State Historical Society
University, N. D.

A SQUARE DEAL FOR ALL

IN TEN YEARS GRAND FORKS WILL BE A CITY OF 40,000

THE EVENING TIMES

Last Edition

VOL. 1., NO. 10. GRAND FORKS, NORTH DAKOTA, THURSDAY, JANUARY 11, 1906.—EIGHT PAGES. PRICE FIVE CENTS.

DR. WILLIAM HARPER DEAD

THE NOTED PRESIDENT OF THE UNIVERSITY OF CHICAGO FINALLY SUCCUMBS TO CANCER.

Chicago, Jan. 11.—Dr. William Rainey Harper, president of the University of Chicago since its inception, one of the foremost educators and one of the most learned Hebrew scholars of his time, died yesterday of cancer of the intestines. Although his death was known to be inevitable within a comparatively short time, and it had been announced earlier in the day that he would not, in all probability, survive for the remainder of the week, the end of his life, due to physical exhaustion, came suddenly.

Three years ago Dr. Harper underwent an operation for appendicitis and symptoms were then discovered which led the surgeons to suspect that graver troubles might arise in the future, but they were then of too indefinite a character to permit of an operation, and it was not until Feb. 22, 1905, that an operation was decided upon to determine the nature and cause of severe abdominal pains from which he had suffered for several months. Dr. McBurney of New York, the famous specialist in abdominal surgery, came to Chicago expressly for the operation, in which he was assisted by Doctors Billings and Bevan of this city. At the outset of the operation it was discovered that Dr. Harper was suffering from a cancer at the head of the large intestine and that the malady had progressed so far that an operation which would have removed it would have been fatal to the patient. A brief consultation of the surgeons resulted in the conclusion that there was nothing more that could be done by them and that the only hope of Dr. Harper lay in remedial measures alone. In a short time he left the hospital, knowing well that he was a doomed man, that his disease could not be cured, and that his death must ensue within a short time, no matter what was done in the effort to avert it. No braver fight was ever made by any man than by Dr. Harper. He took up his duties at the university as though nothing had happened or was likely to happen to him, and he was at all times apparently confident and cheerful. The X-ray treatment was elaborated in the effort to afford him relief and everything was done for him that the ingenuity and skill of his physicians could suggest. Although Dr. Harper never deluded himself with false hopes, he faithfully attempted whatever offered him a hope of recovery. At times his condition would improve, and then would come relapses that would leave him weaker than before. Despite all that was done for him he lost steadily in all things save courage. Several times the malady progressed in such a manner that small surgical operations were necessary to afford him a temporary relief.

Just prior to the holidays a portion of his strength came back and it was thought that under the influence of a milder climate his health would improve. All preparations were made for a journey to the south, but at the last minute he was too feeble to attempt the trip and it was abandoned. During the last fortnight his strength had failed rapidly, and it was evident to his medical attendants that the end could not be far off. Messages were sent to his immediate relatives and all of them were at the house when he died. Dr. Billings early in the day issued a statement in which he declared that he did not think it possible for Dr. Harper to live for the remainder of the week. At noon the doctor went to his own home, where at 2 o'clock a message reached him that Dr. Harper was rapidly sinking. Despite the utmost speed of his automobile Dr. Billings was not able to cover the five miles between his residence and the home of Dr. Harper in time. Dr. Billings later issued the following statement:

"For two weeks Dr. Harper has failed rapidly. He and his family and friends recognized the approach of the end. His physical condition has been kept remarkably free from pain by the use of a very moderate amount of one of the derivatives of opium. His mind remained clear until the end. Physical exhaustion was the immediate cause of death."

Dr. Harper left a statement outlining his wishes for the ceremonies of his funeral. A detail which he emphasized, both in writing and in person, was that no regular university exercise should be suspended except during the hours of the funeral services.

M'GAHAN LANDS THE REGISTERSHIP PLUM

The Doughty Political Warrior Is the New Land Office Register.

Washington, D. C., Jan. 11.—L. D. McGahan, who was nominated by the president yesterday as register of the Minot land office, was confirmed by the senate today.

