

COURT ATTEMPT TO BLOCK RECALL ELECTION?

DAIRY CIRCUIT PLAN WILL BE TALKED SEPT. 20

Meeting Called at Bismarck Commercial Club to Talk Over Proposition

FLASHER MEN ARE COMING

Success of Holstein Circuit There to be Detailed to Farmers of This County

The organization of a dairy circuit in Burleigh county in the vicinity of Bismarck will be discussed at a meeting to be held here Tuesday, Sept. 20. Announcement of the calling of the meeting was made today by the agricultural committee of the club, following investigation of the dairy circuit plan and consultation with numerous farmers in this vicinity. The meeting, it is stated, is being called upon request of a group of farmers in the immediate vicinity of Bismarck.

Full details of what has been done in the Flasher dairy circuit, only a year and a half old, will be laid before farmers at the meeting. G. H. Ritter, superintendent of the Flasher circuit, will explain the methods used and Messrs. Sawtell and Cottoner, breeders of Holstein cattle will tell of their personal efforts and success in the Flasher district. Max Morgan, livestock extension specialist of the state agricultural college, will speak.

Farmers interested in the proposition are invited to bring their wives with them. The meeting will be called at 9 o'clock in the morning of Tuesday, Sept. 20. There will be a noon-day luncheon at the Grand Pacific hotel at 12:30 o'clock at which the visitors will be entertained by the Commercial club.

Members of the agricultural committee are D. T. Owens, chairman; P. H. Fields, F. A. Lehr, J. P. Jackson and Geo. Duemeland, C. L. Young, president, and G. N. Keniston, secretary, join in the invitation.

GOOD FARMING PLAN LAUNCHED BY LOCAL CLUB

Commerce Club Committee To Aid Farmers in Obtaining Desired Information

The agricultural committee of the Commercial club is starting a campaign for creating interest in profitable farming. The committee, it is announced, expects to use the facilities of the Commercial club organization to furnish information to farmers of the county which would be difficult for them to obtain single-handed. The action was decided upon after conference with a number of farmers who said such a service would be appreciated.

In a circular letter now being issued the committee dwells upon dairying.

"We sent you a table showing the production record of a herd of Holsteins owned by one, Frank Gaebbe of New Salem, N. D., wherein is shown the exact cost of maintaining each animal, exactly what the product is, and the exact profit which came to Mr. Gaebbe continuously through the milking period. The feed cost of these animals is calculated on the basis of the market price of the hay, silage, alfalfa and grain consumed. However, no charge is made for transportation of this crop to the market and no charge for railroad transportation, and yet each of these animals yielded practically 100 per cent on the cost of her feed."

"It is true, however, that the table makes no showing for the labor in caring for and milking these cows; but you will also observe that there has been no account taken of the valuable calf that each will drop during the year. In normal times, or even now, the calf will pay the producer not less than 50 per cent on his investment when it is not more than six months old.

"Would you be willing to put a registered Holstein sire at the head of your herd, keep a record of the milk produced, feed consumed, and assist in the employment of a superintendent duly accredited by the North Dakota Agricultural College?"

Articles of incorporation have been filed for the Leith Oil and Gas company, which proposes to develop oil leases in southwestern North Dakota. The capital stock of the company is \$25,000; the incorporators, J. J. Ryan, O. J. Saunders and A. W. Patterson, of Leith.

This is the second company to be incorporated since considerable excitement spread over the Slope country in the belief that it has natural formations of oil territory. The New England Petroleum company proposes to drill for oil in the near future. As yet no wells have been sunk. Geologists have looked over the territory.

FUN!



Captain Fitzgerald, daredevil, pronounced along the electric sign which tops the towering Wurlitzer building in New York City. "Oh, just for fun!" he answered when asked why he did it.

NEW LIBRARIAN IS APPOINTED

Miss Mary E. Downey Takes Charge of State Library

Miss Mary Elizabeth Downey, recently secretary of the state library commission of Utah, has assumed the position of North Dakota state librarian, having been engaged by the state board of administration to succeed Miss Blanche Heidrick, who has returned to her home in Columbia, Mo.

Miss Downey declared she saw great possibility in the extension of library work in North Dakota, particularly in the development of county libraries, which she said, naturally followed the consolidation of schools, in which great progress already has been made in North Dakota. She also will interest herself in the development of libraries in towns which do not have libraries, she said. One of her first efforts will be to launch "book drives" in a number of cities and towns in an effort to increase the number of books in the libraries.

