

WILSON URGES PROHIBITION REPEAL

NC-3 IS NOW OUT OF RACE; HAWKER LOST?

Admiral Jackson at Horta Declares Plane Too Severely Damaged En Route

NC-4 AT PONTA DELGADA This Machine Is in Fine Shape for Flight to Portugal—Made Good Time

Washington, D. C., May 20.—The naval seaplane NC-3 will not be able to resume the trans-Atlantic flight. A message to the navy department early today from Admiral Jackson at Horta said the damage resulting from the buffeting she received when forced to land had definitely put her from the race.

WEATHER UNFAVORABLE. London, May 19.—The weather is so bad off the coast of Ireland that airplanes ordered by the air ministry to search for Aviator Hawker's machine are unable to fly. There were strong southerly winds, rain and fog at intervals during the night.

NC-4 IN GOOD SHAPE. Washington, May 20.—The naval seaplane NC-4, arrived at Ponta del Gada at 10:24 a. m. The dispatch from Admiral Jackson showed that the big plane covered the 150 miles in 40 minutes, or at the rate of more than 45 miles an hour.

OVERHAUL PLANE. Washington, May 20.—Rear Admiral Jackson cabled the navy department today that the NC-4 probably would not start for Lisbon before two or three days. It will be necessary to overhaul the plane and replenish her supply.

CANT LOCATE AVIATORS. St. Johns, Nfld., May 20.—Ships at sea from the American coast to the British Isles swept the air in all directions through the night with wireless queries regarding the fate of Harry Hawker and Commander McKenzie Greave, but no airplanes which reached Cape Race up to this morning from more than 20 vessels were negative.

CONG. VAN DYKE DIES SUDDENLY IN WASHINGTON. Washington, May 20.—Rep. Carl C. Van Dyke of St. Paul, commander in chief of the United Spanish War Veterans, died of hemorrhage of the stomach early today at a Washington hospital, where he had been under treatment since Sunday. The illness was an outgrowth of an affliction from which he had suffered for several months.

STRIKERS OFFER SETTLEMENT TERMS. Winnipeg, Man., May 20.—The strike committee made public this afternoon in a letter to Mayor Gray, the terms upon which it will consider a settlement of the general strike. Recognition of all the unions involved, and reinstatement of all employes on strike are asked. The announcement does not specifically refer to wages and hours.

LEAVES FOR WINNIPEG. Ottawa, May 20.—Senator Robertson, minister of the interior, left for Winnipeg early today to intercede in the general strike in progress there and to endeavor to restore order. Reports of the establishment of a soviet government in Winnipeg are not credited by government officials. When questioned in the house commons Monday afternoon, A. K. McLean, speaking in behalf of the ministry of labor, said the situation was serious. The situation was also discussed at a special meeting of the cabinet yesterday. Later there was an ceeting of the council.

GOVERNOR WILL WELCOME DAKOTA YANKS AT DODGE

Governor Frazier will go to Cannon Dodge on June 1, to welcome the North Dakota members of the 88th division, for whom Des Moines is planning a great homecoming.

MACDONALD NOT IN ACCORD WITH CONSTITUTION

Judge Nuesse Dismisses Quo Warranto Proceedings Against Miss Nielson

DOESN'T RULE ON MERITS

Nell C. Macdonald in district court Monday afternoon foisted his second attempt to oust Miss Mirnie J. Nielson, state superintendent of public instruction, from the office from which she ejected him last January, first with the aid of an 8,000 majority of the electoral vote of North Dakota and second with a writ of mandamus from the supreme court. Judge Nuesse in district court held the statute under which Macdonald sought to disqualify Miss Nielson unconstitutional. Announcing his decision from the bench immediately at the conclusion of arguments in the quo warranto proceedings instituted by Macdonald in an effort to prove his successor unqualified for the office which she holds, Judge W. L. Nuesse yesterday delivered the following opinion: "I think I might as well decide this case here and now. There has been some question in my mind on a point which has not been raised in this case or in the argument at this time, and not being raised, I don't think it is necessary to pass upon it at this time. It seems to me that the statute concerning which argument has been made here must be held unconstitutional under the provisions of Sec. 82 of the constitution. I, personally, cannot see any other construction that can be placed upon it in view of the various other sections of the constitution with reference to the qualifications of various of the other officers, to-wit: County superintendents, judges of the supreme court, and various other officers. That being the case, I shall have to find for the defendant at this particular time. I anticipate that both sides are anxious to have this matter finally disposed of and I decide the matter at this time thus expeditiously for that reason, because it is a matter of great import, a matter of great concern to the litigants in this case, and to the public generally.