CLOSING DAY OF THE CONVENTION

Today Marked Discussions of Important Questions From United States Officials Here to Attend Convention. ---Attorney Scott Rex's Disquisition on Drainage Laws Last Evening.

As The Evening Times went to press yesterday, the afternoon session was closed with a strong address on drainage laws by Attorney Scott Rex of this city which follows:

Attorney Scott Rex on Drainage.

The prime essentials of a drainage law are simplicity, fairness and effectiveness. The law should be as simple as the end to be accomplished will permit. It should be fair, and in order to be fair it should, and to be constitutional, it must contain provisions whereby the land owner who is to be taxed will have the right to be heard, first, on the question of whether or not the drain should be constructed, and second, as to how much of its cost shall be assessed against his land. The law should provide for submitting these questions at the instance of the land owner to an impartial tribunal competent to pass upon them fairly and intelligently. The law must also be effective, that is to say,—it must be so framed that the officers having the matter in charge may be able to push the work forward with a reasonable degree of dispatch, notwithstanding opposition thereto. It must be effective, not only in the matter of the construction of the drain, but in providing the ways and means of paying for its cost. I do not regard the element of speed or haste in the construction of a drain as of primary importance. While it is desirable that a work of this nature when commenced should be pushed to completion within a reasonable time, yet a few weeks or even a few months delay will ordinarily work no hardship, in view of the fact that our prairies have remained undrained since the close of creation, and a reasonable delay in the prosecution of the work can better be borne than that the work should be rushed through under a law which secures haste by sacrificing other more important ends.

Our first drainage law was enacted in 1893. The general scheme of this law was much the same as present law. It was, however, held unconstitutional by our Supreme Court in 1894 upon the ground that it did not provide for paying or securing payment to the land owner of the damages accruing to him for right of way, etc., and because it provided that the county in which the drain was constructed should issue its bonds to pay for the work; this latter provision being in violation of Section 185 of our State constitution, which provides that counties shall not loan their credit. The next drainage legislation was an act passed by the legislature of 1895, which, with the amendments since made thereto, is still in force. This law has twice been held constitutional by our Supreme Court as against attacks on the ground that it did not provide for notice to the land owner, but a law providing for attorneys' fees, for attorneys employed by the board in defending their proceedings, has been held bad because of a defect in its title.

Our drainage law provides for the appointment by the Board of County Commissioners of a board of three drain commissioners, who shall hold office for two years. The proceedings for the construction of a drain are initiated by the presentation to the Board of Drain Commissioners of a petition asking such construction. If the leading purpose of the proposed drain is a benefit to the health, convenience and welfare of a city or other municipality, the petition shall be signed by a sufficient number of the citizens of the municipality to satisfy the board that there is a public demand for such drain. If the chief purpose of such drain is the drainage of agricultural, meadow, grazing, or other lands, the petition must be signed by at least six free holders, whose property shall be affected by the proposed drain (Sec. 1447, Laws 1903, Chapter 80.)

On receipt of such petition it is made the duty of the Board of Drain Commissioners to examine the line of the proposed drain, and to cause preliminary surveys to be made. If it should appear to the board that there was not sufficient cause for making the petition, or that the drain if constructed would cost more than the benefits to be derived therefrom, the petition shall be denied. If it appears to the board that there was sufficient cause for the making of the petition, and that the drain will not cost more than the benefits to be derived therefrom, the board shall make an order establishing the drain.

If the right of way is not donated, it must be obtained by condemnation proceedings under the law of eminent domain. Having obtained the right of way, the board proceeds to have final surveys and estimates made, lets the contract, and makes the assessment of benefits. The provisions of our statute as to notice to the land owner are somewhat obscure, but fairly interpreted, require notice to him and opportunity to be heard on the question of whether the drain should be constructed, and as to the amount of assessment for benefits. An assessment roll is made up by the board and delivered to the county auditor, and is by him extended against the lands benefited as a special tax. This special tax may be collected all in one year, or, if the Board of County Commissioners deem it advisable, they may issue bonds running not to exceed seven years, dividing the cost of construction into as many parts as the bonds have years to run, an assessment being levied and collected each year sufficient in amount to pay the part of the cost apportioned to that year, and the interest on the bonds. The foregoing is a brief outline of our present drainage law.