Previous to her experience in Utah, Miss Downey was for four years library organizer for the Ohio state library board. For several years she has directed the summer school for librarians at Chautauqua, N. Y. Miss Downey is a graduate of Denison university, Ohio.

ONE KILLED IN CARD GAME

St. Paul, Minn., Sept. 16.—Frank Fisher was shot to death and J. G. Posselt, proprietor of a hotel in the downtown district, is suffering from gunshot wounds following a quarrel over a card game early today. The police are holding six men said to have been members of the party, but have been unable to learn who did the shooting. No gun was found.

MAKES CHARGES AGAINST BRIDE

Minot, N. D., Sept. 16.—Counter-charges are made by Allen W. O'Dell, in the suit brought by his 16-year-old bride of a few months, who seeks annulment of her marriage, and alimony. She asserts O'Dell is "more than 55 years old." Her father, charging O'Dell with abduction of his daughter, claims \$25,000 damages.

O'Dell's attorneys have filed answer to a court order that O'Dell appear and show cause why he should not pay \$100 temporary alimony and \$500 attorney fees pending the outcome of the divorce action.

Today's Weather
For twenty-four hours ending at noon Sept. 16.
Temperature at 7 A. M. 51
Highest, yesterday 61
Lowest, yesterday 43
Lowest, last night 40
Precipitation 0.25
Highest wind velocity 12-E
Forecast.
For North Dakota: Showers this afternoon and possibly tonight; cooler in west portion tonight; Saturday partly cloudy.

MURDER CHARGE TO BE PRESSED AGAINST "FATTY"

District Attorney Announces He is Ready to Proceed with the Case

SEEK SOURCE OF LIQUOR

If Arbuckle Transported it in \$25,000 Automobile the Auto May Be Seized

San Francisco, Sept. 16.—District Attorney Brady announced in the police court of Judge Sylvian Lazarus today that the people are ready to proceed on the murder charge against Roscoe "Fatty" Arbuckle, who is held responsible by the authorities for the death of Miss Virginia Rappe, a motion picture actress.

The announcement came after a conference between Brady and police officials called to decide which of the four charges against Arbuckle would be pressed.

There are two manslaughter and two murder charges pending.

Judge Lazarus continued the case until next Thursday at 1 P. M. Bail is not permitted under a murder charge except by special arrangement.

Federal investigation into the source of the liquor alleged to have been consumed at the Arbuckle party at which Miss Rappe is said to have suffered injuries which led to her death has been carried to Los Angeles. Robert Camarillo, assistant United States District Attorney, declared in Los Angeles that several people have made statements to him which would show that Arbuckle transported 20 quarts of whiskey in his automobile when he motored to San Francisco. It was also learned Camarillo said that a case of gin and other liquor was delivered to the Arbuckle rooms at the San Francisco hotel.

An automobile in which Arbuckle is said to have carried the liquor is said to be worth \$25,000. Officials point out that should it be proven Arbuckle transported the liquor the automobile could be confiscated under the terms of the Volstead act.

The body of Miss Virginia Rappe, according to announcement, will be sent to the motion picture city at Hollywood, a suburb of Los Angeles.

WIFE ON WAY.

Chicago, Sept. 16.—Asserting her faith in her husband's innocence Mrs. Roscoe Arbuckle, wife of the movie actor held in San Francisco, left here last night for the coast to assist her husband.

Mrs. Arbuckle who has been separated from her husband for the last five years was accompanied by her mother. She spent yesterday in Chicago seeking information which she said would help her to "clear her husband."

INJUNCTION LAW IS QUESTIONED IN MINOT COURT

Constitutionality of Statute Providing Closing of Buildings Is Attacked

Minot, N. D., Sept. 16.—The constitutionality of the statute providing for the closing of buildings by injunction in certain instances, is in question in a case here before District Judge George H. Moelling, who on Monday heard arguments on the application of Atty. E. R. Sinkler and G. W. Twiford to have an injunction, placed on the Elken hotel in Minot at the request of Mr. Watkins and State's Attorney O. B. Herigstad, vacated.

The injunction action was begun when Howard Watkins, a son of F. L. Watkins, filed an affidavit with the state's attorney alleging that one, "Jennie Doe," true name unknown, solicited him on the second floor of the hotel in question.

Constitutionality Attacked.
Atty. Sinkler and Twiford appeared for John Moore, owner of the hotel, and argued that the law providing for closing buildings in such instances was unconstitutional. They claimed the law has been held unconstitutional by several district judges.

