

SUPREME COURT OF THE STATE HOLDS THAT CAPITAL REMOVAL CANNOT BE PUT UPON BALLOT

Legislative Machinery for Putting Initiative Into Effect Not Provided Under the Present Law, Is Opinion of the High Tribunal.

Bismarck, N. D., Sept. 12.—The state supreme court today handed down an opinion permanently restraining Secretary of State Thomas Hall from putting the capital removal on the ballot with other issues to be voted on in November, the court holding that the legislature has not provided the machinery by which the initiative feature of the state constitution may be carried out.

The opinion is written by Justice Goss, all of the members concurring. Justices Burke, Bruce and Christianson also filed separate concurring opinions. The attorneys for the petitioners were: Miller, Zuger and Tillotson; Newton, Dullam and Young, and Benton Baker of Bismarck and Sullivan and Sullivan of Mandan. The attorneys for the respondents were: Lawrence and Murphy of Fargo; T. F. McCue of Carrington; J. J. Youngblood of Fessenden; Rinker and Duell, W. M. Jackson, J. S. Cameron, J. A. Manley, R. J. Bothne and C. J. Madrox of New Rockford.

Opinion Quoted. "Our constitutional provisions were taken from the Oregon constitution," declares the opinion. "The omission of the words found in the Oregon constitution that would have made this provision self-executing and then so interpreted there by court decision thereon, must be presumed to have been deliberate and intentional and for the purpose of preventing

such from being construed as self-executing. "Petition Held Void. "As there is no law authorizing any amendment of our state constitution by initiative proceedings, the petition is void upon which the respondent threatens to submit this question to a vote. "A court should enjoin submission of such a question where there is no law under which it could be legally submitted to a vote. "It contemplates that legislation shall be enacted declaring the percentage of signers actually necessary to propose constitutional amendments, as the words 'of at least twenty-five per cent' were intended to be but a limitation upon the legislature that at least 25 per cent should be required, but not to declare the percentage necessary, leaving that to future legislative action to determine the proper and necessary minimum percentage to be required, whether the percentage be twenty-five per cent or more than twenty-five per cent.

Points Necessary. "It is strongly indicative of necessity for future legislation that no definite rule for computation of any requisite percentage of signers is declared under such, while under the initiative provision as to the initiative of legislation the basis is there prescribed as the whole number of votes cast for the secretary of state at the regular election last preceding the filing of the petition."

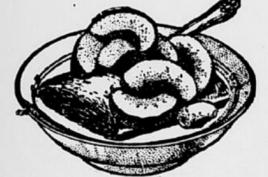
This Decision on the Part of the Supreme Court Appears to End for the Time Being the Capital Fight Which Has Been Waged by Bismarck and New Rockford During the Last Year or More.

The general opinion around Bismarck is that the only method for the New Rockford people to pursue should they desire to continue the battle is to endeavor to get the necessary legislative machinery for the change passed at the coming session of the state legislature.

It is possible that a petition for a rehearing of the case may be made by the attorneys for New Rockford in the litigation.

The syllabus follows: State of North Dakota, ex rel. Henry J. Linde, as attorney general of the state of North Dakota, and Otto Bauer, as taxpayer, relators, petitioners, vs. Thomas Hall, as secretary of state of the state of North Dakota, respondent. Original writ of injunction to prevent submission upon ballot at the coming general election of an amendment to Sec. 215 of the state constitution to remove the seat of state government from Bismarck to New Rockford. A petition for such a constitutional amendment was filed with respondent, who unless restrained will submit such question to ballot. Relators assert that the petition filed is void, claiming that Subd. 2 of Sec. 202 state constitution is not self-executing, and hence that until legislation is passed to make it possible to

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BALKAN STRATEGY ABSORBS PERIN

Interlocking of Battle Lines Called Unique in History of Warfare.