There is a question in my mind first of all as to the advisability of having a Board of Drainage Commissioners at all. I am inclined to think that the general jurisdiction over the construction of drains might as well or better be left in the first instance to the Board of County Commissioners, as is done in Minnesota and Iowa, the damages and benefits to be assessed by three viewers selected by the Board of County Commissioners, acting in conjunction with the County Surveyor. It is of the utmost importance that the assessment of benefits be made by an impartial tribunal. Under our present law no one except the Board of Drain Commissioners can assess these benefits, and from their assessment there is no appeal. Unfortunately it has sometimes happened, and doubtless will occasionally happen, that one or more of the members of the board is interested directly or indirectly in the project, either having land within the drainage district or being related to others interested within the district. Under the statutes of Minnesota and Iowa the three viewers who assess the benefits and damages in the first instance must have the qualifications of jurors in civil cases, that is to say,—they must not be in any manner interested in the project, or related to any party interested. It would seem to be impossible always to secure an impartial board to assess the benefits unless some provision is made for the appointment of such board with reference to, and to act upon each separate drain as constructed, and it would seem that the Board of County Commissioners, either through a committee or their own number or through a board of viewers appointed by them, could do this work at least as well, if not better, than the Board of Drainage Commissioners provided for by our statute. Another reason why I think this matter could as well and better be under the direct control of the Board of County Commissioners is that such board must assume control over drain as soon as finished, and the matter of issuing bonds for such construction is in their hands, so that they must necessarily, in any event, keep fairly in touch with the work during its construction. I would also suggest a change in the law, making the County Auditor the clerk of the board, and making him the official custodian of all papers and records. It is of very great importance that all the records and proceedings of the board be accessable, and at the same time be preserved, and this end is only partly accomplished by the present law.

If, however, a separate Board of Drainage Commissioners is to be appointed, as under the present law, I would favor having either the County Surveyor or a competent civil engineer made a member of the board. A large share of the work must necessarily be done by or under the immediate direction of a civil engineer, and he could certainly, as well as not, take a place on the Board, drawing pay commensurate with the work done.

The first actual step in the construction of the drain is procuring the right of way. Our law of eminent domain is fully adequate for this purpise, being plain, speedy and effective. Work cannot be begun, however, or possession taken of the right of way until the compensation awarded to the land owners for such right of way is either paid or secured.

Here we strike another weak spot in our law. The statute provides that warrants to pay for the right of way shall be drawn on the County Treasurer, payable out of any funds in his hands, for the construction of such drain, and that such warrants shall be negotiated at not less than par, and the proceeds paid into the court for the benefit of the land owners whose land has been condemned for right of way. These warrants are payable only out of funds thereafter to be received in payment of the special assessment levied by the board for the construction of the drain; their payment is not guaranteed by the county, or by anyone else. Payment of such warrants is liable to be defeated entirely, by reason of errors or irregularities in the proceedings of the board, or the abandonment of the enterprise, etc. Such warrants are not a safe investment, and can, I believe, ordinarily only be sold, even in a small amount, with difficulty, and at a comparatively high rate of interest. I would favor making all charges in the construction of drains county expenses, payable in the first instance out of the county treasury direct, the county to be re-imbursed by special assessment against the land benefited. I will refer to this matter again later in connection with the issuance of bonds.

The law provides that so far as practicable, drains shall be located on dividing lines between sections, or regular sub-divisions thereof. This provision, I think, is of questionable propriety so far as locating a drain on a section line is opened up and used as a public highway is concerned. The probable object of this provision was to reduce the expenses of acquiring the right of way and probably the betterment of the highway, but there is very little saving of expense as the owner of the adjacent land is entitled to compensation for the additional easement put upon his land by the location of the drain along the highway. There are some serious objections to the construction of large drains along highways. A drain of any considerable size along the side of a highway is, even as originally constructed, something of a danger and menace to travel. Experience shows that nearly all of the larger drains keep washing out and increasing in depth and width, with the result that the banks crumble, thus further increasing the danger of highway travel, and the numerous highway bridges require constant watching and repairs. I would favor an amendment giving the board power to locate the drain wherever they thought best, with the cautionary warning to follow dividing lines and keep away from the highways so far as this could be done without detriment to the drain.