State's Atty. Herigstad said that he had followed the law and believed the action taken in regard to the hotel in question was the proper one until the supreme court holds the law unconstitutional.

Both sides intimated that the matter will be brought to the attention of the supreme court following Judge Moelling's decision.

Judge Moelling also heard an application from Atty. Dudley L. Nash for a writ of habeas corpus for Frank Rose, recently committed to the county jail to serve a four-month sentence which had been suspended. F. L. Watkins and his assistant, F. C. Upton, and State's Atty. Herigstad were responsible for Rose's suspended sentence being revoked. Atty. Nash claimed the sentence had been satisfied. The court took the matter under advisement.

2 ARE KILLED AS TRAIN HITS TRACK WASHOUT

"Los Angeles Limited" on the Northwestern Limited is Derailed

HEAVY RAINS THE CAUSE

Eastbound Passenger Train Had Passed Over Culvert a Minute Before

Clinton, Ia., Sept. 16.—Fireman John Johnson, of Clinton, and an unidentified tramp were killed when the engine of the Chicago and Northwestern railway, a west bound passenger train No. 7, derailed in a washout west of Belle Plaine early this morning.

No passengers were killed so far as reported here.

Owing to a terrific rainstorm the train, known as the "Los Angeles Limited," was operating slowly. At the point of the derailment a culvert crosses a small creek flanked on the north side by a hill. Water washing down the hill created a torrent in the creek washing out the culvert and the engine and following two cars of the limited went into the ditch. Reports here are that no passengers were injured. The derailed cars carried baggage and express.

East bound passenger train No. 2, had passed over the culvert less than a minute before the derailment, passing the "Los Angeles Limited" a mile to the west.

U. S. EDUCATION HEAD IS GUEST IN CITY TODAY

Dr. J. J. Tigert Speaks to High School Students and Conferers with Educators

VISITS STATE DEPARTMENT

John J. Tigert, United States Commissioner of Education, recently appointed by President Harding, is pressed upon members of the Bismarck high school today the value of education in dollars and cents.

Dr. Tigert, speaking in the assembly room before the students and teachers, cited the great advance made in the iron and steel industry in the United States through scientific research. The status of the iron industry a score or more years ago represented the natural ability of the creators of the industry; the condition today reflects the value of education.

A steadfast purpose in life, ambitiously pursued, was urged upon the high school students. He pointed as examples the purpose and perseverance of Andrew Jackson and Napoleon Bonaparte. He drew a contrast between ability, ambition and education rightly and wrongly applied.

One of the greatest problems of education today is to see that energies are directed in the proper channels, Dr. Tigert said.

"You can't do much in the world today without education and ability," he told the students. "You can't accomplish much without purpose and perseverance, and both of these must be used to keep education in the right direction."

Dr. Tigert, who is en route to Seattle to visit a branch office of his department, is stopping at the state capitol along the way to pay his respects to the state departments of education. He was honored at a breakfast given at the Grand Pacific hotel by Miss Minnie J. Nielson, state superintendent, at which heads of many of the educational institutions of the state were present, among them Dr. Thomas F. Kane, president of the University of North Dakota, a former colleague of Dr. Tigert when the latter was engaged in educational work in Kentucky. Heads of the institutions and E. J. Taylor, deputy state superintendent, spoke briefly.

Joseph A. Kitchen, of Sentinel Butte chairman of the educational committee of the last house of representatives and candidate in the recall election for the position of Commissioner of Agriculture and Labor, spoke briefly, being introduced by Miss Nielson as the "next Commissioner of Agriculture and Labor of North Dakota."

Dr. Tigert was to hold a conference with the educators this afternoon and to leave for the west on No. 1 tonight.

JAMESTOWN BOY GIVEN HIGHEST FRENCH MEDAL

Jamestown, N. D., Sept. 16.—Vernon Zacher, former Jamestown boy now attending college at Bozeman, Mont., has been awarded the chevalier order of the Legion of Honor by the French government, the highest medal of France.

Mr. Zacher left Jamestown with Company A in the World War. Later he was transferred to the 90th division and in 1919 was awarded the Croix de Guerre and Distinguished Service Cross.

FORMAL PROCLAMATION ISSUED TODAY FOR RECALL ELECTION ON OCTOBER 28

Checking of petitions filed for the recall election was completed early this morning in the Secretary of State's office and the formal proclamation calling an election for Oct. 28, it was announced that there were 73,893 names on the petition for the recall of Governor Frazier; 73,237 for the recall of Attorney-General Lemke and 73,187 for the recall of Commissioner Hagan. The independent headquarters at Fargo had announced the count as 74,034. The required number was 56,000.