Berlin, Sept. 12.—The military situation in the Greater Balkan theater of war continues to absorb practically all interests here, particularly as developments so far indicate that the operations on the whole front from Pinsk to Salonika now form an organic, logically connected whole. The Russian offensive on the southeast front has been resumed, with the obvious purpose of preventing the withdrawal of the Austro-German forces, though unsuccessful so far, it is hourly growing in intensity.

Probably two Rumanian armies have broken into Hungary, and are continuing to gain ground, and ward the Maros line, meeting with practically no resistance on the part of the Austro-German Transylvanian army except on the two wings. The Austrians are offering a stubborn resistance on the Danube to a point just beyond the ancient baths of Hercules, and the Austro-German forces are offering equally successful resistance on their extreme left wing in the Gergory range of mountains.

Continuing down the line, the Rumanians are reported to be rushing troops toward the Danube opposite the Serb line, but whether with intent to try and force a crossing of the Danube in the face of the Bulgarian and Austro-German forces that hold the Serb line is still not clear.

It appears as if Rumania were for the present being back her armies destined for the front in Rumania, possibly also waiting until pressure of the extreme army group advancing on the extreme left flank through Dobruja against Bulgaria makes itself effectively felt.

An integral part of this general strategic picture is the ground at Salonika, where the Bulgarian and Bulgarian reports, the Bulgar-German army has dug itself in and is strongly fortifying a narrow horseshoe around the city of Salonika, and the Bulgar-German army, indicating that against Salonika has terminated, after accomplishing its immediate purpose of following Sarraff's effort to ultimately join hands with the Rumanian offensive into Bulgaria.

What is said here to be an absolutely unique feature of strategy, showing for the first stage of the world war, is involved in the interlocking of a quadruple inner line against the entente's Salonika line, the Russian, the Rumanian, the Bulgarian and the Austro-German army, however, are in turn operating on an inner line against the Bulgar-German army. Rumania also is operating on an inner line against the Bulgarian and against the Austro-German Transylvanian army, and, finally, the Austro-German armies are operating on an inner line against the Rumanian and Russian armies.

This astounding situation offers, particularly to the Bulgarians and Rumanians, unprecedented variety of possible operations. Many developments in the greater Balkan theater should show the most interesting strategy of the war.

In discussing the probability of Rumania's entry into the war, General von Linsingen's artillery chief, who has spent several months with the Bulgarian army, instructing it in the latest artillery developments of the world war, told me that the Bulgarian army was now at the top of its form and that the German army, since it was now equipped with and had learned to use all the most modern technical military aids, such as field wireless stations and field telephones and telegraphs. Their artillery, too, was up to date and splendid, while the individual Bulgarian could not be beaten as human matter.

The Bulgarian army, this specialist added, was burning to get at the Rumanians and wipe out the score of the last Balkan campaign. He had no doubt that Rumania would be the ultimate loser.

Berlin Gets Over Attack of Nerves. The city has recovered its equilibrium. The heavy, stumpy and voluminous selling following Rumania's declaration of war did not take the form of a panic. It has been checked and the market is showing increasing strength. Synchronously the German public has recovered from its temporary attack of nerves induced by the news of the war declaration and the coming Balkan developments are awaited with normal confidence and optimism.

Though hoping against hope that King Constantine will be able to keep Greece out of the war, the seeming certainty of Greece's entry already has been discounted militarily and politically and should prove no further shock to the steadfast Teuton nerves. The public is being well prepared for the eventuality of Greece coming in, as there is plenty of unvarnished significant news, such as the report of a revolution in Greek Macedonia and disarmament of a part of the Greek army, which is still loyal to the king. Rumors and speculations continue to fly about Berlin today, the most interesting being that in case Greece enters the war King Constantine will abdicate.

