

# HOUSE BILL 60 SUPERFLUOUS, SAYS MAN SUSPECTED OF BEING AUTHOR, ARGUING ALL ACTS NOW IN EFFECT

### William Lemke Contends That Inasmuch as Now Constitutional Provision Definitely Covers Time When Special Session Laws Become Operative, Legislature Is Its Own Guide

Every act of the recent assembly without regard to House Bill 60 is now operative and in full effect for the reason that this was an emergency session and because the constitution makes no special provision as to when acts of a special session shall take effect, insisted William Lemke, vice president of the National Nonpartisan league, in defending in supreme court Thursday afternoon the league's contention that passage of constitutional emergency clauses by a two-thirds vote of each house is not necessary in the case of a special session. Section 67 of the constitution which provides that no act of the general assembly shall become effective until July 1 following its passage, unless it carries an emergency clause, was declared by Mr. Lemke to apply only to acts of regular sessions. He asserted that there was no constitutional provision providing a time when acts of a special session should become effective.

### COX NOTES AN OMISSION.

Assistant Attorney General E. B. Cox in rebuttal, called Mr. Lemke's attention to the fact that in quoting constitutional authority for the guidance of the legislature, he had overlooked the words "except as otherwise provided in the constitution," which form the concluding clause in Section 55 of the constitution, which reads in full: "The sessions of the legislative assembly shall be biennial, except as otherwise provided in this constitution."

### COULDN'T WAIT.

Mr. Lemke argued that had an emergency necessitated legislative action July 2 the acts of that special session could not, under the state's attitude, become effective for a whole year, no matter how urgent the error might need such legislation, unless an emergency clause was attached. Lemke insisted the governor was directly responsible to the people and had a right to demand from the assembly such emergency legislation as he might require. Associate Justice Birdzell suggested that legislators also owed a direct responsibility to the people which might incline them to give an immediate effect when in their opinion the emergency and the people demanded it.

### LEMKE GETS OFF WRONG.

Lemke argued that there was a universal demand for an immediate reduction of taxes and that a material reduction had been made by the special session, that the act decreasing this cut in taxes had been given immediate effect through an emergency clause, while the legislature had failed to give immediate effect to House Bill 44, which reduced appropriations accordingly. Therefore, said counsel for the respondent, a marked deficit would result in the general fund unless House Bill 60, giving immediate effect to the act reducing appropriations, was upheld.

### COX CALLS TURN.

In rebuttal Assistant Attorney General Cox showed that while a 25 per cent reduction had been made in state taxes, appropriations had been reduced only 3.5 per cent, and that it made comparatively little difference whether the act reducing appropriations went into effect before next July, as the cut was so slight as to be negligible in a period of six months.

### COX QUOTED FROM A STATEMENT ISSUED BY STATE TAX COMMISSION.

Dealing with House Bill 44, showing the total tax raised by state levy, exclusive of soldiers' bonus, to be \$3,458,907, which House Bill 59 reduces in the sum of \$964,500. He found the total reductions in appropriations as they are figured out by the tax commissioner for the two-year period to amount to \$389,685, out of that new and additional appropriations were made in the sum of \$142,500, leaving a net decrease of but \$247,185 for the two years or \$123,592 for the current year.

### DEFICIT CERTAIN ANYWAY.

"The taxes for this year," said Cox, "were reduced \$964,000; the expenses were reduced but \$125,000; while the income of the state was reduced 25 per cent, the liabilities of the state were reduced but 3.5 per cent. It is thus clear that if the figures of the tax commission in statements which they are sending broadcast throughout the state are correct, Mr. Lemke is wrong. And, regardless of the fact whether House Bill 44 goes into effect now or July 1, if his argument is correct, the taxpayers must make up next year a deficit of approximately \$741,000, which deficit will occur according to Mr. Lemke's argument because House Bill 44 does not go into effect immediately."

### AFTER considerable argument, in which Justice Robinson declared that it compelled to wait 10 days for the filing of briefs as requested by Lemke he would wash his hands of the whole matter, opposing counsel was given until Monday to file briefs and cite authorities.

