

## STATE CORN CROP SETS NEW RECORD

### BOND CONTRACT SUIT WILL GO TO ITS MERITS

Injunction if Issued Will be With Understanding of Early Trial, Nuesse Says

### KEHOE ATTACKS PLANS

Says Industrial Commission's Method is Mere Subterfuge — Lemke Answers Him

Judge W. L. Nuesse, of district court, has under consideration today the suit begun by taxpayers, including former Senator A. J. Gronna, to prevent the delivery of any more state bonds under the contract of the Bank of North Dakota with the Spitzer, Rorick & Co. of Toledo, Ohio. Judge Nuesse indicated he would render a prompt decision and demanded that attorneys agree upon a judge who should hear the case on its merits before the present Industrial Commission goes out of office.

An affidavit of prejudice against Judge Nuesse had been filed by Attorney General Lemke, which was held improper by the supreme court, and at the conclusion of the argument, which was delayed until late in the afternoon because of the filing of the affidavit, Judge Nuesse asked attorneys to agree upon a judge who should try the case on its merits providing that he issued a temporary restraining order.

Declaring that the Industrial Commission's method of selling and optioning bonds through the Bank of North Dakota "is a mere subterfuge for the purpose of evading the express provisions of the law," J. J. Kehoe, of Grand Forks, attorney for taxpayers, asked Judge Nuesse to restrain the commission and the bank from further delivery of bonds under the Spitzer, Rorick & Co. contract.

Mr. Kehoe declared that the purported contract was not binding upon the Bank of North Dakota because it was made in the name of the bank by its manager while the law provides that all contracts made by the Bank of North Dakota must be made in the name of the State of North Dakota.

"This contract, if it be a contract," he said, "provides for the actual sale of only \$1,000,000 of bonds and options the remainder. There is a stipulation which allows the Spitzer, Rorick & Co. to break the contract. But this option given by the Bank of North Dakota absolutely ties the hands of the state until Sept. 10, 1922, and the bond company does not wish to take the bonds it does not have to do so," said Mr. Kehoe.

He declared that the bonds had not been issued when the contract was made and asked "how can the bank show that it has bought the bonds when they have not been issued?"

"The Industrial Commission manages and controls the Bank of North Dakota," he said. "How can these officials, who as the Industrial Commission are prohibited from selling the bonds at less than par, do through the bank that which they cannot lawfully do as principals?"

### Lemke's Answer

Attorney General Lemke, answering the contention, read the statutes providing the Bank of North Dakota may do what any other bank may lawfully do. He said the Bank of North Dakota took the discount, that the Industrial Commission received par for the bonds and that the Industrial Commission was within the law in selling the bonds to the Bank of North Dakota just as much as it would in selling them to a bank in St. Paul, and that bank then selling them at a discount.

The Bank of North Dakota, he said, would lose no money. The bonds provide for 5-24 per cent interest. The real estate loans the bank proposes to make are at 6-34 per cent. The bank instead of losing money actually would profit, he said.

He denied that the hands of the Industrial Commission were tied until Sept. 10, 1922, because there was a provision that the Spitzer, Rorick & Co. must take bonds within 60 days after they were ready for delivery.

### Judge Nuesse's Remarks

Judge Nuesse, in remarks at the conclusion of the hearing, said the Industrial Commission was endowed with broad powers, that the acts had been approved by the people, that the Bank of North Dakota really is the Industrial Commission acting in a corporate way.

He said there was no question but that the law provided the state bonds, except the bank series, must be sold at par. He said that he did not know all of the exigencies which may have made it desirable for the Industrial Commission to obtain funds as quickly as possible and remarked that "knowing what I do of the money market I doubt if little better can be done."

He said the question appeared to be a mixed question of law and fact, and that he did not believe it could be determined whether or not the act of the Industrial Commission in selling the bonds through the bank was mere subterfuge until he knew all the conditions surrounding the sale and the necessity of getting money. He said that there was necessity of bringing funds into the state of North Dakota as quickly as possible and that the matter should be settled before the present Industrial Commission goes out of office so that the members may have the opportunity to be vindicated.

