

FORTIETH YEAR

BISMARCK, NORTH DAKOTA, TUESDAY, APRIL 19, 1921

PRICE FIVE CENTS

JACK GUYER TO SERVE OUT HIS TWO-YEAR TERM

Supreme Court Rules he is Not Entitled to a New Trial FOR CATTLE RUSTLING Case Attracted Much Attention Throughout Sioux and Other Counties

Jack Guyer, sentenced from Sioux county for cattle rustling, must complete his two years and nine months sentence, the supreme court has decided.

Guyer was granted a new trial by District Judge Hanley, on the ground that the description of the animals alleged to have been stolen was different from the description given in the information. The supreme court, reversing the decision of Judge Hanley to grant a new trial, holds that there was not a "fatal variance" in the description.

Guyer was convicted of grand larceny, in July, 1920, sentenced to serve two years in the penitentiary, and the motion for new trial is granted Dec. 30, 1920. Guyer has been in the penitentiary during this time.

The opinion of the court was expressed by Chief Justice Robinson Judge A. M. Christianson, specially concurring, recited that the complaining witness described the animals, that no objection was offered by the defendant that the description was different from that contained in the information, and that when the prosecution suggested that the jury view the animals no objection was offered. Justice Robinson said that "there was no variance which in any way misled the defendant or prevented him from maintaining his defense on the merits."

The state board of accountancy will hold an examination in the state house May 18, 19 and 20 for persons desiring to take the tests for a certificate public accountant.

OLD ROOSEVELT CABIN CARE IS "DISAPPOINTING"

Tourist Says That Greater Respect Should be Shown T. R.'s Old Home

A well dressed, prosperous man stepped from a big touring car to look at the Roosevelt cabin on the capitol grounds. He stopped William Erlenmeyer, who was coming from the capitol, after gazing at the cabin.

"My name is H. A. Johnson," he said. "I am traveling from my winter home in California to New York by automobile. I was a great admirer of Theodore Roosevelt and I stopped to see the cabin. I simply want to tell a resident of the city that I think it is most fortunate that the cabin should be allowed to fall into such a state."

"I wonder how many people realize that there are thousands of tourists who stopped to look at that cabin with interest and with reverence. There is a big hole in the roof, window glass broken, and the inside looks as if it were used for a storehouse. Bismarck is one of the prettiest cities I have seen but the lack of care for the most interesting spot in the city has disappointed me."

Inquiries were made concerning the case of the cabin. The state board of administration denied responsibility stating that the care of the cabin had been turned over to members of the local chapter of the Daughters of the American Revolution.

Members of this organization said that it was expected that the cabin would be moved on the other side of the capitol grounds, near the new Memorial building when it is completed, and that it was not planned to do anything to the cabin until that time.

14 KILLED IN ITALIAN RIOTS

Rome, April 19.—Fourteen persons were killed and 100 wounded in fighting in Tuscany between Communists and Fascists.

HONOR FARGO FORUM EDITOR

Fargo, April 19.—N. B. Black, president of The Forum Publishing company, and Mrs. Black were honor guests at a dinner given by the Commercial club last week by the Forum employees, the occasion being their approaching departure for Scotland next month, where Mr. Black will attend the International Rotary convention in Edinburgh in June. Following the convention Mr. and Mrs. Black will enjoy a summer's trip abroad and return to Fargo in September.

WILL GO TO CHINA

Steele, N. D., April 19.—Mrs. G. M. Hogue has received a letter from her son, Gordon, that he has been transferred to the U. S. S. Boston and will start for China sometime next month.

UNITED 10,678 COUPLES IN 10 YEARS And Serves Fresh Flowers for Every Ceremony



HE HAS PERFORMED 10,678 MARRIAGES IN 10 YEARS INCLUDING HINDUS, JAPS, ITALIANS, INDIANS, GREEKS

By Newspaper Enterprise.

Muskogee, Okla., April 19.—Ten thousand six hundred and seventy-eight marriage ceremonies performed in ten years.

This is the record of W. G. "Marry-justice" Miller of Muskogee. He claims the title of champion marrying man of the United States west of the Mississippi river. His ceremonies include: Forty double weddings. Two silent weddings (bride deaf and bridegroom dumb). Largest fee, \$50. Smallest fee, nothing. Oldest couple married, bride 75; bridegroom, 85.