As I have already stated, the commissioners are required to examine the route of the proposed drain, and to determine whether or not it shall be constructed. Here we strike another weak spot in our law. There is no method of appeal provided from the order of the commissioners' deciding either to construct or not to construct the drain. Their order is final and cannot be reviewed except upon a clear showing of fraud or demonstrable mistake of fact on the part of the commissioners. It has unfortunately sometimes happened, and is liable in any case to happen, that members of the Board of Drain Commissioners have been actively interested in the formation of drainage projects, with the result that action has sometimes been taken in defiance of the wishes of a considerable part of those who had to pay for the improvement. This is really an argument against the existence of the Board of Drainage Commissioners as now constituted, as hereinbefore pointed out. It would seem that, if the law relative to the appointment of the board is to remain as it now is, that it should certainly be amended so as to provide clearly, first,—for a hearing on this question before the board, and second,—for the taking of an appeal from its decision to the District Court. This would not involve much delay, and those interested would have the satisfaction of having their grievances heard and passed upon by an impartial tribunal. I find such provision for appeal in all the drainage laws I have examined, except our own.

Aside from the foregoing question of whether or not a drain shall be established along a given location, the point where boards of drain commissioners most often come in contact with the land owners is over the assessment of benefits. The drain must be paid for, and those who are to be benefited thereby must pay for it. It is unquestionably true that the extent and amount of such benefits to land in the vicinity is, in many, and probably in most cases, a problem not at all easy of certain and accurate solution. In my own experience I have more than once heard it confidentially asserted by each side in a controversy over this question, that the other side proposed to make water run up hill, something which I believe cannot successfully be accomplished, unless it be in drainage proceedings. Here again our law is seriously defective in that no method of review of the assessment is provided. The Board of Drain Commissioners, and that board alone, has the power to establish the drain, and having established it, has the exclusive power to say who shall pay for its construction, and how much each shall pay. Its powers are supreme on these matters, and from its decision, no matter how unjust or how unfair, there is no appeal to any court, and no relief to be had from any source, in the absence of proof of fraud or of demonstrable mistake of fact. This savors too much of arbitrary power, and is contrary to the spirit of our laws and institution. A provision should be inserted for an apeal to the District Court from the assessment of benefits. This could be so arranged as not in any manner to interfere with the construction of the drain, and would give everyone who deemed himself aggrieved an oportunity to be heard by an impartial tribunal. Whether disgruntled property owners availed themselves of such right of appeal or not, they would have no further real cause to complain of the arbitrary and czar-like methods of the board, which the soreheads now sometimes complain about.

The law provides for the letting of contracts for the construction of drains in sections or competitive bids, and does not seem open to criticism in this respect.

There remains to be considered the matter of payment. The Board of Drain Commissioners are required to prepare and file in the office of the County Auditor a list showing the several tracts of land to be taxed for the construction of the drain, and the amount of taxes which they have assessed against each tract, and the auditor is required to extend this tax against the lands taxed, and the same is collected as other taxes. If, however, as is likely to be the case, the burden of paying the entire cost of the drain is too heavy to be borne all in one year, the County Commissioners may, if they see fit, authorize the issuance and sale of bonds in a sum sufficent to defray the entire expense of the drain. These bonds are to run not less than three nor more than seven years, must be sold at par, and cannot draw a greater rate of interest than 7 per cent. The county is not in any manner obliged for the payment of such bonds. When bonds are issued, the amount of the special tax for the construction of the drain is divided into as many parts as the bonds have years to run, and one of such parts and the annual interest on the bonds is levied and collected each year. The bonds are payable only out of the funds so realized. These bonds should be guaranteed by the county. As it is now, the bonds can hardly be sold at par, although they draw 7 per cent interest. If guaranteed by the county, they could readily be sold at par, if drawing 4 or 5 per cent interest, thus making a considerable saving to the land owners, and the county could be made perfectly safe by a provision limiting the time within which the drainage proceedings could be called in question, and giving the right to reassess in case of defects of informalities in the proceedings. A saving of 2 per cent a year for seven years on $20,000.00 worth of bonds amounts to $2,800.00, and a proportionate saving in interest could be affected in every case without loss, damage, or liability to anyone if the law were changed so that the payment of the bonds was guaranteed by the county in which the drain was located, for the construction of which bonds were issued. This cannot be done without an amendment to our state constitution as held by the Supreme Court when holding the 1893 drainage law unconstitutional. Section 185 of the state constitution prohibits the counties from loaning their credit, and was held by the Supreme Court to prohibit counties from issuing bonds for the payment of drainage work, and from guaranteeing the payment of such bonds. This section of the constitution was doubtless inserted to prevent the floating of railroad aid bonds and stocks, and other enterprises of that sort. I apprehend there would be no opposition to the adoption of a provision to this section, authorizing the county to guarantee the payment of drainage bonds, the ultimate payment of which was secured by a lien on the lands assessed.