WILL NOT SUPPORT GERMAN SAILORS

New York, Sept. 12.—The Standard Oil company has refused to support 35 German sailors who belonged to the crews of tank steamers of the German-American Petroleum company before these ships were transferred to the Standard Oil company. The sailors said that unless the German marine law the Standard Oil company was responsible for their care until they could return to their native land. The shipping commission had been paying the men regular wages for several months past because the company believes that the crew had been paying the men present conditions in the United States have not made an honest endeavor to find it. The Standard said that the German-American Petroleum company

Verdun Defenders Think Fight Is Over; Germany's Loss is Put At 500,000; Forts Are Visited

Verdun, Sept. 8.—(Via Paris, Sept. 9).—Under the escort of General D., commander of the citadel of Verdun throughout the bombardment, the correspondent of the Associated Press today made a circuit of the entire town and surrounding fortifications and heard the grim veteran sum up just what had been done and how the military balance sheet stands after these many months' struggle.

It was the first time in several months that any correspondent had been admitted to Verdun, and it gave the first opportunity to view the extent of the recent destruction, and particularly the status of the defenses since the French turned the tide by taking the offensive and recapturing the strategic key of Fleury.

The visit was under the most favorable official auspices, the party being accompanied by an officer of the general staff and also including Paul Cravath, a New York lawyer, and Professor Struve, a Moscow member of the Russian Duma.

One of the outstanding impressions from this day's tour among all ranks, officers and to all strategic points was the absolute conviction of those on the ground that the fight for Verdun is over and that any prospect of the Germans taking the town has gone forever. But it was equally evident from the strength and fiery activity of the positions the Germans hold that they are still keeping up the fight, but in steadily diminishing intensity.

Heavy German Losses. The German losses in the fruitless effort to take Verdun are now known to reach half a million men while the French losses in successfully holding the town are less than half that number.

It is the belief in well informed quarters that the Germans will gradually let go of Verdun, and before winter will try to shorten their lines by still keeping up the fight, but a steady retrograde movement. Many officers say that Rumania's entrance into the war will precipitate the withdrawal and an early German collapse. But more conservative authorities feel that Germany will still hang on for some time before yielding to allied military and economic superiority.

General D.—first led the way to

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In a general wreck. The archbishop's residence has its famous sculptured walls peppered with shell holes, and the adjoining College of Marguerite has its delicate stone filigree reduced almost to powder. The houses along the Meuse flanking the principal bridge are literally wrecked, most of the interiors having emptied their four stories into the river.

Damage to Town Hall. The town hall received thirteen shells, one corner of the building is torn off, and the clock tower is smashed. The mayor's office is now used as an emergency butcher shop.

A visit to one of the forts of the inner fortifications, which is still shelling the Germans, showed the fighting ground of Fleury at close range. Over the entrance of the fort was a notice to the garrison that the place was to be leveled in extremity and never surrendered.

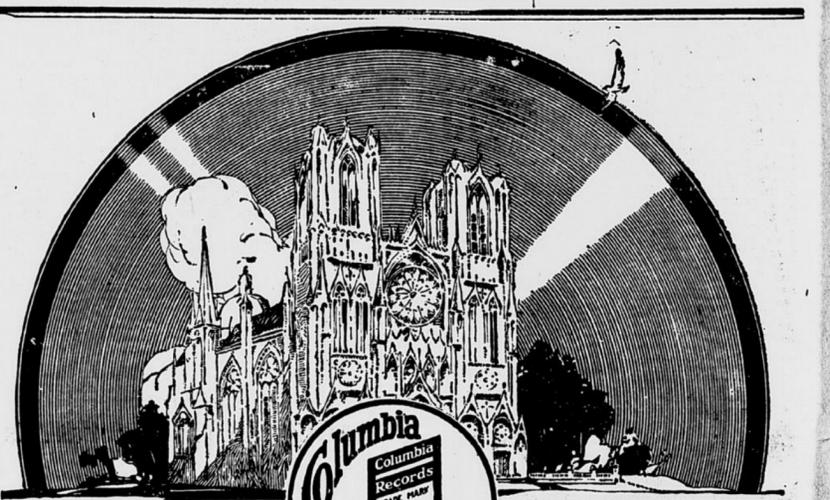
Fleury, lying to the right, showed not a single house standing the whole village being leveled in a mass of ruins. This place has changed hands ten times, and is now in the firm grip of the French, with the Germans driven half a mile back of their former advance.

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