throat, chest and back between the shoulder blades to open the pores. Then VapoRub should be rubbed in over the parts until the skin is red, spread on thickly and covered with two thicknesses of hot flannel cloth, leaving the clothing loose around the neck as the heat of the body liberates the ingredients in the form of vapors. These vapors, inhaled with each breath, carry the medication directly to the parts affected. At the same time, VapoRub is absorbed through and stimulates the skin, attracting the blood to the surface, and thus aids in relieving the congestion within.

HOW TO AVOID THE DISEASE. Evidence seems to prove that this is a germ disease, spread principally by human contact, chiefly through coughing, sneezing or spitting. So avoid persons having colds—which means avoiding crowds—common drinking cups, roller towels, etc. Keep up your bodily strength by plenty of exercise in the open air, and good food. Above all, keep free from colds, as colds irritate the lining of the air passages and render them much better breeding places for the germs. Use Vick's VapoRub at the very first sign of a cold. For a head cold, melt a little VapoRub in a spoon and inhale the vapors, or better still, use VapoRub in a benzoin steam kettle. If this is not available, use an ordinary tea-kettle. Fill half-full of boiling water, put in half a teaspoon of VapoRub from time to time—keep the kettle just slowly boiling and inhale the steam arising. NOTE. Vick's VapoRub is the discovery of a North Carolina druggist, who found how to combine, in salve form, Menthol and Camphor with such volatile oils as Eucalyptus, Thyme, Cubeb, etc., so that when the salve is applied to the body heat, these ingredients are liberated in the form of vapors. VapoRub is comparatively new in New York State and New England and a few Western states where it is just now being introduced, but in the other sections of the country it is the standard home remedy in over a million homes for all forms of cold troubles. Over six million jars were sold last year, and it is particularly recommended for children's croup or colds, since it is externally applied and therefore can be used as freely as desired without the slightest harmful effects. VapoRub can be had in three sizes at all druggists.—Advertisement.

Photographs as Useful Gifts. It is the desire of the Government to promote useful giving. What more useful and acceptable gift could one conceive than that of a photograph of a friend who has gone over seas? What more beautiful sentiment could be expressed by a proud father and a loving mother than to celebrate this Christmas by remembering their friends at home with a picture of their boy "over there"? Sentiment can be best expressed in a photograph. HOLMBOE Photograph Studio

WILLIAM EMPTING DIES AT MARMARTH. Well Known Bismarck Engineer Passes Away Suddenly. William Empting, a former Bismarck Soo line engineer who had been running out of Marmarth on the Milwaukee line for some time, died at Marmarth at 5:30 Friday evening after a brief illness. Mrs. Joseph Empting, mother of the deceased, and Mrs. O. H. Hudson, a daughter, have gone to Marmarth to take charge of the remains, which will be brought to Bismarck on Northern Pacific train No. 4 tomorrow morning. Plans for the funeral will be announced later. The deceased came to Bismarck as a boy from St. Cloud, Minn., where he was born November 5, 1880. He grew to manhood here and entered the employ of the Soo railway as fireman, rising rapidly to the post of engineer. Nineteen years ago the deceased was united in marriage here with Miss Leonie Welch of Bismarck, who died five years later, after becoming the mother of two children, a son, Roland, now fighting on the west front in France, and a daughter, now Mrs. O. H. Hudson of Bismarck. Joseph Empting, father of the deceased, passed away in Bismarck several months ago.

SPANISH INFLUENZA—WHAT IT IS AND HOW IT SHOULD BE TREATED. Nothing New—Simply the Old Grip, or la Grippe That Was Epidemic in 1889-90, Only Then It Came From Russia by Way of France and This Time by Way of Spain. Go to Bed and Stay Quiet—Take a Laxative—Eat Plenty of Nourishing Food—Keep Up Your Strength—Nature is the "Cure." ALWAYS CALL A DOCTOR

Lowney's Chocolate Covered Cherries Fudge Walnuts...80c Filberts in Cream...80c Brazil Nuts in Cream...80c Pineapple Creams...80c Special Saturday and Sunday, per lb...60c Cowan's Drug Store

THE OLD SAW: An ounce of prevention is worth a pound of cure. Must have originated with the first case of Spanish Influenza. We recommend the following nasal sprays and gargles: Dobell's solution 4 oz 25c Borol 3 oz 25c Zepirol 25c, 50c, \$1.00 Benzoin 25c, 50c, \$1.00 Dettol 75c to \$1.50. Bayer's (genuine) Aspirin Tablets or Capsules per dozen 25c