

Williston Graphic

VOL. XXII, NO. 80.

WILLISTON, WILLIAMS COUNTY, NORTH DAKOTA, THURSDAY, JANUARY 11, 1916.

\$1.50 PER YEAR IN ADVANCE

COAL MINE CASE ATTRACTS CROWD

JURY FINDS FOR PLAINTIFF IN
PERSONAL INJURY SUIT—
AMOUNT FIXED AT \$2250

Ray Wright Not Paroled—Several
Other Convictions on Liquor
Charges—Sentences

E. B. Warheim was awarded \$2,250 for injuries received at the Husebye & Ellithorpe coal mine by the verdict of the jury rendered Tuesday morning.

The case was the most interesting so far tried at this term of district court. The trial consumed more than four days and was contested with all the cleverness possessed by the attorneys. Wm. G. Owens of Williston and E. R. Sinkler of Minot were attorneys for the plaintiff and T. F. Craven of Palmer, Craven and Burns, and U. L. Burdick for the defendants. The accident happened in 1915 when the plaintiff, Warheim, assisted in disengaging the cable that held the cage and fell with the cage and a car of coal about 70 feet to the bottom of the shaft. Besides broken bones, Warheim claimed that his sight and hearing were impaired and that he is still incapacitated for work. The total damages claimed in the suit was \$21,000.

Able Pleas
The court room was packed with interested spectators during the taking of evidence and especially Saturday afternoon when the attorneys pleaded the case before the jury. U. L. Burdick and E. R. Sinkler vied with each other in tossing professional bouquets and hearing encomiums upon each other's heads. Each vowed eternal friendship and endless admiration for the other but warned the jury against being unduly swayed by the eloquent sophistries of the other. The arguments to the jury which were all considered very able closed Saturday at five o'clock and Judge Fisk withheld his charge until Monday morning. The jury arrived at a decision sometime Monday night and the sealed verdict was read with the opening of court Tuesday morning. As is usual in such cases the verdict was undoubtedly a compromise.

Insurance Case
E. L. Gundersen vs. Arthur H. Reinhardt was the title of the case tried Monday. This was a case involving a fire insurance premium. Both parties live at Ray. The jury took the case Monday evening and returned a sealed verdict in favor of the defendant.

Wright Not Paroled
In the account of court proceedings in last week's issue it was erroneously stated, through a misunderstanding, that Ray Wright, who pleaded guilty to a charge of violating the liquor laws, was released under the parole act. Wright was not paroled but was sentenced to four months in jail and a fine of \$200 and costs.

Another liquor conviction was in the case of The State vs. P. A. Armstrong, who first pleaded not guilty, and then after the State's evidence had been presented, changed his plea to guilty. Judge Fisk sentenced him to fourteen months in the penitentiary.

John O'Brien pleaded guilty to petit larceny and was fined \$30 and costs with the option of serving 30 days in jail.

In the case of Martin Hanson vs. A. J. Timmerick, the defendant failed to appear and judgment was rendered for the plaintiff.

The case of Henry Wagner vs. Frank E. Ike was dismissed.

Yesterday court was engaged with the case of John W. Robertson vs. Otto Sherer and Albert Sherer.

MINNIE A. REIDER HAMILTON

On Saturday Jan. 6th the death angel crept stealthily into the home of Orion Hamilton of Garden Valley and took with him the beloved wife and son to that fairer land beyond. It came as a shock to the entire community that showed its appreciation of the deceased and sympathy with the bereaved by turning out en masse at the funeral which was held at the Methodist church Tuesday afternoon and officiated by the Rev. H. Styles Harris.

Minnie A. Reider was born on July 2nd in 1885 at Velano Minnesota. She came to North Dakota in the year 1903 and was married to Orion Hamilton on July 10th 1907; from which union four children survive. The oldest is nine and the youngest two, all are boys. These with the husband, mother, three brothers and one sister and the entire community mourn her untimely demise. The immediate cause of death was heart failure precipitated by childbirth. The little son was placed by her side in the casket and both were laid to rest in the city cemetery.

"DAD" HOLLAR LAID UP
Report says that W. O. Hollar, one of the genial spirits of Muddy Valley, has been confined to his house for the last ten days by an extremely sore finger. "Dad" injured the finger more than two months ago while handling coal. The injury never healed and about ten days ago a slight infection set in and became so serious that he has been unable to do much work or leave his home. It is hoped that he will soon be able to be out amongst his friends again.

Lure of the Farm Gets Carl Erickson

When the spring chinooks have swept the snow from the prairie down into the Old Mizzo and the grass roots begin to show green, you will see a pretty form climb into a Go-Henry and head her east.