Our law makes no provision for legal counsel for the board, or for the compensation of such counsel if employed. This is a defect, certainly from the lawyer's point of view. Employment by the board, while of a highly honorable nature, is not alluring to the average practictioner when there is no compensation in sight. I would advise a provision for the employment and compensation of counsel. I do this, not from a lawyer's standpoint, but as a business proposition. It will pay. Such a law passed in 1901, but was defective, and was held unconstitutional. It does not seem fair that this work should be shouldered upon the county attorney, as the work is healthy and responsible and does not really concern the county at large. I believe it is essential to a fair drainage law that land owners be given free access to the courts, and if this is done, the board must also be represented by counsel, and should be given authority to employ counsel, and the means to pay therefor. This could be done either by taxing additional counsel fees as costs against the defeated party, or by the creation of an expense fund for the use of the board. If it was known that the board had had the advice of competent counsel in all preliminary steps, and that it was ready and willing to defend its actions in court, if need be, the temptation to litigate would be lessened.

The law should so aimed as to forbid running lateral drains by persons not assessed.

There is one other question which does not pertain strictly to the topic assigned me, but which is of interest, and because it underlies our entire scheme of drainage laws, it seems proper to discuss it briefly. Practically all the drains that are constructed in this state are constructed under that provision of the law which authorizes drains to be constructed where the "chief purpose of such drain is the drainage of agricultural, meadow, grazing, or other lands." I doubt whether a single drain has ever been constructed in the state, the construction of which could be justified as a police regulation, on the ground that it was necessary for the public health or welfare. Now, six free holders, whose lands wil be benefited by the construction of a drain, can petition the board, and the board can go on and construct the drain across the land of six other men, who perhaps do not want it, and can make sixty men, whose lands are not benefited, pay for it, although fifty of them might not want it. Our state constitution forbids the taking of private property for any other than a public purpose, (Sec. 14.) No man or body of men can condemn and take any man's land, except that taking be for a public use. The courts have held that what constitutes a public purpose or use is a judicial and not a legislative question, that is to say,—that the legislature cannot make a use or purpose a public one simply by calling it such. The courts of New York, Michigan and Illinois have laid down the doctrine that land cannot be condemned or taken where the primary object was simply the betterment of wet land by drainage. The result of these decisions was that the state constitutions of Illinois and New York, and I believe also of Michigan, were amended to permit this work to be done. The Supreme Court of Minnesota (92 N. W. 216,) which held the present drainage law of 1901, and also their former drainage law of 1897 (80 Minn. 58,) which were worded in this respect much like our own constitutional holding that the reclamation of large tracts of wet land was a public purpose, and I apprehend that if this question should be brought before our Supreme Court, it would follow the holding of the Minnesota court, but, as above suggested, there is eminent authority to the contrary. If, as I heretofore suggested, it be deemed advisable to amend our state constitution so as to permit counties to guarantee the bonds issued for drainage work, then I suggest that the amendment be so drawn as clearly to authorize such work where the primary purpose was drainage only, and to authorize payment therefor by special assessment against the land benefited.