Three divorces out of the 10,678 marriages so far as he has been able to learn. Just ten years ago April 1 Judge Miller, who is now 65 years old, began specializing in the "business of helping folks start trotting right in double harness."

"I can tell right off the bat whether the man things enough of the woman he is going to marry," he says.

"If he doesn't show signs of being a good husband in the making I won't perform the ceremony. 'I've married Hindus, Japs, Italians, Indians, Greeks and Americans, and I've come to the conclusion that the main reason many couples fall into the divorce frame of mind is they 'don't think enough of each other to start with. 'Preachers rave about short skirts

\$16,000,000 IS GIVEN ITALY BY TREASURY DEPT.

Washington, April 19.—An advance of \$16,000,000 to Italy during March was announced by Secretary Mellon, the first to foreign countries from previously authorized loans since September.

BODY FOUND IN RIVER THAT OF WOMAN WRITER?

New York Police Say Drowned Woman was Mrs. Jessie Mackaye

New York, April 19.—Police headquarters today received a report that the body of a woman found yesterday in the East river off Astoria had been identified as that of Mrs. Jessie Hardy Stubbs Mackaye, suffragist and writer, yesterday ran away from her husband in the Grand Central station after threatening suicide.

The identification was reported to have been made by a nurse and friends of Mrs. Mackaye. Headquarters, however, announced it was not regarded as official and that the suffragist's husband would be asked to view the body.

Charles Whittaker and Mabel Irving, friends of the Mackaye family, later viewed the body and positively identified it as that of Mrs. Mackaye.

One person in every 2,000 in the United States is deaf.

PEOPLE CALLED UPON TO AID IN BEAUTIFYING CUSTER PARK

Custer park is to be beautified—if there are enough people in the city interested in the park.

At the request of the city commission, at its meeting last night, Mayor Lucas named Commissioners J. P. French, H. A. Thompson and J. A. Larson to take charge of the beautification of the park.

There being no funds available for the park, the committee proposes to ask contributions of trees, shrubs and perhaps small amounts of money in the work.

It is planned to plant numerous trees in the park, chiefly boxelder and native ash. It is proposed to ask citizens to donate trucks and time for the removal of trees from

and transparent clothes and how that helps break down the home, along with the evils of dancing, but I don't pay any attention to that notion.

"I believe in love—and love just won't let anything get in its way before or after."

Recently ministers of Muskogee headed a movement to pass a bill through the State Legislature declaring only marriages by preachers legal. The bill failed, largely because thousands of couples living in Oklahoma were married by Judge Miller and believed in him from then on.

His offices in the Metropolitan building here are attractively decorated. Fresh flowers are brought in for every wedding.

"Getting married is the biggest thing in life and I like to spend my money in making the young folks feel like they're having a real wedding ceremony, even if they have run away from home to do it," he explains.

"If I live another ten years I'll marry another 10,000, for marrying folks is the passion of my life."

Judge Miller has no set fee but takes what is offered him, unless he thinks it is too much. During the war he refused to accept fees from soldiers.

"I want the bridegroom to pay me only enough to remind him that he is getting a good woman for his wife and he ought to start out by spending a little money on her," he says.

Judge Miller himself is married and has a son in the State Legislature.

CAN'T ATTEND CONCERT, BUT TAKE TICKETS

Committee Holds There is No Excuse For Not Helping Band

The fact that a person is not able to go to the annual band concert, to be given at the Auditorium Friday night, is no excuse for not buying a ticket, the committee in charge of the ticket sales have ruled.

Three purchases of \$25 worth of tickets were reported yesterday by citizens who desire to help the band obtain enough money in its benefit concert to pay its running expenses for the summer.

The ticket sale is in charge of Robert Webb. Three teams, composed of W. Lucas and C. W. McGray, A. Rosen and Scott Derrick and G. R. Thompson and Obert Olson, were again busy to day selling tickets.

The price of the tickets was reduced this year, and the committee will have to sell a third more tickets to bring the same amount of money as was obtained for the band last year. If the band concert is successful, it is probable that arrangements will be made to get new uniforms and enlarge the band. If the management is assured that the people of the band are for it, they hope to make great strides this year.