It will be Carl Erickson, with his baggage checked for Spring Brook. Carl was sheriff for four years and by the statute of limitations could not be such any longer (nor any thicker either) and it is hardly likely that he wanted to be. He says he got just a trifle tired of being responsible for the guests at the Hotel de Williams County. Tired of plugging up the holes that Jack or Willie dug in the friendly brick walls when wanderlust seized him in seasons when it was more pleasant to be on the outside looking in.

"Only the other night," remarked Mr. Erickson, "one of the boys in the unpeppered cells had the movies, which is a modern phase of the 'trimminis' and saw a Richard K. Fox tragedy and a Keystone comedy both at once. He hollered loud enough to wake up every citizen in the First Ward."

So it is back to the farm for Carl, to recreate and diversify—raise some blue stem, give a few and there is his own source of auctioneering—just can't get away from it—and the old slogan: "Erickson the auctioneer, he gets the money."

BIT OF WILD WEST IN VALLEY COUNTY

MONTANA DEPUTY SHERIFF
"GETS" BAD MAN NEAR HINSDALE—RESISTED ARREST

Desperadoes and their like will find it to their advantage to stay away from Valley county, if they will take the incident which happened Tuesday, January 2 near Hinsdale as an omen of what will happen to them in case they attempt to touch their wits or "nerve" against the strong arm of the law says the Glasgow Courier.

Deputy Sheriff Jack Teal performed his duties well. He had orders to arrest a man and bring him to Glasgow. He knew that the mission was one which would probably mean the death of the hunter or the hunted. He found his man, told him what was what, and when in defiance of the law he attempted to pull his gun, Jack shot. As a result, Jay Clarke, a desperado, wanted in many counties in Montana and North Dakota, and in Canada has gone to his reward.

Monday night Sheriff Powell received word from Hinsdale that a man he was after was around there. Nothing was said who the man was but only that it was a desperado and a gun man.

Wanted at Crosby
Going over his list of criminals who were at large, the Sheriff decided that it must be Clarke, alias Bill Neuman, alias Billy Raymond, who was wanted in Phillips county, and also by the Canadian authorities for various offenses. The sheriff at Crosby, N. D. also wanted him for breaking jail and warned the officers to take no chances, as he was a bad man.

Deputy Sheriff Jack Teal was sent on the mission, and was told by the sheriff to take no chances in making the arrest. Teal refused any assistance, and said he could handle it alone.

Tuesday morning Deputy Teal left for Hinsdale and on reaching there gained the information that the man he wanted was out at the Ella Powell place. Securing a team from Charles Farmer, who went along as driver, and deputizing R. D. Harden to make the trip with him, Teal started out. Shortly before arriving at the Ella Powell place, they saw a man on horseback riding along the section. Inquiring at the Powell ranch, they found that their quarry was the man they had seen on the other road a short time before. They then followed the man's tracks, and saw where he had crossed the Milk river and had turned into the Charley Smith place, south of the Vandalia dam. They drove in here and to quote Mr. Teal's own words:

"You Will Have to Do It"
"Just before we got to Smith's I saw Dick Harden, 'Smith doesn't like me very well and you ask him about the fellow 'stopping here.' Smith came out and when Harden asked him he said the fellow had just pulled in a minute ago. I told Harden to tell Smith to have the fellow come out, and Smith did. The fellow came out without any coat or cap and I said 'good morning, I've got a warrant for you.' He said 'Who the hell are you?' and I said 'I am the deputy sheriff of this county.' I reached over and grabbed him by the arm and said 'I want to search you.' He gave his arm a jerk and when he did it I pulled my six-shooter and put it against him and said: 'Don't make a fight or I will kill you.' He brought his hands up to his chest with a jerk and stood for half a second and said: 'Well, you will have to do it.' He made a motion for his shirt as if to make for his gun and then I shot. I think I shot three times. He ran out amongst his friends again."

MEETING TO ELECT DIRECTORS JAN. 19

SIX OFFICIALS AND GOOD ROADS
WORK OF EVENING—MEMBERSHIP
CAMPAIGN

The annual meeting for the election of directors of the Commercial club has been set for Friday, January 19. The hall has not yet been decided on. It is desired to hold the meeting at Odd Fellows hall if it can be secured, otherwise the high school auditorium will probably be selected.

The fixing of the date for this annual meeting was one of the things done at the meeting of the directors held Tuesday evening. The directors will put on an active membership campaign between now and that date to recruit the membership to nearer the number it should be.

Interested Men Invited
All men interested in the welfare of the city are urged by the officers and directors of the club to attend this meeting. All who join before the election of directors begins will be given a vote. The directors believe that the campaign for members has never systematically covered the city. They are confident that they can add from fifty to a hundred to the already fairly long roll as an initial step toward a big, effective year's work.

Will Elect Six
Six new directors will be elected to fill the expired terms of G. B. Metzger, Dr. MacManus, C. A. Mansfield, George Farries, M. J. Borden and S. M. Hyde.