Bagdad, former capital of the Moslem empire, was founded in 731 A. D.



WARREN G. HARDING

### PRESIDENT HARDING'S CALL FOR ARMISTICE PRAYER

I, Warren G. Harding, President of the United States of America, do hereby call upon all devout and patriotic citizens of the United States to pause from their accustomed occupations and labors on Friday, the 11th day of November next, from 12 o'clock noon to two minutes past that hour (Washington time) for a period of silent prayer and thanks to the Giver of all good.

—Warren G. Harding.

### PLANS MADE FOR RED CROSS ROLL CALL

Boy Scouts Will Have Charge of Membership Drive in Bismarck

### ONE DOLLAR IS ASKED

Much Relief Work Remains To Be Done During Winter Months

The Red Cross roll call will be given on Armistice day, November 11. Citizens of Bismarck will be asked to show their appreciation for the work done by the Red Cross during the war period, both at home and abroad.

It is particularly appropriate that this call should begin on Armistice day when so many of the boys are in a position to tell of the actual work done by the Red Cross, when in the field. Not only as a relief to the sick and wounded but for service supplied in camps, in writing letters concerning sick relatives, in the tracing of soldiers, reported missing or prisoners. Also since the war much aid has been given by members of the Red Cross in helping the men to complete their claims for compensation, bonuses and insurance.

The work of the Red Cross at present consists largely in giving relief in cases of emergency, sickness and distress. Much work has been done by the local chapter in relief work for the people in the parts of the county where loss of crops has occasioned dire poverty. The Burlington county chapter of the Red Cross is furnishing supplies to the ladies of Bismarck and the county to be used in knitting sweaters and stockings for children who cannot attend school for the lack of proper clothing.

The expenses of the social worker, who investigates all cases requiring help, are paid by the Red Cross. This insures that the applicants are deserving of help.

### Director of Roll Call

Fred Hanson is director of the Roll Call. The members of the four troops of the Bismarck Boy Scouts have volunteered their services to call upon all citizens, with applications for membership. The Boy Scouts will have sole charge of the work.

The Roll Call will continue until Thanksgiving. It is hoped that there will be no home in Bismarck in which one or more members of the family are not members of the Red Cross. Sunday, November 13, will be Red Cross Sunday and appeals will be made in all churches for the hearty support of the cause. Membership dues are \$1 and those who feel they can do so may contribute larger sums.

In other cities fraternal, social and welfare organizations are supporting and aiding in the work of the Roll Call and Bismarck with its many well organized and enthusiastic welfare workers.

(Continued on page 5.)

### EVERY PERSON IN CITY EXPECTED TO JOIN IN ARMISTICE DAY TRIBUTE

### ENGLISH PARTY AT WASHINGTON

Arthur J. Balfour and Staff Reach Washington For Conference

### ONE KILLED IN HEAD-ON CRASH

Fireman Believed to Be Under Burning Wreckage

Marshal, Tex., Nov. 10—One trainman is reported missing and several passengers slightly injured as the result of the head-on collision today between a west-bound Texas and Pacific passenger and an east-bound freight train seven miles west of Longview. The passenger train was derailed, the baggage car badly smashed and the wreckage burned, according to reports to the chief dispatcher's office here. C. A. Smith, the fireman on the passenger train, is believed to be under the burned wreckage.

### WINTER MOVES ON NORTHEAST

### Storm Which Brings Winter To Many Sections Moves To New England

Washington, Nov. 10—The storm which brought winter weather with rain and snow to wide sections of the middle west yesterday was moving northeastward to the New England states today with weather bureau predictions of similar weather there and in the North Atlantic states generally. The forecast was for clearing weather, however, later today in the North Atlantic section and for fair weather there and elsewhere generally east of the Mississippi river by Friday, Armistice Day.