### INSURANCE MEN'S MEETING.

A number of Bismarck insurance men will attend the annual convention of the underwriters' association of North Dakota which will be held Saturday at Fargo. Among those who will attend from this city and who leave tonight are F. L. Conklin, C. A. Barton, E. C. Wanner, C. W. Moses, G. R. Thompson and W. A. Schwartz.

## FIVE INCHES OF SNOW COVERS COLD OKLAHOMA CITY

Oklahoma City, Okla., Jan. 9.—Oklahoma City today lay under five inches of snow and meager reports indicated that the precipitation was general over the state. Wire trouble was handicapping the weather bureau in gathering reports. The thermometer here registered 22 above.

## NORTH DAKOTA'S STATE MINES TO PAY 25C ROYALTY

### Flat Rate Decided Upon to Reimburse Operators, Declares Deemy

North Dakota lignite producers whose mines were operated by the state under martial law from November 13 to December 5, will receive 25 per cent net profit for each ton of coal mined by the state, J. W. Deemy, state mine inspector, stated today. In his proclamation Governor Frazier empowered Director Deemy to pay, at his discretion, from 10 to 25 cents. All operators will receive the maximum royalty, states the director, regardless of the cost of production or the selling price of their product. The average profit per ton was reported to be 40 cents previous to the declaration of martial law, which followed a refusal of the operators to receive District President Drogman's ultimatum of a 60 per cent increase in wages for unskilled mine workers, to be paid into the district treasury by the mining companies, and not to the men.

"We are merely marking time now until we receive a final report from our accountants," said Director Deemy. "I expect this report today. As soon as this information is available, we will close our accounts with the operators and wind up the state's coal mining business."

## SOLDIERS TO TOUR STATE FOR MEN JOIN SCHOOL-ARMY

### Recruiting Station Adopts New Scheme to Enlist Recruits in This District

The local recruiting station will start an extensive campaign next week which will continue for several months for recruits for Uncle Sam's peace time army. Colonel L. C. Bennett, in charge of this district with headquarters at Aberdeen, S. D., was in Bismarck yesterday and outlined the plan.

Both Corporals Ed Martin and Alfred Weeks of the local station, will be sent on canvassing trips to the various cities and towns in the central and southwestern part of the state. They will go as far east as Steele, as far north as Washburn and as far west as Beach including all communities between these places.

## BUSY TIMES MAY FOLLOW DECISION ON HOUSE BILL 60

Should the supreme court uphold the constitutionality of House Bill 60, a question which was argued before the tribunal yesterday, there will be doings at the capitol immediately. It is expected the governor will at once name his state sheriff, expected to be Seaman A. Smith, old-time friend of Townley's in Golden Valley county, and former sheriff there; that the state constabulary will be organized, new assistants attorney general appointed; the smelling committee will begin to smell, and wheels will move rapidly in the furtherance of the league's punitive program, which has been held in abeyance pending a decision on House Bill 60, which gives the acts providing for all of this activity, immediate effect.

## WINTER WEATHER PREVAILS OVER MOST SOUTHWEST

Kansas City, Mo., Jan. 9.—Winter weather prevailed over the greater part of the southwest early today. Heavy snow was reported in southern Missouri and throughout the greater part of Kansas with consequent delay in train service.

Winfield, Kan., reported a fifteen-inch precipitation. In Oklahoma a severe sleet and snow storm is said to have caused some damage.

## BURLEIGH LEAGUE TO DROP KING FOR SOME OTHER MAN?

### Report Says Senator Is at Outs With One of Townley's Old Gangsters

Burleigh county nonpartisans met here this week to consider plans for a county organization. Unconfirmed reports are to the effect that Major C. H. Russ of the Bismarck bank was endorsed as a tentative candidate for the state senate to succeed Senator Carol D. King. Major Russ denies any knowledge of such endorsement and declares that he is not in politics. Leaguers assert that Senator King, who is completing his first term in the upper house, will retire because of opposition from old-time political bosses who are said to be dominating the county organization of the league. Len W. Sperry, a successful young farmer born and reared on a Missouri bottom farm north of Bismarck, is said to be an independent candidate for the senate. The league county committee is expected to endorse State's Attorney Ed S. Allen to oppose Judge W. L. Nussell for the district judgeship, and it is understood that J. A. McCarter, a Bismarck attorney, who has been friendly to the league for some time, will be the nonparty choice for state's attorney.