The formal proclamation of Secretary of State Hall follows:

PROCLAMATION
Whereas: Petitions have been filed in this office, signed by at least thirty per cent of the qualified electors who voted at the preceding election for the office of governor in the state, demanding the recall of Governor Lynn J. Frazier, Attorney-General William Lemke and Commissioner of Agriculture and Labor John N. Hagan; now,
Therefore, in accordance with Article 33, of Amendments to the State Constitution, I, Thomas Hall, Secretary of State of the State of North Dakota, do pro-

claim and call a special election to be held in each precinct in the state, on Friday, October 28th, 1921.

Other candidates for each office may be nominated in the manner as is provided by law in primary elections, otherwise, said election shall be conducted the same as a general election.

There will also be submitted to the electors for their approval or rejection, at said election, the following proposed constitutional amendments and initiated laws:

1. Constitutional Amendments
2. Debt Limit—Bond Issues.
3. Compensation of Members of the Legislature.
4. County Officials.
5. Initiated Measures
6. Non-Partisan Elections.
7. Partisan Elections.
8. Public Depositories.
9. Industrial Commission.
10. Rural Credits.
11. Bank of North Dakota.
12. In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, this sixteenth day of September, 1921.

THOMAS HALL,
Secretary of State.

AMERICAN DEAD OF ZR-2 REACH NEW YORK TODAY

New York, Sept. 16.—The British cruiser Dauntless bringing home the body of the 16 officers and men of the American navy who lost their lives in the ZR-2 disaster arrived off Sandy Hook today, escorted by American warcraft. She was expected to wait outside the harbor until afternoon and then at high tide to come to the navy yard.

MINIMUM WAGE HEARINGS SET

Commission to Get Evidence in Bismarck Sept. 28 and 29

A majority of the members of the workmen's compensation bureau will be present at each of the hearings to be held in the near future to gather data for the issuance of new schedules of minimum wages for women, according to S. S. McDonald, of the bureau. Most of the present classes of minimum wages are ineffective because of court injunctions in which one of the allegations was that a full board was not present when the orders were adopted. It is proposed in the new hearings to have a majority of board members at the hearings and a full board at the consideration of testimony.

Places and dates of hearings follow: Bismarck, Sept. 28 and 29; Fargo, Oct. 3 and 4; Grand Forks, Oct. 6 and 7; Minot, Oct. 18 and 19.

Members of the state board are Commissioner of Agriculture John Hagan, Commissioner of Insurance S. A. Olmstead, S. S. McDonald, Philipp Elliott and C. A. M. Spencer.

JAPS CAUTIOUS OVER SHANTUNG

Tokio, Sept. 16.—It was intimated in responsible circles here today that if China declines the recent proposal of Japan with regard to the turning of Shantung over to China which the government considers eminently reasonable in nature, Japan may refuse to discuss the Shantung question at the coming Washington conference.

NEW REDUCTIONS ON NABISCOS

Another reduction announced today by National Biscuit Company brings Nabisco and other sugar wafers in packages back to pre-war levels. Prices on the whole line of bulk varieties are further reduced from two to five cents per pound.

SHRILL BLASTS OF WHISTLES TO USHER IN "DOLLAR DAY" BARGAIN SALES IN CITY ON SEPT. 28 AND 29

The big "Dollar Day" sales planned for Sept. 28 and 29 in Bismarck will be inaugurated by the blowing of whistles.

At 9 o'clock in the morning on both days the fire whistle will sound its shrill blasts. All locomotives in the railroad yards will blow their whistles and automobile owners will be requested to join in the chorus with their horns. It is planned to make the beginning of the big "Dollar Day" bargain days real events.

An extensive publicity campaign is to be carried on preceding "Dollar Day." The message of the special offerings will be carried into 10,000 to 15,000 homes within the Bismarck territory.

BRITISH FIRM ON ERIN STAND REPORTS AVER

Public Opinion Supports Lloyd George in Denial of Republic Status

ANSWER IS DUE SOON

British Premier, Ailing, Expected to Frame Reply to Mr. De Valera

London, Sept. 16.—Prime Minister Lloyd George from whom the next move in the Irish negotiations is looked for, was still ailing at his vacation-time home at Gairloch this morning. He was reported to be better, however, and was contemplating a return to London earlier than he had anticipated to consult his colleagues on the situation arising from Eamonn DeValera's statement in his letter made public yesterday that only as representatives of Ireland as a sovereign state did the Dail Eireann have power to act and from Mr. Lloyd George's own cancellation of the arrangement for the proposed conference at Inverness.