### PROCLAMATION

By A. P. Lenhart, President City Commission.

Whereas, President Harding has been authorized by Congress to issue a proclamation declaring November eleventh a holiday as a mark of respect to the memory of those who gave their lives in the late World War as typified by the unknown and unidentified American soldier who is to be buried in Arlington National Cemetery on that day;

Now, therefore, I, A. P. Lenhart, President of the City Commission of Bismarck, N. D., do hereby call upon all devout and patriotic citizens to close their places of business and pause from their accustomed occupation and labors on Friday, November eleventh, from 10:45 a. m., to 11:15 a. m.

Furthermore I direct that all public and church bells tolled at intervals between 10:45 a. m. and 11 o'clock and that from 11 o'clock to two minutes past that hour all indulge in a period of silent thanks to the Giver of all good for those valuable and valorous lives and for His blessing upon our beloved country, and I furthermore recommend that the National Flag be displayed at half staff upon all public buildings from sunrise to sunset on November eleventh, 1921.

Done in the City of Bismarck this 10th day of November, 1921.

A. P. LENHART.

### THOUSANDS IN PROCESSION AT UNKNOWN'S BIER

Tribute Accorded American Soldier Equal to That of Martyred President

### BODY LIES IN CAPITOL

Great Procession Passes By Body Which is to be Buried in Arlington Cemetery

Washington, Nov. 10.—(By the Associated Press.)—Great and small folk moved in endless procession today through the rotunda of the capitol to pay tribute to the unknown dead lying in such state there as only martyred presidents have known.

Hour by hour the reaping flowers about the casket grew, mountain high and spread about the vast chamber. Flowers that bloomed in France were there and flowers brought in all their beauty from South Africa, 9,000 miles away. There was not a minute of the day unclaimed by those who would do honor to the dead. There was no organization of veterans or of patriotic people over the land unrepresented.

Among the most formal of the pilgrimages to this shrine of patriotic valor was that planned by the British embassy. From the embassy building there was arranged a parade headed by Arthur J. Balfour, head of the British delegation to Washington and Sir Auckland Geddes, British ambassador. Nearly a score of automobiles formed the procession and two motor trucks carried the flowers.

Armed Men on Guard All through the night five armed men stood motionless about the casket in the center of the great granite circle of the rotunda watching with the dead comrade as they will watch until he is carried away to sleep out time in the quiet Virginia hills.

Gradually the roped aisles leading on up the great steps to the closed doors of the rotunda filled with folk come to pass by the bier with bowed heads. Off to the right where the steps sweep up to the senate chamber another group gathered about a floral garland the first of many to be set in place. From the other side a double squad of soldiers with fixed bayonets and rifles at trail moved up the main steps and into the hall.

They were going to change guard about the casket as it had been changed at short intervals through the night, as it would constantly change all day and tonight.

Pass Four Abreast The party on the senate stairs were led up to enter the rotunda by the senate corridor. Then just at 8 o'clock the great main doors swung back and the waiting hundreds swept upward four abreast to pass by the casket.

As the first line stepped within the hall from the group beside the bier where the flowers were being set in place male voices rose in blended harmony that woke the echoes in the high vaulted roof above, now flooded with sunlight. They sang the last verse of America.

They sang with an appeal of victory and no hint of sorrow. And the last notes died away down the long corridors to right and left as the line that gave the great public its place in the ceremonies moved slowly on and out the western entrance.

About the casket on its low base those who passed by saw the five soldiers still as though carved from bronze in their khaki trappings.

### FOCH IS CHEERED

Pittsburgh, Pa., Nov. 10.—Cheered by tens of thousands of western Pennsylvanians as he rode through the principal business and resident streets of the city Marshal Foch was today the guest of Pittsburgh.

He planned to leave today for Washington where tomorrow he will join in paying honor to America's unknown soldier.

