

WASHBURN LIGNITE CO. GIVES UP PROPERTY UNDER PROTEST; CLAIMS FRAZIER'S ACTION TO BE UNLAWFUL

Largest Coal Mining Corporation in State Serves Notice Upon Governor That It Will Seek Redress Through the Courts For "Unwarranted and Arbitrary" Seizure of Property

NO U. S. ACTION

"As at present advised, I see no occasion for action by the department of justice," says A. Mitchell Palmer, attorney general of the United States, in wiring acknowledgment of Governor Frazier's message of Wednesday evening, advising that he had taken over the mines under martial law.

President Huntington of the Soo line, to whom the removal of the miners' train from Wilton was referred, wired the governor that instructions had been given to furnish Wilton the same service as heretofore.

Wilton, N. D., Nov. 13.—Protesting the governor's action in proclaiming martial law to be unwarranted, arbitrary, unconstitutional, illegal, with out precedent, the Washburn Lignite Coal Co., at 11 o'clock this forenoon surrendered its mining properties at Wilton to Capt. L. R. Baird of Dickinson, the governor's personal military representative.

The formal surrender was preceded by a brief parley during which Attorney Andrew Miller, for the company, questioned Capt. Baird as follows:

"Captain Baird, do you present this proclamation of the governor for the purpose of taking over this property for the state?"

"I do."

"Do you intend to use such force as is at your command as may be necessary to take over our property at this time?"

"Yes, sir."

"You are prepared to do that?"

"Yes, sir."

"Then, captain, we yield possession of our mining property to you under your threat to use the necessary military force to take it from our possession, but in so yielding we make the following protest."

The protest, formally drawn up, addressed the Governor Frazier, Adjutant General Fraser and Capt. Baird, as immediate representative of the governor, follows:

"You have by military force of arms forcibly taken possession of the Washburn Lignite Coal Co.'s mines and its other property at Wilton, N. D. This you have done under pretext of your proclamation declaring a state of martial law in and about the premises of the company at Wilton, N. D."

"Under what law or authority you have presumed to take over the private property of the Washburn Lignite Coal Co., and operate the same we are not advised. We believe that the power and authority of the governor of this state to declare martial law is expressly limited by the constitution and laws of this state to occasions and places where riot, tumult, breaches of the peace or threatened breaches of the peace exist, and then only for the purpose of suppressing or preventing such disorder or threatened disorder."

NO RIOTING EXISTED

"There has not at any time existed in or about our property at Wilton, N. D., nor does there now exist, either riot, tumult, any breach of the peace or any threatened breach of the peace. On the contrary, the situation at Wilton, N. D., and about our mines in the county is entirely quiet and peaceful. Your proclamation declaring martial law does not set forth that there is either riot, tumult, breach of the peace or any threatened disorder from any persons what soever; neither do you pretend to be advised by any persons in this community or by any of the civil authorities of this county or of the city of Wilton that any disorder or threats of disorder exist, or that you have been called upon by any civil officer or by any person or persons to suppress any disorder or prevent any disorder in the county, city, or Wilton or in and about the mines."

WITHOUT AUTHORITY OF LAW

"Under such conditions we believe that your proclamation declaring a state of martial law to exist in and about the properties of the Washburn Lignite Coal Co., at Wilton, N. D., is wholly without authority of law, either under our constitution or the statutes of this state, and without precedent in any state in the union. We believe your proclamation to be unlawful and a direct violation of your oath of office as governor of the state of North Dakota to enforce the laws of our state and the constitution."

ARBITRARY AND WITHOUT WARRANT

"You have, however, gone further than to declare a state of martial law to exist at a place and under conditions under which none of the circumstances authorizing martial law exist. You have arbitrarily and without warrant of law forcibly used the military forces of the state to take over our private property and operate the same against our consent and without judgment. (Continued on Page Four.)"

RAISIN WHISKEY MADE IN CHURCH

Calgary, Alta., Nov. 13.—Mystery surrounding the much sought distillery which has been turning out raisin whiskey in Calgary has apparently been solved and Joseph Fallis, janitor of a local church, has been arrested on a charge of moonshining.

For several weeks, the local authorities had been investigating a report that a still was in operation in the district where this particular church was located. Several detectives who made still-hunts reported they were baffled. Then suspicion was directed toward Fallis. He was closely watched. Finally, officers entered his quarters in the church and according to their report filed at headquarters, found a still, some home made brandy and seventy pounds of raisins in the process of distillation.

The police have been trying to ascertain whether Fallis had any accomplices.