"I am not passing upon the various other questions that are raised here, as I deem it is not essential that they be passed upon. I am making this decision solely on the ground that the statute here in question is unconstitutional and that the words of Sec. 82 of the constitution providing that there shall be chosen these various officers who shall have attained the age of 25 years, shall be citizens of the United States, and shall have qualifications of state electors, is determinative of this proceeding. That will be the order."

Will Be Appealed. It is expected that Macdonald will immediately appeal from the order of Judge Nuesse to the supreme court. The complainant is represented by Judge John Carmody of Hillsboro, assistant U. S. district attorney; Ed S. Allen, state's attorney of Burleigh county; and A. Hyland, Miss Nielson's defense is being handled by Attorney General William Langer, with Assistant Attorney General E. E. Cox on the firing line. Macdonald's counsel called Miss Nielson to the stand Monday afternoon and subjected her to a perfunctory examination which did nothing further than to disclose the fact that she holds a first grade life professional teachers' certificate of the same grade as that held by Mr. Macdonald.

FUGITIVE BACK IN PEN TO DO TIME

John Wilson, sentenced to the state penitentiary for two years by Judge Crawford of Dickinson on December 10, 1914, and who took French leave in March, 1915, when his sentence was but a few months old, is back at the old stand, John came to Bismarck for an enforced stay on conviction of burglary. After he escaped from the penitentiary he did some similar job in Washington, where he was pur in Walla Walla for safekeeping. The prison officials there discovered that Wilson still had a bit to do in North Dakota, and the authorities here were notified. Last week Wilson's Washington time expired, and Deputy Dopping wasat the Walla Walla prison gates to receive the former North Dakotan, whose return to Bismarck was accomplished without incident.

TAKES THE DOGSLED MAIL TO GET THROUGH

Fort McPherson, May 20.—The dogsled mail may not be as speedy as an airplane, but it gets there. In two and a half months the length of the Mackenzie river, 1800 miles from Fort McMurray, in Alberta, to this point, 40 miles south of the arctic coast, was covered by the dogs. They encountered terrific blizzards and came in 15 days late, but they never turned back.

YANKS TO FORM NEW GRAND ARMY OF THE REPUBLIC

Veteran of World's War Will Organize Post of American Legion Tonight

TO PLAN MEMORIAL DAY Observance of Anniversary Expected to Be of Unusual Solemnity May 30

A Bismarck post of the new Grand Army of the Republic will be organized at 7:30 this evening when Bismarck and Durlough county veterans of the world's war will assemble at the state armory to form a local branch of the American Legion. What the Grand Army of the Republic has been to America during the last fifty years, the American Legion is expected to be during the half-century to come. As, for almost a half-century the Grand Army of the Republic proved the most potent political power in America, so for the next fifty years the American Legion is expected to wield an important influence over the destinies of the world's greatest republic.

Purely Yank Organization. The post to be organized in Bismarck this evening will be purely a Yank organization. The meeting has been called by Capt. R. H. Treacy, a member of the national executive committee for North Dakota, and Lieut. Harold V. Semling, who were among the delegates from this state to the recent national convention in St. Louis. Adjutant General G. Angus Fraser, who was a delegate to both the American Legion and the National Guard conventions in the Missouri metropolis, will also be present this evening. These three delegates will briefly explain what was done and proposed at St. Louis, will state the approved plan or organization, and then will turn the meeting over to the veterans, who will proceed to elect their own officers and committees. The American Legion is altogether democratic. It recognizes no rank or social caste. Its rewards are wholly for service. It will be a great national organization in which the men who served in the ranks will hold the balance of power. The Bismarck post to be organized this evening should have an ultimate membership ranging from 300 to 500, and it is expected to immediately assume a leadership in all patriotic activities.

Memorial Day. Aside from the organization, one of the important matters to come up tonight will be a proper observance of Memorial day. This anniversary, consecrated to our heroes of four American wars, is but eleven days distant. The day has taken on a new significance, with the Bismarck and Durlough county men sleep on foreign fields of honor. The capital city will have to honor this year not only the living veterans of the Civil war, whose ranks have grown even thinner during the last twelve months; not only those of our boys who fell in the insular campaign during the Spanish war, but at least a half dozen of our best and bravest over whose last resting place the lilies of France will bloom this Memorial day. The Bismarck post of the American Legion will advocate a Memorial day not given over to sports and to holiday festivities, as it has too often been in the past, but a solemn day of consecration to the ideals for which those to whom this day was dedicated rendered up their lives. It is probable that plans will be made this evening for a Memorial day parade, with (Continued on Page Four.)