## MISSOURI SPAN PLANS APPROVED BY U. S. BUREAU

### District No. 4 Engineer O. K.'s Project and Recommends It to Chief

Plans, specifications and estimates for the million-dollar wagon bridge which is to span the Missouri between Bismarck and Mandan have been approved by A. I. Ostrander, acting engineer for district No. 4, bureau of public roads, at Minneapolis, and have been forwarded to Washington for the approval of the home office. Federal aid in the sum of about a half million is sought. The remainder will be made up by the counties of Burleigh and Morton, with assistance from practically every other shire on the Slope, and through an appropriation of a quarter-million made from the state highway funds by the six treaty assemblies.

Engineer Ostrander advises the state highway commission that in addition to approving the plans, specifications and estimates, in the capacity of acting district engineer, he has recommended to Washington speedy and favorable action upon the bridge, which stands as federal aid project No. 107.

Bids must be advertised for thirty days, and it is probable that it will be early in March before the contract can be awarded, providing that Washington acts as promptly as the district engineer has. The contract will be let at the state highway commission offices, and it is probable that simultaneous lettings will be held in Morton and Burleigh counties.

## FRANCE PRAISES VALOR OF YANKS IN GIFT BOOKLET

### Will Be Distributed to All Former Members of Overseas Organizations

The booklet eulogizing the part America's soldiers played in saving France from the iron heel of the invader given to the French people by a former member of the American Expeditionary Forces has been received by the recruiting station for distribution to former overseas veterans in this vicinity.

These booklets will be delivered to all former members of the A. E. F. through Loyd Spetz post of the American legion under the conditions provided by the war department. An interesting, concise history of the part American troops played in turning the tide of war in favor of the allies forms the leading feature of pamphlet.

## TUBERS AVIATE 35 CENTS SACK

Chicago, Ill., Jan. 9.—Potatoes jumped 35 cents a sack on the local market today making the biggest increase in many months.

Only nine cars arrived today while reports from other cities indicate the shortage is general. Today's quotation ranged from \$4.35 to \$4.50 per hundred pounds for northern white. Further increases are forecasted for tomorrow.

## HOW TO GET A JOB

### Told By Henry P. Davidson Bank President, Financier and Member of the Firm of J. P. Morgan & Co.

### As Reported by B. C. Forbes, Editor of Forbes Magazine

The story of Henry P. Davidson you find in his first foothold on the New York banking ladder reveals the stuff he is made of. He had quickly risen from office boy to receiving teller in a modest bank at Bridgeport, Conn., when he read in the newspapers that a new bank was being formed in New York. Young Davidson wanted to go to New York. He wanted to go very badly. In fact, he made up his mind that he must get a position in this new bank.



## FRAZIER OUSTS GOLDEN VALLEY LAW ENFORCERS

### Governor Discovers Gallagher and Piersina Neglected Their Duties

As a result of charges growing out of the alleged murder of M. K. Bowen of Golden Valley, a leaguer, by neighboring ranchers, acting as constables, also said to be leaguers, which has been made a political issue by the Townley organization, State's Attorney Gallagher has been removed from office for neglect of duty, and Sheriff Piersina has been removed for incompetency and neglect of duty by Governor Frazier.

## RENEWED LIFE IN OLD VOLCANO HAS MEXICANS SCARED

### Intense Excitement and Panic Reign in Cordova, Orizaba and Vera Cruz

Mexico City, Jan. 9.—Intense excitement and panic reigned among the inhabitants of Cordova and Orizaba in the western part of the state of Vera Cruz because of the opening of a new crater of the volcano of Orizaba 15 miles to the north. The new crater is emitting smoke.

## MAY LAND IN FINLAND

### Stockholm, Jan. 9.—Undesirables deported from the United States on the transport Buford probably will be landed at Hango, Finland and will proceed to Russia by rail under a strong guard, it was said here today.

## TO 'AID RADICALS' FAMILIES

Washington, D. C., Jan. 9.—The government has definitely decided to render aid to the dependants of alien radicals whom it deports, Assistant Attorney General Garvan announced today.