LEGION MEMBERS INDIGNANT OVER I. W. W. SHOOTING

Former Service Men Send Telegrams Urging Immediate Action Against Murderers

Members of the American Legion post of this city were considerably incensed over the murdering of four of their members in the I. W. W. shooting at Centralia, Wash., armistice day. Immediately upon reading the press dispatches of the frightful affair, Capt. A. A. Jones, commander of the legion, sent the following telegram:

"Commander, American Legion Post, Centralia, Wash.

"Is there any aid we can give you in cleaning up the murderer of our comrades. Lloyd Spetz post pledges its unqualified financial and man power support to you in this time of Bolshevism."

Capt. Jones also sent the following telegram to P. J. Harrington, Bismarck's delegate to the national convention of the legion at Minneapolis and to the chairman of the convention.

"See reports from Centralia, Wash., in which four of our comrades murdered by I. W. W.'s. Bring this to the attention of the convention in the strongest manner possible and use every honorable means to get convention to take some decided action on this matter not as a resolution, but something more substantial. Action is what we want now that we have been attacked."

Outsiders

The former service men in this city were loud in their denunciation of the shooting of their comrades and many of them stated they should take immediate action to prevent any recurrence of such a tragedy elsewhere in the country as well as in this state. Practically all of the men believed that a demand should be made on the city, county and state authorities to immediately discharge any office holder regardless of how exalted or how menial such office might be who was either an I. W. W. or a socialist.

The legion men seemed to feel that from on their organization would assume a more militant attitude towards socialists and Industrial Workers of the World and that an active campaign would be started in this city and state to weed them out wherever they might be found.

Although the legion is a staunch supporter of law and order at all times, it is thought likely that if the usual number of I. W. W.'s and socialists who usually hang out around the Northern Pacific park had been there yesterday, there would have been many broken heads and agitators heading away from the city.

SASKATCHEWAN TOWN TO HAVE UNION KIRK

Kerrobert, Sask., Nov. 13.—Kerrobert is to have a "Union Church" the objective of \$15,000 for its construction having been passed in the campaign to raise funds for the purpose.

Kerrobert is one of the pioneer towns in regard to the church union movement, and the task of uniting the people of the town in their religious activities has been in progress for eight years.

The pastor of the new church is Rev. Harold Marshall, who received a unanimous call from Macklin, Sask.

WASHINGTON TO SWAP FISH WITH WISCONSIN

Spokane, Wash., Nov. 12.—The state game commission of Washington and Wisconsin have agreed to swap fish for experimental purposes.

The arrangements provides for shipment to Wisconsin of 100,000 salmon trout eggs within 60 days, in exchange for 10,000,000 pike eggs. It is planned to liberate the pike in the land locked lakes of western Washington.

State Game Warden Darwin believes that the Wisconsin commission will put the trout into lakes and greatly increase the state's game fish resources.

PEACE NEGOTIATIONS BETWEEN ESTHONIANS AND SOVIETS RUMORED

Helsingfors, Nov. 13.—Peace negotiations between the Esthoniens and Bolsheviks will begin Saturday it was announced here today. The Lithuanians will not participate in the negotiations.

LABOR PARTY TO PICK CANDIDATE FOR PRESIDENCY

Year-Old Organization Hopes to Make Political Strength Felt in 1920

BRAND WILSON ANARCHIST

Chicago, Nov. 13.—Determined to make its strength felt in national politics the year old labor party will nominate at a convention in Chicago on November 22 a candidate for president to run in the coming election. That intention with the further statement that war would be waged on the democratic and republican parties in the order named with the idea of rendering them impotent was announced last night by John Fitzpatrick president of the Chicago Federation of Labor.

"The democratic party will be attacked first Fitzpatrick said because 'Wilson's party had by its anarchistic attitude toward union labor and the working classes' forced completion of a workman's slate."

Under the call issued yesterday 20,000 delegates are expected to attend the convention. Fitzpatrick added, they would be representatives of the Nonpartisan league farmers' organizations, grange societies and state and local unions.

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KENTUCKY JUDGE AGAIN HOLDS DRY ACT NOT VALID

Federal District Jurist Declares Distillers Can Sell Floor Stocks

Louisville, Ky., Nov. 13.—Judge Walter Evans in federal district court today in effect for the second time held war time prohibition unconstitutional, sustained an attack on the constitutionality of the Volstead enforcement act and granted an injunction restraining Elwood Hamilton, collector of internal revenue for Kentucky, and District Attorney W. V. Gregory from interfering with the sale of two Louisville distillers of their "floor stock" of tax paid whiskey.