Public opinion in England so far as it has found expression is virtually solid in support of the premier in his contention that all the advances possible toward peace have been made by Great Britain and that the government cannot go further to meet the Irish Republican aspirations.

There was hope that Mr. DeValera would ask his people for a new mandate and that a plebiscite in Ireland would result in favor of acceptance of Dominion home rule.

ENCOUNTER IN BELFAST

Belfast, Sept. 16.—(By the Associated Press.)—Encounters between opposing factions in interior Ulster were reported here this afternoon. Two unarmed constables on a cycle patrol near Crookstown in east Tyrone were shot at by scouts alleged to be covering Republicans at drill. They reported the matter to their barracks and a patrol was sent out which intercepted three cyclists, one of whom had a loaded revolver and other weapons. This man was arrested.

WOULD MEDIATE IN TURK WAR

Geneva, Sept. 16.—Suggestions tending to bring about mediation between Turkey and Greece have been made in league circles.

TWO POSSIBLE METHODS OPEN FOR AN APPEAL

According to Political Gossip Publicity Pamphlet and Fraud are Basis

LEAGUE CHARGES FRAUD

Say Many Names Fictitious— I. V. A. Has 7,000 Names To Spare

With petitions bearing 74,000 names on file and Secretary of State Hall preparing to issue a formal call for the recall election on October 28, 43 days from today, political observers in the state capitals were awaiting an expected move by Nonpartisan forces to block the election through court action.

Two possible grounds for an appeal to the supreme court for the review of the Secretary of State's decision on the sufficiency of the petitions were pointed out. They are:

That there are no funds available for the printing of a publicity pamphlet before the election as required by the constitution.

That there was fraud practiced in so great a degree in obtaining petitions that they are invalid.

A request was made of the state emergency commission by Secretary of State Hall for \$10,000 with which to print a publicity pamphlet. Action was deferred until after the filing of the petitions. Governor Frazier and Secretary of State Hall only were at this meeting. With the filing of the petitions the secretary of state was preparing to renew his request at the first opportunity. The members of this commission are Governor Frazier, Commissioner of Agriculture Hagan, two of the state officials whose recall is asked, and Mr. Hall.

Constitution Mandatory

The constitution provision regarding the printing of the publicity pamphlet is mandatory. It says that "the secretary of state shall cause to be printed and mailed to each elector a publicity pamphlet, containing a public account measure together with its ballot title to be submitted at any election."

The printing of the publicity pamphlet would, therefore, carry the proposed constitutional amendments and initiated measures, submitted by the Independents as a part of the recall program, to every elector in the state, giving an immense amount of free publicity to the opponents of the state administration.

The legislature authorized funds for the printing of the publicity pamphlet but the item was omitted from the enrolled bill, the secretary of state has charged. Should the emergency commission refuse to transfer funds for the printing of the publicity pamphlet the Nonpartisans might cite failure to obey the constitutional provision as a cause for an appeal to the supreme court to prevent the election, it is pointed out by Independents.

Fraud Affidavits Filed

Charges of fraud in obtaining signatures to petitions have already been made by the Nonpartisans. It was announced at the office of Attorney-General William Lemke that he would return from a speaking tour next week and he is expected to take up the legal phases of the election.

Assistant Attorney-General W. A. Anderson declared that numerous affidavits are on file in the attorney-general's office to the effect that signatures were fraudulently obtained. He declared these charges were that persons other than the petitioners signed them and in one case, he said, there was a charge that children signed the affidavits. O. B. Tewes, of the attorney-general's office, is to have charge of stenographers who will copy names of signers to recall petitions and Mr. Anderson said they would be checked.

The attorney-general may attack the petitions by a request to the supreme court to review them, under the law. Protection, however, is afforded the petitioners in that under the law, as it is construed by the secretary of state, petitioners have 29 days in which to amend petitions.

Supreme Court Can Review

Articles 26 of the Constitution says: "The Secretary of State shall pass upon each petition and if he finds it insufficient, he shall notify the Committee for the Petitioners and allow twenty days for correction or amendment. All decisions of the Secretary of State in regard to any such petition shall be subject to review by the Supreme Court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the Secretary of State shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. Any proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it."

Have 8,000 Margin
The Independents, in filing 74,000 names, have about 8,000 more than are necessary to obtain a recall. It also is said that the Independents have hundreds of names on petitions

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