MAJOR RUSS CITED FOR HIS BRAVERY

Popular Bismarck Officer of A. E. F. Honored

Major George H. Russ, vice president of the Bismarck bank, is cited for conspicuous bravery in a notice which recently appeared in the Overseas Camp Dodger, as follows: "Major George H. Russ, Jr., commanding Third Battalion, 352 Infantry, on the morning of November 2, 1918, in C. R. of Badrebourg, Alsace, Major George H. Russ, Jr. was in the act of returning from a tour of inspection of Observation Posts located near the front line, when hostile artillery (150's) opened shrapnel fire on line of redoubts. A supply wagon and water cart were caught in this fire. The spikes were shot out of the wheels of the supply wagon, and large pieces of shrapnel struck the water cart. On seeing a third wagon about to enter the zone of fire, this officer, without regard to his personal safety, passed through the zone and ordered this wagon back to battalion P. C. After a few minutes observation of the character of the fire, this officer saw that it was creeping toward an outpost consisting of a sand in position in a shallow trench, and that they would be directly in line of the fire. Here again, with great coolness and fortitude, he passed back thru the zone under fire and ordered the squad forward out of danger, setting an example of bravery which inspired his command." Major Russ was one of the first Bismarck men to enter officers' training school, and one of the few in the state to win at Snelling a commission above the rank of lieutenant. He has been in active service for almost two years.

DAKOTA BANK AT HOME TO FRIENDS IN NEW QUARTERS

The Bank of North Dakota is, at least as regards its purely physical existence. The first institution of its kind moved to its new home in the Missouri Valley motor building on Main Monday, and Director General F. W. Catbro and his office force are encoiced there. The Missouri Valley building is a handsome four-story structure on Bismarck's best business bourse and the new capitol street railway loop will pass its doors. The bank has leased practically all of the ground floor, vault space in the basement and other quarters for a term of two years, by the expiration of which period it is expected that North Dakota will have invested a million or so in a modern office building which will house the Bank of North Dakota and other departments which are hanging on by their eyebrows at the old capitol building.

Secretary Morley of the industrial commission advises that reports already are coming in from custodians of public funds called upon by the bank for a statement of the funds in their possession as of May 17. These funds become immediate "available assets" of the Bank of North Dakota. There is no definite knowledge as to their exact amount. Estimates have ranged around \$27,000,000.

MANY PLAN TO HEAR SHUTTER ON SOCIALISM

Prominent Minneapolis Divine Will Have Full House at Grand Tomorrow

The Rev. Marion D. Shutter of Minneapolis is promised a filled house when he lectures at the Grand theatre tomorrow evening on "Socialism: Its Aims and Purposes." Rev. Shutter, whom North Dakota regards as one of the northwest's ablest speakers, comes to Bismarck under the auspices of the North Dakota Standard. He is connected with no political faction within or without the state, and his lecture is said to be thoroughly sane and enlightening. Socialism is a subject of which much has been heard and said in North Dakota, but of which comparatively little is known, and Rev. Shutter will attract to his audience a majority of the thinking men of the capital city.

COUNTER TERMS FROM GERMANY ARE EXPECTED

(By Associated Press.) Before the 15-day period given to the German to make replies expire Thursday of this week, it is expected the enemy delegation will submit counter proposals so voluminous and elaborate that it will take the peace conference until June 1 to frame a rejoinder. This will be on or about June 8 and the peace treaty must then be engrossed in final form for signing. The peace treaty may not be signed until sometime during the middle of June, according to advices from Paris. It probably will be known by June 8, however, whether the Germans will accept or reject the terms of the allies.

READY THURSDAY

Berlin (Via London) May 20.—The German reply to the peace terms will be handed to the representatives of the allied and associated powers Thursday, the Tagesblatt says.

The 15 days given the Germans to make a reply to the peace treaty will expire Thursday.

Paris, May 20.—The allied casualties in the fighting at Smyrna on Thursday totaled more than 200, it has been officially announced. Only a consular guard was landed by American warships.