MARRIAGE ON HORSEBACK IS NEW MONTANA THRILL

Clyde Park, Mont., Nov. 13.—Parris M. Crane of the forest service and Miss Lucile Manger were married here on horseback, all parties to the ceremony being mounted.

Justice of the Peace F. M. Douglas performed the service. As a ranger, Crane spends most of his waking hours in the saddle and his bride is an expert horsewoman.

When the ceremony making them man and wife concluded, they shook hands with the justice and spectators and galloped away to Crane's cabin in the hills. They will spend their honeymoon in the Crazy mountains, where Crane spots forest fires.

CAPITOL EMPLOYEES MADE MILITARY COMMANDERS OF STATE COAL MINES

Sergeant Ambrose Gallagher and Staff Take Possession of Lignite Property in Name of State—Ban to Be Placed on Fuel Profiteering

Adjutant General Fraser today dispatched members of the state militia to all of the unutilized lignite producing fields with instructions to take possession of the organized mines there under authority of Governor Frazier's proclamation. He directed his men to seek the cooperation of the local mine management in the reopening of the mines and a maximum production of fuel. Retail price limits for lignite probably will be fixed by tomorrow.

No profiteering on the part of local dealers will be tolerated, advised General Fraser, and he stated that any retailer who takes advantage of the situation to boost prices will be given no coal.

A majority of General Fraser's mine managers are capital employes who were sworn into the state service today. Sergeant S. Gallagher, Nadland and Okerf have been dispatched to the Williston district; Sergeant Dale to Medora; Sergeants Kiley and McPhee to Kenmare, Lieut. S. J. Boyd and Sergeants Sherwin and Allenworth to Burlington and Sergeant Patrick to Noonan. Each of these military commanders will have control of one or more mines in the field to which he is assigned.

A majority of these district commanders are young men in their early twenties. Their instructions from General Fraser are that they proceed to the points assigned and, after getting possession of the mines, communicate with military headquarters, through which arrangements will be made for the operation of the properties.

"The mine operators should be immediately required to place the mines in operation," read the general orders, "under the same conditions as before the strike was called. This department wishes the full cooperation of the present managements, and you will request them to assist you in obtaining a maximum output in order that the citizens of the state may be supplied with fuel."

A majority of the mine managers have already advised his department that they will resume operations under these conditions, reported General Fraser today.

NO PROFITEERING

"Dealers should be warned in advance that no profiteering will be tolerated," said General Fraser. "Maximum prices for fuel will be fixed by zones. Any retailer who asks more than the price limit fixed will be assigned no more coal to sell."

General Fraser did not intimate what the new price schedule would be but the assumption was that it would be that which existed prior to the strike.

26 WOBBLES IN ARMISTICE RIOT TO BE INDICTED

Charge of Murder or Criminal Knowledge of I. W. W. Plans Is Made

ONE WOMAN IS IN PRISON

Proprietor of Boarding House Where Reds Made Headquarters Taken

Centralia, Wash., Nov. 13.—Criminal indictments against 26 alleged members of the Industrial Workers of World have been prepared for filing with the county clerk at Chehalis, county seat of Lewis county, today, by County Attorney Herman Allen.

All information it was understood would allege either participation or criminal knowledge of the killing here last Tuesday of four members of the American Legion during an armistice day parade.

Allen in a statement made yesterday declared he had information which he believed would result in conviction in all cases.

Of the twenty-six alleged members of the Industrial Workers of the World in jail here and at Chehalis one is a woman. She was manager of the lodging house from which the fatal shots are alleged to have been fired on the marching legionaires.

Tentative plans for the funeral of two of Tuesday's victims Warren O. Grimm and A. R. McElfresh called for services Friday morning at 10 o'clock.

The local post of the American Legion met here last night and made plans for a public military funeral Friday of the four dead men.

LYNCHED MAN IDENTIFIED

The man who was lynched here Tuesday night has been identified as Ernest Everett. It was announced today. The identification was made by the landlady of the rooming house where Everett lives for several months. He was working here as an I. W. W. organizer the landlady said.

Earlier reports had given the man's name as "brick" Smith. It was explained that as the man was being taken from the jail, some one in the crowd called him urging him not to reveal his name but later he told his captors his name was "Bricktop" Smith.

FARMERS FURTHER PLANS FOR GREAT NATIONAL LEAGUE

Preliminary Organization Work Completed—Name of Federation Chosen

Chicago, Nov. 13.—Further organization work occupied today's session of about 500 delegates from farmers' bureaus and associations here to perfect a national body to "protect the business, economic, social and educational interests of agriculture." The American Farm Bureau federation is the tentative name chosen for the organization. It was expected to be made the permanent designation today.