Band musicians declare the program to be played Friday night will be the best the band has played.

NEW SALEM BOOSTS ROADS

Philip W. Blank, the New Salem garage man, was in the city yesterday receiving medical treatment, and stated that New Salem is enthusiastic over the good roads program being inaugurated by the North Dakota State Good Roads Association. A meeting of the Commercial club was held here the latter part of last week, when speakers explained the objects of the Good Roads Association, and yesterday a successful membership campaign was conducted by committees from the Commercial club of that thriving city. The Commercial club is active in all matters that pertain to the welfare of New Salem and the state in general and expect an active year's work.

ORDER GERMANS TO SEND GOLD OF REICHBANK

Allied Reparations Committee-men Send an Ultimatum Today

TO GUARANTEE PAYMENTS Money Would be Kept in Bank as Part of Balance But Could Not be Removed

Paris, April 19.—(By the Associated Press.)—The allied reparations committee announced today that it had given Germany until April 22 to transfer the gold holdings of the Reichsbank, the German Imperial bank, to the Coblenz and Cologne branches of the bank. If Germany refuses to comply with the ultimatum the commission, it states, will require the immediate delivery of the gold to the commission itself.

In the event of the transfer of the gold to the branches named the sum may continue to figure as part of the balance of the Reichsbank, the commission explained, but the German government would have no right to dispose of it without obtaining previous authority from the committee.

CASE INVOLVING HAIL LOSS GOES TO HIGH COURT

Supreme Court to Decide if Negligence Prevents Loss Being Paid

The supreme court has today before it the state's appeal from a decision of District Judge W. L. Nuesse, of Burleigh county, involving important points in the 1919 hail insurance law.

Henry Bossen, of Mercer county, petitioned the district court for a writ of mandamus to compel the hail insurance department to place his name upon the lists of those who suffered losses.

The case involves whether or not the hail insurance department is liable to pay losses for hail in the event the assessor failed to list the land for assessment.

Bossen claimed to have been the owner of cropped land. A hail loss was suffered July 27, 1920, and the assessor allowed him \$11.65. The plaintiff accepted the judgment. The assessor certified as to the number of acres cropped. The insurance department refused to pay the loss, however, on the ground that it was not liable since the land was not assessed for hail insurance taxes.

Attorney General Lemke, in his brief for the insurance department, denies the liability of the state, asserting that the assessor, whose duty it was to make a return of tillable land, did not do so, and if tillable land is presumed it was not tillable land. The owner was bound by law to make a report of the number of acres of cropped land, it is alleged.

About twenty-five claims are affected, the amount being several thousand dollars.

The new hail law was changed to provide specifically that the hail insurance department will not be liable unless land is listed for assessment.

POSTMASTERS TO MEET HERE

The state postmasters' organization will hold a convention in Bismarck June 15 and 16, it is announced today. The Commercial club has been informed of the time of holding the meeting. Postmasters from all parts of the state are expected to be present.

START DRIVE FOR GOOD ROADS IN WARD CO.

Advice sent to the office of the North Dakota State Good Roads Association office in this city this morning from Minot state that the membership drive for the association tomorrow in the Wonder City will be ushered in by a monster truck parade, immediately after which the committees will cover the town. It is expected that Minot will roll up a very large membership for the association.

MAY START OIL DRILLING SOON

Marmath, N. D., April 19.—Indications are that the well drilling machine will arrive soon and that before June 1 actual drilling for oil will commence here.

HARDY HEADS MARMARTH NINE

Marmath, N. D., April 19.—Frank Hardy was elected playing manager of the Marmarth baseball team at the last meeting and H. H. Bond and W. N. Thompson were chosen as the schedule committee.

CITY COMMISSION TO PROBE DOWNTOWN PAVING WORK; NEW COMMISSION TO MEET TONIGHT TO ORGANIZE

Appointments to be Held By New Members Discussed at Meeting

FEW APPLICATIONS MADE

Members of Commission Declare That There is Not Great Demand for Jobs

The new city commission will organize at a meeting tonight, immediately after the old commission approves the minutes of its meetings of last night.