The weather man was kind and "Hill Day" of the North Dakota drainage convention dawned mild and glorious. Fleecy clouds chased each other across the crimson sky as the reception committee of the Commercial club wended their way to the Great Northern station in the early dawn to welcome the last and greatest of the "pioneer railroad builders," to the city. President James J. Hill's private car was attached to train No. 9 which runs via Fargo and Breckenridge, and to prove that the Great Northern system is no respector of persons, No. 9 was 40 minutes late and while due in the city at 7:45 did not reach here until 8:45.

The reception committee consisting of Wm. Budge, J. D. Bacon, Dr. Taylor, Steve Collins and R. H. McCoy, boarded the private car as soon as No. 9 pulled into the yards, but Mr. Hill's private secretary met them and said that while Mr. Hill wished to be called on reaching the city that the great railroad promoter was asleep and that he did not wish to wake him unless the committee expressly desired it. At 10:30 the committee returned and escorted Mr. Hill to the State University where he delivered a short address to the students.

Forenoon Session.

This morning the first session of the convention was held in the Metropolitan opera house. The attendance was large, there being between three and four hundred people present. The delegates continued to pay the strictest attention to the papers and discussions. The enthusiasm grows rather than abates, and the convention is proving to be one of the most successful in the history of drainage in the northwest.

C. G. Elliott of the department of agriculture, Washington, chief of the division of irrigation and drainage investigation, delivered one of the two addresses of the morning. Mr. Elliott is an expert on the question and his paper was lucid and most able. Mr. Elliott said:

STRONG PAPER.

Was That on "Drainage of the Prairies and Its Results."

Following is the paper of C. G. Elliott,, Bureue of Irrigation and Drainage, Agricultural Department Read before the Drainage convention

Since the productiveness of our prairies has become known they have been regarded as the granary of the nation. They constitute our largest areas of fertile land. They are, as the name signifies, nature's meadows and are capable of producing staple cereals varied in kind and bountiful in yield. Many hill farms in the East have been abandoned because the prairie lands offer a larger and more certain reward to the farmer. It is asked why settlers are not more generally attracted by the cheap lands in the south. The reply is the praries and other lands in the West are more fertile, promise larger returns for the labor put upon them and in that respect are more desirable. The pioneer settler is willing to undergo many hardships if in the end he can possess a farm of pronounced and lasting fertility. Aside from health considerations it is the great desideratum in the selection of land.

It is needless to say, except to those without experience, that the making of a home on the prairie is often an arduous undertaking, for while these lands are attractive by reason of their intrinsic excellence, they are only nature's diamonds in the rough from which farms may be cut, homes made, citizens developed, thus becoming the State's choicest treasures. These lands ask man's best effort in their management, and respond with generous harvests. Farmers frequently forget that the soil is their capital and as such must be looked after and guarded with care if a continual revenue is to be realized. They generously provide houses, barns and other working outfit at great expense, but begrudge the soil any improvement required upon the supposition that here nature has done or will do all. Nature furnishes the land and weather; the farmer must do the rest.

The prairies of the Red river valley are similar to those of other great valleys in one respect at least: they require draining to fit them for cultivated farms. This need appears more urgent as newly made farms grow older. The portions first settled are those having the best natural drainage. The lower levels, the sloughs, the ponds, and natural drainage courses however slight on farms and in the country at large are uncultivated. The sod when first turned is filled with roots which afford some drainage facilities, and much reservoir capacity for surplus water. But all these conditions change as farming operations proceed from year to year. The older cultivated soils become more compact as the primitive vegetation in them decays. The more level lands are taken up and cultivated. The demand for new farms causes the borders of cultivation to be extended until all land of whatever description is turned into farms and the attempt made to cultivate them. A returning cycle of wet seasons shows the farmer in a most emphatic manner that much of his land is unfit for cultivation, not from lack of fertility but from lack of drainage. This state of affairs is not peculiar to the lands of the Red river valley. It is true in a general sense of all prairies. Rolling land is diversified by sloughs and depressions which require drainage preliminary to successful cultivation.