Thirty-two states are represented. Speakers at the opening session were plain in putting the federation on an independent basis free of alliance with labor, capital or any other organized body. "An honest day's work for an honest day's pay" was the slogan adopted by the organization.

Speakers asserted and Americanism made triumphant. One speaker warned against dealing with the Nonpartisan league which he charged had set up a socialistic government in North Dakota.

Australian Airman and Navigator Die

London, Nov. 13.—Lieut. R. M. Douglas of the Australian flying corps and Lieut. J. S. L. Ross his navigator, who started from Hounslow today for a flight to Australia, were killed shortly after they began their journey. Their airplane crashed near Surrbiton in Surrey.

YANK LEGION TO BE NONPOLITICAL DELEGATES RULE

Organization Decides to Keep Out of Partisan Political Activities

NO FINANCIAL PROGRAM

Question of Reimbursing Soldiers For Time Lost Left to Congress

Minneapolis, Nov. 13.—One member from each state delegation of the American Legion convention remained here today as delegates on the national executive committee after the close of the convention last night. Practically all the other delegates are enroute home. Storm conditions in the northwest brought the announcement from the railroads that schedules prepared for the departing delegates could not be changed and forced speedy action by the convention to wind up its business.

Decision to leave to congress "recognition of the financial handicap incurred from military service" and a declaration that "the American Legion should be non-political" were perhaps the most important pronouncements made by the representatives of the ex-service men and women.

AID FOR VETERANS

By a small majority the delegates decided that specific requests for war service compensation should not be approved altho demands were made for speedy relief for disabled veterans and governmental aid for all veterans in securing farms and city homes on easy credit terms.

Franklin D. Oiler former lieutenant colonel in the quartermaster corps was elected first national commander with a salary of \$6000 a year which he announced he would not accept.

It was decided that the next convention should be held at Cleveland on Monday September 27, 1920 the anniversary of the opening of "The Argonne drive of the American army."

FARMER MINES CAN DO MUCH TO MAKE UP COAL SHORTAGE

Hundreds of Little Properties Capable of Producing Fifty Tons Daily

Farmer mines, of which there are hundreds in central and western North Dakota, are expected to reap a harvest from the strike, if Governor Frazier does not include their properties with the larger industrial mines which he is seizing in behalf of the state. The farmer mines usually are operated by the owner and a neighbor or two, and they seldom dig more than twenty or thirty tons a day, but their combined volume of production is very large. In many instances the owner of such a mine permits his neighbors to do their own digging and charges them only 50 to 75 cents per ton. It is believed that these mines could easily increase production to a point where they would make up for the shortage resulting from the closing of the large commercial mines by order of President Dremann of the United Mine Workers for the 27th district.

CALGARY CITY COUNCIL SUGARS UP SWEET TEETH

Calgary, Alta., Nov. 12.—Sugar became so short in Calgary recently that the city council stepped in, obtained a carload from a refinery, and brought it to hundreds of local households.

Thirty thousand pounds was disposed of at public sale. Each family was allowed a card, authorizing the purchase of five pounds. The sugar brought the city 14 cents a pound and it is claimed that the deal was transacted without municipal profit.

The sale took place at the municipal market and arrangement was made with the street car company to give free transfers to sugar seekers.

Friend of Sitting Bull Allowed to Go Back to Berthold

Plentywood, Mont., Nov. 13.—(The Associated Press)—Antoine Baptiste Walleffe, a Sioux Indian, personal friend of Sitting Bull and a veteran of the Custer massacre, has been released from the county jail here and sent to his home on the Fort Berthold Indian reservation in North Dakota.

Walleffe is said to be 82 years old and carries his years well. He was picked up on the streets of Soobey, Mont., about a month ago and it has taken the authorities all of the intervening time to learn where the Indian lived and who he was.

One of the treasures that the old man carries with him is a letter which he says he dictated to a Canadian mounted police several years ago and in which he tells of a conference held with Sitting Bull when he advised the great Sioux "Medicine Man" that General Miles was after him. According to the letter Sitting Bull replied he would not surrender until "the government came."

Today's Weather

For twenty-four hours ending at noon, November 13, 1919.

Temperature at 7 a. m. 20
Temperature at noon 24
Highest yesterday 6
Lowest yesterday 6
Lowest last night -6
Precipitation None
Highest wind velocity 12-NW

Forecast

For North Dakota: Partly cloudy tonight and Friday; warmer south portion tonight; probably colder east and central portions Friday.

Lowest Temperatures

Fargo -10
Williston 0
St. Paul 0
Winnipeg 0
Helena -8
Chicago -16
Swift Current 0
Kansas City -18

ORRIS W. ROBERTS
Meteorologist.