### REQUISITION IS ISSUED HERE

Requisition for the return to Cass county from Michigan of P. F. Harhour, charged with embezzlement, has been issued by Governor Frazier.

### INAUGURATION IN HOUSE CHAMBER WITH CEREMONY IS PLAN ADOPTED

Governor Lynn J. Frazier said today he had not received the invitation which, according to newspaper reports from Fargo, will be extended to him by the incoming administration, to participate in inaugural ceremonies on November 23. R. A. Nestos and other incoming officials, in their Fargo conference, decided to take office on Wednesday, November 23, the day of the meeting of the canvassing board.

The canvassing board will meet at 10 A. M. and it is expected it will conclude its work by noon. The inauguration, it is planned, will be at 3 P. M. in the house of representatives chamber.

It would be opened by the reading of the report of the canvassing board declaring R. A. Nestos elected governor, would be followed by remarks by the governor and by Mr. Nestos. The oath of office probably will be administered by a supreme court judge, although that duty is not designated to any one person by law.

Asked if he would say there would be no contest by the state administration Governor Frazier said that while there had been many petitions and letters received asking that a contest be started no steps had been taken to that end by the administration.

Attorney General Lemke, who, it is believed, would be in charge of any contest that might be started, is to leave tonight for Washington, D. C., to attend a hearing in the supreme court on Nov. 14 on the grain grading case. It is not expected in capitol circles that any court action will be started.

### "LET ME ALONE" JEWELER'S PLEA TO HIGHWAYMEN

Chicago, Nov. 10.—A plea for immunity from further robberies was addressed to the highwaymen through the papers this morning by A. L. Joseph, a young jeweler who has been robbed until he is in desperate circumstances.

"Won't you please quit until I have got on my feet at least?" he pleaded.

First he had his stock of diamonds stolen some months ago, two weeks later his automobile followed and last night he was ready to give up after robbers bound and gagged him and took \$200 from his safe, all he had left.

### ROBBERIES IN THREE CITIES NET BIG SUMS

Three Safes Blown Open in Minneapolis During Night By Yeggs

### BIG HAULS IN JEWELRY

Robbery in St. Louis of \$35,000 and in Philadelphia of \$50,000 Reported

Minneapolis, Minn., Nov. 10.—Robbers blew open three safes in Minneapolis during the night obtaining more than \$1,000. Each of the strong boxes had previously been attacked by cracksmen.

The heaviest haul was made at the L. W. Northfield company, fuel and transfer a n d building materials, where they obtained nearly \$1,000. The safe was attacked two weeks ago but the yeggs were frightened away before they succeeded in opening it.

The Anchor Laundry company's safe was next blown open and \$50 taken. This safe was opened with explosives two weeks ago, according to the manager and \$300 taken.

The third safe of the night proved to be a bungled job. The doors of the strong box at the S. H. Berg Lumber company were blasted open but an inner compartment resisted efforts to open it. The safe had been blown open four times since last April.

### STEAL MANY JEWELS

St. Louis, Nov. 10.—Two armed men today entered the jewelry store of Edward J. Gallant in the downtown section, forced three employees into a rear room and escaped with jewelry valued at from \$35,000 to \$50,000.

### HAUL WORTH \$50,000

Philadelphia, Nov. 10.—Diamond rings and unset precious stones valued at between \$50,000 and \$60,000 were stolen from a jewelry store here today by three young bandits who escaped.

### HOLD UP NEBRASKA BANK

Omaha, Neb., Nov. 10.—Three men held up officials of the Fordice state bank at Fordice, Neb., near Sioux City, Ia., today and escaped with between \$8,000 and \$10,000, according to advices.

### ORDER TROOPS TO GUARD COURT

Governor Morrow of Kentucky Takes Steps

Frankfort, Ky., Nov. 10.—Capt. L. Thompson and ten men of the Kentucky cavalry troop today were ordered by Governor Morrow to proceed to Sandy Hook, Ky., on November 14 to guard the Elliott county circuit court which convenes on that day. The troops were ordered out at the request of Judge Allen C. Cisco.