## SEVEN TOWNS INUNDED

Mexico City, Jan. 9.—Seven towns near Teocelo, south of Jalapa, have been overwhelmed by the earth's disturbance and a great lake is covering their former site according to a message received this morning from Teocelo through Vera Cruz. Thirty-four bodies had been recovered when the message was filed.

## BABY BORN IN MIDST OF HOLOCAUST AND TWO OTHER PERSONS DIE WHEN FIRE DESTROYS DAKOTA FARM HOUSE

Beach, N. D., Jan. 9.—Two persons were burned to death and a baby died from exposure in the destruction by fire last night of the Harold Holthe farm home four miles from Sentinel Butte. Jacob Knolth, 74, an uncle of the owner, Mrs. Hasley and an infant child are the victims.

Holthe saved his four-year-old son by throwing him from a second story window into a snow-drift. He then reached out of the widow himself and battered his way back into the house to save his wife.

## COUNTY LEAGUE CONVENTION IS NO LOVE FEAST

### Leaguers Gathered Here Have Many Bones to Pick With Their Leaders

### NEWSPAPER DEAL STICKER Rumblings of Dissatisfaction With Brinton Domination of Local Paper

A conflict between the old bossism and the new, between personal ambitions and between radicalism and conservatism is making harmony hard to catch in the county convention of Burleigh Nonpartisans which has been in progress here for three days. Bill Lemke is in charge of the session, and it is presumed that the delegates were personally hand-picked by him, but the picking of leaguers who will stay put is not as simple a matter as it is used to be, and it appears that even so astute a selector as Mr. Lemke may make mistakes.

Into the jangle of clashing factions has been injected the old Public Opinion muss, in which some very prominent Burleigh county farmers and such leaders in adjoining counties as Senator Waring and Representative Harding of Emmons are interested. The Public Opinion was Burleigh county's first sure-enough Nonpartisan organ. The farmers put up the original kale to buy the plant, and they continued to put up periodically until when the Brinton bund took hold of the Public Opinion a few months ago it is understood that farmers' names were on notes aggregating \$16,000. These notes have not yet been paid, it is said.

## NATIONAL SUGAR BOWL IN HANDS OF MENACING TRUST

### Beet Growers' Convention Will Seek to Correct Bad Conditions

Denver, Colo., Jan. 9.—Charging that "the national sugar bowl is in the clutches of a menacing trust," the heads of seven western organizations of farmers have called a three days national beet growers convention to meet here January 13.

The official call for the gathering said it would seek to devise ways and means "to secure ourselves a fair and just portion of the enormous profits that result from the production of sugar."

Noting that the United States is producing less than one-fourth of the sugar consumed by its citizens, the convention call declared "the sugar trust, having developed among sugar refining concerns located in our sea board cities, has sought to throttle and prevent the growth of the beet sugar industry."

The call is directed to "none but bona fide farmers" of California, Colorado, Idaho, Michigan, Montana, Nebraska, Ohio, Utah, Washington, Wisconsin, Wyoming and other states.

## DAVE COATES OUT OF POLITICS, NOW MAKES ICE CREAM

D. C. (Dave) Coates, regarded in the early days of the Townley movement as "the brains of the league," but who has not been identified with nonpartisanism in North Dakota for the last two years, is now engaged in the wholesale ice cream and candy business in Seattle, Mrs. Coates writes Bismarck friends.

## BOKHARA IN RED HANDS, SAYS WAR OFFICE REPORT

### Important Khanate Less Than 200 Miles From Afghan Frontier Taken

### ON WAY TO MIDDLE ASIA, Direct Railway Communications Open to Bolsheviks to Trans-Caspia

London, Thursday, Jan. 8.—Bokhara capital of the important khanate of Bokhara in central Asia and less than 200 miles from the Afghanistan frontier, has been entered by Bolshevik forces, according to war office reports. Farther west soviet troops occupied Krasnovodsk on the eastern shore of the Caspian sea reports from Moscow say.

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## "Brains of the League" Has Se- vered Himself From Move- ment Entirely

Before coming to North Dakota to become head of league publications, legislative parliamentary and diplomatic representative of Mr. Townley, Coates was engaged in the retail confectionery business in Spokane. Mrs. Coates advises that they have disposed of their interests there and have embarked in the wholesale business on a large scale in Seattle, where she reports the enterprise to be prospering.