The holdover members are J. W. Jackson, J. A. Cunningham, W. H. Westergaard, L. C. Wingate and A. F. Burk.
Besides the election of directors the important topic of good roads for Williston will be brought up at the meeting for thorough discussion. A lunch will be served.

At the directors meeting Tuesday evening the resignation of Secretary F. S. Morrill, which was filed some time ago, was accepted to take effect January 15.

The matter of a fitting reception for Company E. on its return home from the Border was considered and a tentative plan laid out subject to revision after it has been learned what day and train will bring the boys to the city.

LAMPMANS IN LOS ANGELES
Word from Mr. and Mrs. H. R. Lampman brings the news that they arrived in California just in time to spend Christmas with Mrs. Lampman's mother. They wish to say happy New Year to all their friends. Their address is 943 S. New Hampshire ave., Los Angeles, California.

Good Games Between Athletic Club Fives

Basket ball teams representing the Athletic clubs of Stanley and Williston met at the high school auditorium in this city Saturday night. Stanley had already given the Williston boys a fine trimming in a game at Stanley but found their work much more difficult in this second game.

Stanley took an early lead and the Williston quint did not get their stride until the second half when they went far toward closing up the gap.

The Stanley team is fast and well coached and the game was hard fought but clean. Score: First half—Stanley 20, Williston 8; final—Stanley 36, Williston 28.

The Line-Ups
Williston Center Stanley
Hogan..... forward..... Rudy
Harding..... forward..... Rudy
Martinez..... forward..... Rudy
Callahan..... guard..... Fenstermaker
Batten..... guard..... Lovell
Referee, Schaezel of Williston.

The Williston team plays a team from Berthold at the local high school gymnasium Saturday night. The Berthold team has the reputation of being fast and aggressive. The game will be a good one to watch.

COUNTY BOARD ADJOURNS
The Board of County Commissioners concluded a busy session today, adjourning until February 27.

One Life Lost When Nelson Home Burns

Meagre information received by telephone this afternoon from Nesson to the effect that the old residence of Herman A. Nelson has just burned and that one of the young Nelson children lost its life in the fire and another was seriously burned. So far as reported no other property than the old house was destroyed.

A large, new residence had just been completed and the family intended to move from the old to the new home on the return of Mr. Nelson who had been called east by the death of his father.

Mr. Nelson is one of the early pioneers of the county, settling in Nesson Valley over twenty years ago. He is also one of the most extensive and progressive farmers of this district. This is Mr. Nelson's second disastrous fire. The first occurring two or three years ago, destroying a large barn and valuable farm property.

CREAMERY MEETING CALLED FOR JAN. 13

STOCKHOLDERS AND ALL INTERESTED URGED TO ATTEND
—COURT HOUSE 1:00 P. M.

Secretary A. G. Loughheed of the Williston Farmers Creamery and Produce Company has addressed a letter to all stockholders of the company advising that a meeting has been called for Saturday, January 13, at one o'clock p. m., at the court house.

"It is of vital interest to you," says the letter, "plan to be there with your friends and neighbors." An interesting program of speakers is promised and a complete report of the operation of the creamery will be made and future plans outlined.

Potato Warehouse
The subject of a potato warehouse will be brought up for discussion and all interested in potato growing are expected to be present. The supplying of more cows will be another topic to receive attention. The secretary's letter follows:

Williston, N. D., Jan. 5, 1917.

Dear Sir:—

The Annual Meeting of the Stockholders of the Williston Farmers Creamery & Produce Co., will be held Saturday afternoon Jan. 13th 1917 at 1 P. M. in the Court House. An interesting program of able speakers will be provided for at which time a new creamery, a potato warehouse and the supplying of cows will be discussed in full. A complete report of the operation of the creamery will be given and plans outlined for the future with a view of making this institution a really co-operative one and make it perform the functions intended for it. As this meeting is to be of vital interest to you, plan to be there with your friends and neighbors and assist in making this gathering a real success.

The Williston Farmers Creamery & Produce Co.
Per A. G. Loughheed Secy.

BRUCE LADU TOWNSEND

Early Saturday morning, January 6, the Grim Reaper claimed the infant son of Mr. and Mrs. Glen R. Townsend, 308 Fourth street east. Services were held at the home Sunday afternoon at 3 o'clock conducted by Rev. Nelson E. Elsworth, pastor of St. Peter's Episcopal church, and attended by sympathizing friends who brought many floral tokens of love for the little life so soon cut off.

Bruce Ladu Townsend was born October 5, 1916, hence was but three months and one day old. A slight cold developed into pneumonia only two days before the end and all that could be done was unavailing.

"Old Joe" No Longer Makes the Trains

"Old Joe" the bus driver is dead. He has called all aboard for No. 2, or No. 2 as it chanced to be, for the last time. A familiar figure and a faithful servant of the public, "Old Joe" has made the trains for the Great Northern hotel and "any part of the city" for a long term of years.