Although the commissioners held an informal conference this morning and were to talk matters over again this afternoon, the posts that the various commissioners will hold appeared a matter of doubt.

The departments of the city government, under the commission form, are: President of Commission, executive department; departments of finance, fire and police, streets and sewers and water.

Suggested Line-Up

It was generally expected that John Larson, commissioner of the department of finance, would continue to hold that post. John French, now commissioner of streets, has been urged for transfer as commissioner of the police and fire departments, a post which has been held by Chris Bertsch Jr. C. W. Henzler, new member of the commission, also has been urged for this department. H. A. Thompson now is commissioner of sewers and water.

Chief of Police Chris Martinson and Fire Chief Robert Jager are generally expected to continue in their respective posts. The new appointments will date from May 1.

Only One Application

According to members of the commission there have been virtually no applications for city jobs from outsiders. One man applied for the position of city engineer. This is said to be the only direct application.

The old city commission will hold a meeting at 7:30 p. m. and after the conclusion of its business Mayor Lucas will relinquish the chair as president of the city commission to A. P. Lenhart, newly-elected president.

Commissioners Lenhart, Thompson and Henzler enter upon four-year terms. The terms of Commissioners Larson and French continue for two years.

RESOLUTION ON PEACE TO GET EARLY ACTION

Foreign Relations Committee To Take it Up Next Thursday

Washington, April 19.—The Knox peace resolution will be taken up by the senate foreign relations committee next Thursday, it was announced today, with a view to prompt favorable report. The date for senate consideration is indefinite as it is the plan to take up first the emergency tariff bill and the length of time the finance committee will spend in considering that measure is indefinite.

SERVICE MEN ASK TREATMENT FOR BAD TEETH

Fargo, N. D., April 19.—Seven hundred claims, averaging about \$25 each, have been filed with the dental division of the United States public health service by North Dakota former service men, according to announcement today at the headquarters of the North Dakota department of the American Legion.

Special forms are necessary for the applicant for dental treatment to fill out, which must be passed upon by the dental division of the health service at Minneapolis, Minn., before the former service man is authorized to receive dental attention from a dental examiner.

State headquarters of the Legion announce that if the health of a former service man has been impaired because of tooth trouble, resulting from lack of dental attention while serving with the United States forces, the man is entitled to compensation from the government. Any Legion post in the state or state headquarters will supply applicants with the necessary papers.

G. O. P. INCREASES ITS MAJORITIES

Washington, April 19.—The Republican senate majority puts through its program of increasing Republican majorities on committees.

ONTARIO VOTES DRY BY 200,000

Toronto, Can., April 19.—Ontario province voted dry by 200,000.

New Mayor



A. P. Lenhart New members of the city commission—A. P. Lenhart, president; C. W. Henzler and H. A. Thompson, (re-elected) commissioners, take office tonight. The new commission organizes tonight.

PRESIDENT TO SPEAK IN N. Y. AT UNVEILING

Harding Visits Metropolis For First Time Since His Election

Unveiling of Statue of South American Patriot is Chief Feature

New York, April 19.—New York today eagerly awaited the arrival of President Harding on the occasion of speaking at the unveiling at Central park of an equestrian statue of General Simon Bolivar, "South American liberator." President Harding is making his first visit to the metropolis since his election.

S. AMERICANS CELEBRATE

Caracas, April 19.—Venezuela today celebrated the anniversary of the final campaign of 1821 during which Simon Bolivar defeated the Spanish Royalists and established the independence of this country. In commemoration of the event the statue of George Washington, which was recently transferred from the position it held for many years to a new and beautiful site in Washington park, was unveiled.

TWO BISMARCK PEOPLE NAMED ON COMMISSION

Governor Appoints 7 Members of Children's Code Commission

A children's code commission, created by enactment of a law of the 1921 legislature, has been appointed by Governor Frazier. Members of the commission are:

A. J. McCoull, Minot; Henrietta Lund, Bismarck; C. L. Young, Bismarck; Mary Flemington Strand, Ellendale; Hazel Farkasch, Bismarck; Margaret Froats, Grand Forks; C. L. Vigness, Glen Ullin.