Much has been said concerning the drainage of land, and the difference in production between wet and dry farms, so called, has been pointed out. In conventions of this character the term does not have the same significance to different individuals. All of us do not distinguish between draining and drying land, and even within the circle of scientific experimentation the true office of drainage is not always understood nor its value appreciated in the treatment of refractory soils. We find culture experiments attempted upon lands which are surface dried but not drained. We may use all manner of commercial fertilizers, chemical mixtures, soil correctives, patent bacteria, and every other device for inveigling nature into giving us a crop of food plants and we will have indifferent success if we omit to secure proper moisture conditions, that most essential element to plant growth.

Some years ago experiments were begun in a southern state to test the value of certain swamp lands for growing sugar cane. The land was drained in a manner and cane planted, but the growth of the plant was weak and in no way satisfactory. It was contended by the foreman of the field that the drainage provided was inadequate. Those in charge of the experiment pointed to the surface, showed its mellow and friable condition and asserted that no soil could be in better condition. "But I'll show you that the land will not bear the weight of a mule," replied the foreman, whereupon he brought a mule to the field, hitched him to a plow and directed a workman to make a furrow across the field. The animal was soon floundering in the soft wet muck upon which the mellow surface soil rested, much to the discomfiture of both mule and driver. The land was dried but not drained. It may be added that the experiment in growing cane on this land is recorded as a failure, while not one mile distant 40 tons of cane per acre were grown by other parties on similar land which was suitably drained.

Ten years ago a tract of 1400 acres

(Continued on Page 5.)

STILL AFTER SCALP OF DEPEW

THE REFRACTORY LEGISLATURE OF NEW YORK STATE WANT DEPEW TO RESIGN.

Albany, Jan. 11.—Senator Brackett's resolution requesting the resignation of United States Senator Chauncey Depew was introduced in the senate today and made a special order for next Tuesday.

AMBASSADOR HAS A FAREWELL AUDIENCE

He Presents His Letters of Recall to the Russian Emperor.

St. Petersburg, Jan. 11.—The retiring British ambassador, Sir Charles Hardinge, had a farewell audience of the emperor today and presented his letters of recall.

No new steps have been taken during Sir Charles' stay here relative to the proposed Anglo-Russian understanding. Great Britain, it is authoritatively stated, has decided to postpone the question of a definition of the spheres of influence on the Persian and Indian frontiers until the new regime is inaugurated in Russia.

PROMINENT ENGLISH MERCHANT INSANE

The Queer Antics of An English Rubber Merchant Attracts Attention.

New York, Jan. 11.—Barnett Cohen, a rubber merchant of Manchester, Eng., was taken from the steamer Cedric to Bellevue hospital today, and examined as to his sanity. The hospital physicians pronounced him to be suffering from hallucinations. Cohen, who said he is king of the rubber trade of England, went to the steamer last night in an automobile, intending to sail today. He said that he suffered last night from a bad toothache and from worries over recent business reverses. The surgeon of the Cedric today requested Cohen to leave the steamer and go to a hospital. Cohen himself gave orders that the best alienist in New York city be summoned to examine him.

He came here from Winnipeg, Canada, where he had been to inspect some of his property. He says that he lost over $200,000 in speculation.

It is said that he has six hundred employes in his Manchester establishment.

A ROYAL WEDDING WILL OCCUR FRIDAY

Infanta Maria Teresa to Become Bride of Prince Ferdinand.

Madrid, Jan. 11.—Arrangements for the marriage of the Infanta Maria Teresa, sister of King Alfonso, and Prince Ferdinand of Bavaria have been completed. The ceremony is to take place tomorrow in the chapel royal of the palace. The officiating prelate will be the primate of Spain, the Cardinal Archbishop of Toledo.

The trousseau of the princess has been prepared in Spain and France, and it will be laid out in several salons of the palace, together with numerous presents, for the delectation of a privileged few. The princess has received supurb gifts of jewelry, diamonds and objects of art from the family and from foreign courts. Numerous presents have also come from members of the royal household, ladies in waiting and high dignitaries of the court.

Many visitors of royal and ducal rank are arriving for the wedding. The attendant festivities will include a ball, banquet, a gala night at the royal opera, a military review and a bull fight.

NINTH VICTIM OF WEST HOTEL FIRE

Minneapolis, Jan. 11.—Mrs. [illegible] berger died this afternoon at the city hospital, making the ninth victim of the West hotel fire.