A large number of cases of whisky law violations are on the docket. Troops were ordered to Sandy Hook on July 4 and remained on guard there throughout the July term of court because of threats said to have been made by moonshiners to kill witnesses and alleged attempts to intimidate witnesses.

### PRODUCTION IS FAR ABOVE THE 5-YEAR AVERAGE

Biggest Acreage and Favorable Yield Per Acre Account For New State Record

### POTATO YIELD IS BIG

Yield of Potatoes and Quality Both Reported Better Than Last Year

Grand Forks, N. D., Nov. 10.—North Dakota's 1921 total corn production estimated at 20,496,000 bushels is the largest on record according to the Bureau of the United States Department of Agriculture here. This large production is due both to the record acreage of 733,000 acres this season and to the favorable yield per acre of 28 bushels. This yield has only been exceeded in a few instances in the past years.

Total corn production is estimated at 20,496,000 bushels compared with 17,064,000 bushels last year and a five-year average of 19,170,000 bushels.

The North Dakota potato yield is estimated at 95 bushels per acre and a ten year average of 91 bushels per acre.

State production is estimated at 9,025,000 bushels compared with 7,110,000 bushels last year and a five-year average of 6,877,000 bushels. The quality is above the average.

Preliminary estimates of the state flax crop places the yield at 6.3 bushels per acre compared with 5.3 bushels last year and the average of 7.5 bushels. State production is estimated at 3,065,000 bushels compared with 3,896,000 bushels last year and a five-year average of 5,579,000 bushels.

Reports from all counties indicate the average weight per measured bushels of wheat for the state to be 55 pounds compared with 55 pounds last year and a five-year average of 55.6 pounds; Oats 30 pounds compared with 34 last year and a five-year average of 33.5; barley 42 pounds compared with 44.5 last year and a five-year average of 44.1.

### FAIL TO FORCE TAX BILL VOTE

Democrats Lose in Seeking Acceptance of 50 Per Cent Surtax Amendment

Washington, Nov. 10.—Efforts of Democrats to force an immediate vote on the acceptance of the senate 50 per cent surtax amendment to the tax revision bill failed today, the house voting after a hot debate to lay on the table a resolution of acceptance offered by Representative Garrett, of Tennessee, the Minority leader. The instant Republicans split on the question a number joining with the Democrats on the motion to table while others voted to table under the terms of an agreement made with Republican leaders that they would not insist on instructions to the conferees.

Washington, Nov. 10.—The house concurred today in senate amendments to the bill extending the life of the emergency tariff until it is supplemented by a permanent law. The measure now goes to the President.

### OFFER REWARD IN BEIER CASE

Dickinson, N. D., Nov. 10.—The Stark county commissioners today offered a \$500 reward for information leading to the arrest of the murderer of Alfred Beier, who was found dead at his home south of the city.

### Today's Weather

For Twenty-four hours ending at noon Nov. 10.  
Temperature at 7 A. M. .... 26  
Highest yesterday ..... 37  
Lowest yesterday ..... 13  
Lowest last night ..... 25  
Precipitation ..... .15  
Highest wind velocity ..... 12W

### Weather Forecast

For Bismarck and vicinity: Snow or rain to-night and Friday; colder; winds becoming strong northerly.

For North Dakota: Snow or rain to-night and Friday; colder; winds becoming strong northerly.

Weather Conditions  
A low pressure area accompanied by snow or rain extends from Alberta to North Dakota. Elsewhere the weather is fair over the western States. Temperatures are above freezing in Montana and the Canadian provinces, but the southward movement of the storm area will be followed by lower temperatures. There will be snow or rain in North Dakota to-night and Friday with lower temperature and winds becoming strong northerly.

ORRIS W. ROBERTS,  
Meteorologist.