The commission's duty, as outlined in the legislature act, is to make a thorough investigation of problems affecting the welfare of children, and to make a report to the next legislature.

Governor Frazier has appointed James W. Lloyd, of Bowman county, a member of the state board of osteopathy, the term ending May 6, 1922.

CAPT. WANNER JOINS STAFF OF ROADS ASS'N

E. G. Wanner of this city has accepted the position as field man for North Dakota State Good Roads Association and has entered actively into his duties. He went to Wilton this morning to make arrangements for a membership campaign in that city and McLean county in the near future. G. W. Stewart of Wilton, is the county chairman of McLean county, and is out for a record in the matter of memberships. Tomorrow Mr. Wanner will go to Jamestown and LaMoure to conduct membership campaigns, in fact, is dated up for several weeks in advance in the southeastern part of the state for the good roads organization. Mr. Wanner has a wide acquaintance throughout the state, and no doubt will make a great success in his new position.

MAIL CLERKS TO SHOOT TO KILL

Chicago, April 19.—Instructions were received to train 2,000 mail clerks here to "shoot to kill" mail robbers. The mail clerks will be armed with shot-guns.

Contractors Fail to Make Repairs in Paving District Number One

PAVEMENT SAID FAULTY

Present Commission in Last Meeting Transacts Other Business

The new city commission, which assumes office today, will have before it as one of its first big problems the investigation of the paving district number one, embracing the downtown section.

A report was submitted to the city commission last night by H. F. O'Hare, city attorney, in which he told of demands being made upon the contractors to repair the paving, which is declared to be in bad condition. The suggestion was made by the city attorney that a thorough investigation of the paving be made with a view to preparing for legal action if the paving companies and the bonding companies failed to make repairs as provided by the guarantee. The companies had not made repairs as demanded, he said.

The paving in district number one embraces the bitulithic paving put in by Hanlon and Okes, contractors, of Minneapolis, with Warren Brothers, of Portland, Ore., sub-contractors for the surfacing. The assessment rolls were approved Sept. 10, 1917, and the five-year guarantee of the paving companies and bonding company expires Sept. 10, 1922.

May Be Faulty Base.

It was reported by commissioners that there are many holes in the paving, indicating a faulty base. Complaints were first made several months ago.

The commission received a petition signed by 32 people asking that Jack Burton be retained in charge of the city dumping grounds. The petition was passed over to the new commission, which has power to make the appointment.

A petition for construction of cement sidewalks in Riverview addition was granted. It was signed by Oliver Lundquist, C. G. Boies, S. A. Floren, J. J. Osterhouse, C. D. Owen.

Moves Building.

A letter was received from E. G. Patterson regarding the moving of old buildings from the corner of Fifth and Main streets, which were burned in a recent fire and which are being removed to permit the erection of a building by Herman Lasken. Mr. Patterson said all buildings had been moved out of the fire limits except one, which is standing now partly in the alley. He asked permission to remodel it into a storehouse, repairing it with brick veneer and facing Main street or the alley, next to the Clifford restaurant.

The street department was instructed to put up anti-dumping signs on several lots in the residence district of the city where people are said to have dumped refuse during "Clean-up Week." The commissioners were of the opinion that the people of the city generally had done excellent work during "Clean-up Week" but there are some unsightly places which were not touched by owners.

The cost of the city election was reported as \$384, and bills were approved.

W. S. Casselman, who is to qualify as city justice of the peace, was given permission to hold court in the city hall.

FIRE COSTLY AT WINNER

Gwinner, N. D., April 19.—The fire yesterday morning did an estimated damage of \$175,000 despite the best work that Oakes fire department could do in checking the greedy blaze. The hotel, Thompson Lumber Yards, hardware store and the printing plant of the Prairie Press were all destroyed.

SWISS OFFICERS WANT MONEY

Geneva, April 19.—Soviet Russia's debt to Switzerland, according to statistics of the Swiss Federal government, amounts to 466,000,000 rubles, 129,000,000 Swiss francs, 6,000,000 French francs, 4,500,000 pounds sterling and 3,900,000 marks.

According to information here, Switzerland does not intend to open commercial relations with Russia until this debt has been paid or guaranteed has been given for its payment.