TERMS UNACCEPTABLE

Copenhagen, May 20.—The conference of German political leaders and German peace delegates at Spa Sunday agreed that the peace terms were unacceptable, according to a German semi-official statement, and that Germany will leave no stone unturned in an attempt to find "a practical basis of peace which takes into account our opponents' justifiable demands and the capable of being borne and carried out by the German people." All men who have been in the service are invited to call whether or not they desire any training or compensation from the Government. He can be communicated with at local Red Cross headquarters, Post office building.

AERIAL LANDING STATION FAVORED

In response to a letter from H. R. Doyle, president of the Canteen Aero Co., Governor Frazier probably will urge the location of one of 22 proposed aerial landing stations at Fort Lincoln on some other appropriate point in North Dakota. President Doyle advises that the air service branch of the United States army is entering into negotiations with 22 cities for the establishment of local landing fields. These 22 cities are located in 18 states. North Dakota is not one of the 18. "It seems to us," says Mr. Doyle, "that North Dakota cities ought to be considered by the army service department." He asks the governor's views on the subject.

IN MESSAGE TO SPECIAL SESSION PRESIDENT RECOMMENDS RETURN OF RAILROADS TO OWNERS; IS FOR FEDERAL SUFFRAGE AMENDMENT

FRAZIER TELLS HOW TO PRINT THE BALLOTS

Governor Defines Form as Well as Subject Matter of Material for Voters

HALL WILL PLAY THE GAME

Governor Frazier's proclamation setting June 26 as the date for North Dakota's special referendum election also defines the manner in which the measures to be voted upon shall go on the ballot. His proclamation reads: "In accordance with the provisions of Sec. 25, as amended, of article 2 of the constitution, I, Lynn J. Frazier, governor of the state of North Dakota, do hereby proclaim and give notice that on Thursday, June 26, 1919, a special election shall and will be held in each precinct in the state for the submission to the electors, for their approval or rejection, of the following measures enacted by the 16th legislative assembly and approved by the governor, upon which measures referendum petitions have been filed with the secretary of state, to-wit: House Bills Nos. 17, 18, 123 and 124, and Senate Bills Nos. 67, 134 and 157. Said election shall be conducted on the same day throughout the state, and the polls shall be opened from 9 o'clock a. m. until 9 o'clock p. m., as provided by House Bill 33, session laws 1919. Let the secretary of state, all election officers and the public take due notice and act accordingly.

"Therefore, the said Thursday, June 26, 1919, shall be and is hereby set aside and designated as a special election day throughout the state, and I order and direct that the electors of this state be given a free and open opportunity, without confusion, to approve, by voting yes, or to reject, by voting no, the measures above referred to, thus enabling the electors to vote directly upon the measures as provided for in paragraphs 4, 5 and 6 of Sec. 25, as amended, of Article 2, of the constitution of the state. And to that end I respectfully request and direct that the honorable secretary of state prepare the necessary ballots and cause to be placed thereupon the respective titles of the aforesaid measures, in the order such measures were passed by the legislature, and that the same be submitted on the ballots in the following form and order: "1.—Industrial Commission, House Bill No. 17. "An act creating the industrial commission of North Dakota, authorizing it to conduct and manage on behalf of the state certain utilities, industries, enterprises and business projects, and defining its powers and duties; and making an appropriation therefor." "2.—House Bill No. 17, passed by the Sixteenth legislative assembly, and approved by the governor February 25, 1919, be approved?" "Yes." "No." "The form is the same for the remainder of the measures, which the (Continued on Page Eight.)

WILLARD HERETO SEEDISABLED MEN OF ARMY

Mr. D. E. Willard, Vocational Advisor for the Federal Board of Vocational Education, will be in Bismarck on Wednesday afternoon, Thursday and Friday of this week, and he would be glad to see all disabled soldiers, sailors or marines who may find it convenient to call on him during his stay here. The purpose of Mr. Willard's visit is that of conferring with those men who have served their country and who may be entitled to compensation from the Government on account of their disabilities, and who perhaps may desire to take up some kind of training for a vocation better suited to their present condition than that in which they were employed before entering the service. It will be of interest to all soldiers who are in any way disabled in the service, or who are not now able to pursue a gainful occupation, to see Mr. Willard while he is here. All men who have been in the service are invited to call whether or not they desire any training or compensation from the Government. He can be communicated with at local Red Cross headquarters, Post office building.