NORTH DAKOTA IS NOT MINING COAL TODAY; WILTON MINERS BALK WHEN ASKED TO WALK MILES TO THE MINES

Governor's Seizure of Coal Properties Not Progressing Very Rapidly—Washburn Lignite Employees Ready to Go Back This Morning, But Refuse to Hoof It—Soo Line Requested to Restore Train—Frazier's Proclamation Finally Filed Late Wednesday

The state of North Dakota was not actually in possession of any coal mines this morning, and there was no reports of work having been resumed. Although given widespread publicity Wednesday morning, Governor Frazier's proclamation of martial law was not filed with the secretary of state until 5 o'clock that evening, and it was not actually signed until 5:30. At the same time when he filed his martial law proclamation, the governor presented for the attestation of the secretary of state his proclamation of November 10, in which he gave notice to the operators that unless they had made peace with their men by 6 o'clock Tuesday evening, November 11, the mines would be taken over by the state. The governor's office gave no reason for not having gone through with the usual procedure in the matter of this first proclamation.

Following his declaration of martial law Wednesday evening the governor served on Adjutant General Fraser the following notice:

"You are hereby ordered and directed, in addition to the orders and commands contained in my proclamation of November 12, 1919, to immediately place men under your direction and control in charge of the mines enumerated in my proclamation of November 12, 1919, and to pay to the operators of said mines a royalty of not less than 10 cents nor more than 25 cents per ton, to be hereafter determined, and to do all other things necessary in order to carry out the provisions of this order and my proclamation of November 12, 1919."

BAIRD AT WILTON

Capt. L. R. Baird of Dickinson, national guard disbursing officer, was dispatched to Wilton early Wednesday morning to take over the Washburn Lignite company's big properties there. He had not reported up to 11 o'clock this forenoon that he was in possession of the mines. The governor's office advised that it had received some reports of trouble at Wilton. This trouble appeared to lie in the fact that the railway company had pulled away the switch engines which had been serving the mines.

FORCE IF NECESSARY

General Fraser advised this morning that his plan will be to send out individual agents to take charge of the mines for the state. Force will not be used unless necessary, says the general. Should such a necessity develop, General Fraser states that he has five full companies of home guards, armed with Springfield rifles and fully equipped, which will be available.

The governor appears to have impeded a personal guard, as a number of uniforms blossomed on the streets of the capital this morning. The governor's office reported no unusual developments over night, although, it was said, complaints continue to come in from communities which are out of coal.

MINERS WOULDN'T WALK

Wilton, N. D., Nov. 13.—Wilton miners, prepared to resume work in the Washburn Lignite company's mines this morning, found no means of transportation provided for them. They declined to walk the two or three miles from town to the workings, and at noon they were still in town, and the mines remained inactive.

The Washburn Lignite company, through an arrangement with the Soo line, had operated for several years a mine train of four coaches which carried the miners to and from the diggings. At 6 o'clock Wednesday evening when the governor seized the mines, the company returned the train to the Soo line, which brought its equipment back to Bismarck.

Capt. L. R. Baird and Mine Inspector John Hanwell called upon General Manager W. P. Macomber shortly before noon. It is presumed that they made a formal demand upon him for possession of the mines.

If transportation can be arranged, it is understood that the miners will resume work tomorrow morning. The Washburn Lignite company employs 300 miners, all of whom are members of the union, and it produces from 1,500 to 2,000 tons per day.

WILSON'S RAILWAY BOARD BLAMED FOR HEAVY FRUIT LOSS

Boise, Idaho, Nov. 13.—The state public utilities commission has formally blamed the United States Railway Administration for the heavy losses sustained this fall by apple and potato growers. Large quantities of the fruit and the vegetables were spoiled because shippers were unable to obtain cars to fill their Eastern contracts, it is claimed.

Idaho had a normal apple crop, while several other states had an off-season. The result, it is said, was that fruit raisers disposed of their crops before the harvest but that when they came to deliver the apples, they couldn't get freight cars.

It has been estimated by the state public utilities commission, that the loss may total 700 carloads of potatoes and apples.

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ASKS FOR TRAIN

General Fraser this morning made a formal request to the Soo line for the restoration of the miners' train at Wilton.

North Dakota was placed under martial law at 2 o'clock Wednesday afternoon; Adjutant General Fraser was instructed to take charge of 34 lignite mines and to operate them with state troops and to arrest any person or persons "engaging in acts of violence, intimidation or interference with the operation of said mines and hold such persons under guard until (Continued on Page Four.)"