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VACATIONS FOR ALL IS PLAN URGED IN ENGLAND

London, May 20.—An annual vacation with full pay for wage earners as well as the salaried is one of the reforms which the National Alliance of Employers and Employed is now considering. The proposal involves changes in overtime pay schedules and co-operation of nearly all employers, yet to be worked out. Payment by check into each man's bank account is also urged as doing away with the long line of workers before a pay window and encouraging the maintenance of bank accounts.

Unique Document Only One of Its Kind Ever Transmitted Across the Ocean From an Executive on a Foreign Shore—Reading Clerk Delivers It.

Washington, May 20.—President Wilson in his message to congress today recommended the repeal of the war-time prohibition law, so far as it applies to wine and beer only; announced definitely that the railroad systems and telegraph and telephone lines would be returned to private ownership; urged a revision of war taxes, particularly to abolish the manufactures and retail sales excises; and outlined generally a program respecting labor. Reading of President Wilson's message was the feature of the second day's session of the new congress. Actual work on legislation was begun in the house with a meeting of the appropriations committee to consider procedure of the seven big supply bills. Steps toward senate committee work also were taken at an initial meeting of the senate conference of committees. Democratic senate leaders were also at work.

HIGH SPOTS OF MESSAGE

These were the "high spots" of the president's message cabled from Paris. Besides that he again urged enactment of the women's suffrage constitutional amendment; recommended that the tariff laws be supplied with teeth to protect American industry against foreign attack; spoke for legislation to facilitate American enterprise through the expansion of shipping, and backed Secretary Lane's enterprise for land for returning soldiers.

LANGER WOULD HAVE HIS BACON MINUS WRAPPER

Attorney General Insists That Paper Covering Cannot Be Charged as Pork

Attorney General William Langer today commenced criminal proceedings against the packing companies selling wrapped bacon in this state, to prevent the practice of charging for the gross weight of the package instead of excluding from the sale price to the purchaser the weight of the wrappings. The action is based on the theory that the purchaser in paying a price for a pound of smoked meats is entitled to net weight of meat, exclusive of the heavy paper, lard and twine in which the highest grade of hams and basons are wrapped by the various packing companies. The claim is made that the wholesale meat dealers, by being permitted to charge the same price for the paper wrappings that they charge for the meat which they contain, have been allowed to make an excessive and fraudulent profit. The wrappings on each package of smoked meat runs from 8 to 14 ounces in weight; this paper is worth approximately six cents per pound and when the package is sold, the gross weight is the one on which the charge is made, so that the consumer pays not only for the meat but also for the paper in which the package is wrapped. To illustrate the importance of preventing this alleged violation of the pure food law, it is stated that the Swift Packing Co. was able to make on transactions of this character in the United States on bacon alone for the year just passed more than \$35,000,000.

The charge in the complaint filed is that in selling this class of commercial meats the sellers are violating the pure food law in that the true net weight of the contents of the package is not placed upon the outside of the wrapper. The Swift's Premium Bacon has been selected as the particular kind of meat on which the test is to be made. The date on which the preliminary hearing is to be held in the City of Bismarck has been set for Tuesday, May 20. The outcome of the lawsuit affects all of the packing companies doing business in this state including Swift, Armour, Cudahy, Morrill and Morris Packing Companies.

Attorney General William Langer is being represented in this case by Asst. Atty. General Albert B. Sheets, Jr. "I will take the liberty of addressing you upon my return on the subject which has most engrossed our attention during these last anxious months since the armistice was signed—the international settlement which must form the basis of our treaty of peace. It would be premature to discuss them or to express a judgment about them before they are brought to their complete formulation by the agreements which are now being sought at the table of the conference. I will lay them before you in their many aspects as soon as agreement has been reached.

WAGE BOOSTS FOR 150,000

Boston, May 20.—Wage increases affecting 150,000 textile operatives in New England and other northern states were announced today. In most instances the advances are 15 per cent. Both cotton and woolen mills are affected. The raise, which will be effective June 2, will bring mill wages to the highest level on record, and in some instances represent a total increase of more than 100 per cent since 1915.

11,000 TROOPS LAND AT PORT

New York, May 20.—Nearly 11,000 troops arrived here today from France on half dozen transports. The majority comprised units of the 29th, 33rd, 41st and 82nd divisions, and included Brig. Gen. Edward L. King, commanding the 65th infantry brigade. (Continued on Page Three.)