Joe came to Williston about seven years ago and had been in the employ of Heffernan & Son practically all the time since. Recently his health failed rapidly, and for about three weeks he was confined to his bed in his own little house. Death, resulting from a complication of diseases, came to his relief about one a. m. Sunday. His brother and a brother-in-law arrived shortly before the end and took the body to Ackley, Iowa.

Joseph Finger was not old, but on account of hardship and "habits" appeared older than he was. He was a man who had little to say but was always ready to do a kind deed. If an old lady or a child arrived on a night train and did not know just where their friends lived, it was never too much trouble for Old Joe to look them up. If an unfortunate "bo" put up a hard luck story, he could always get two bits from Joe, if he had it. One of the chief mourners for the departed is Old Don, the yellow and white dog that faithfully followed the bus when his master was driving. Now he refuses to leave the shack that Joe had shared with him.

Bad Year For Backers of Booze

The wet forces are having worse luck than the Belgians. Right on top of the losses suffered in the November election comes such setbacks as the declaring by the United States supreme court of the constitutionality of the Webb-Kenyon law.

And now the Montana supreme court has decided that the Sheridan county, Mont., commissioners were wrong in refusing to grant a petition for an election on county option. The election will be held and Mondak is likely to go dry sooner than expected. In the state vote on prohibition Sheridan county went for it almost two to one.

Congress seems certain to vote booze out of the Nation's capital. Now comes Sheriff Strom of Williams county, North Dakota, with an ax which was applied, one morning this week, to 125 bottles of evidence that was no longer needed.

Constitution Says Do It, So They Must

One of the 277 votes (if that proves to be the correct number) that will make Woodrow Wilson president for four more years came from Williston.

The man who cast it did not go into a booth in a school house or a fire station and mark an "X" after a name on a big ballot but wrote his own ballot and signed in full view of witnesses thus:

For president of the United States, Woodrow Wilson. (Signed) George A. Gilmore presidential elector for North Dakota.

According to the constitutionally prescribed and time honored but superfluous custom Mr. Gilmore and four other good Democrats and true met at Bismarck last Monday and cast, counted and certified to the electoral vote of the state.

The electors were, besides Mr. Gilmore of this county, David F. Gorman of Grand Forks, John Mahon of Cavalier, Samuel L. Nichols of Morton, and John A. Wright of Cass. Mr. Gorman and Mr. Gilmore were selected to make the trip to Washington. Mr. Gorman, as the senior member of the board of electors will be custodian of the certified vote of the State, which, literally he will carry in his pocket.

The vote of all the states is officially counted at Washington the second Wednesday in February. If nothing unexpected happens Mr. Wilson will receive 277 votes and Mr. Hughes 254. Some valentine for Woodrow.

ORDERS OF LARGER AND COURT CONFLICT

ONE SAYS, OBEY LAW—OTHER
SAYS, RIDICULOUS—BISMARCK'S BAD, BLUE DAY

Bismarck, N. D., Jan. 8.—No arrests have yet developed from yesterday's temporary lifting of State's Attorney McCurdy's Sunday law brought about through Justice James E. Robinson's picturesque campaign against enforcement of the statutes for Sunday closing.

Justice Robinson's attack on the lid during which he succeeded in convincing at least two cigar stand proprietors that they had a right to open, is still a big topic of interest about the capital.

Justice Robinson stands by his assertion, made yesterday, that the Sunday law is ridiculous, and that severe closing regulations are "not the law and would not be so constructed by the supreme court." He terms Sunday laws "ridiculous" to the extreme.

State's Attorney McCurdy will cause arrests and call on numerous members of the legislature as witnesses. The cigar stand owner insists he will defend on the plea that Robinson insisted that he open his place of business.

"Justice" Prevails
"This is a fearful condition prevailing in the city today. We can't buy any newspapers or any drugs, and I want to know who is responsible for all of this."

These were the words of Justice J. E. Robinson, of the supreme court, addressed to Chief of Police Downing, of Bismarck, about 3 o'clock yesterday afternoon—when the blue Sunday laws of North Dakota had been enforced, never before, since 12 o'clock Saturday night.

Justice Robinson broke the Sunday closing in Bismarck.

It wasn't till mid-afternoon that he discovered the ends to which North Dakota laws—or at least some of the state's laws, really go.

Orders From Headquarters
But he was quick of action—and he got results.

Supreme Court.
To the sheriff and the police of the city of Bismarck:

You are hereby directed to allow all business places and drug stores, news stands, to remain open in the usual manner as on other Sundays.

J. E. ROBINSON.
Judge of Supreme Court.
Some Reopened

His order to Chief of Police Downing, issued about 3 o'clock, to notify keepers of cigar stands, news stands, confectionery stores, etc., was followed by a reopening of several such places late in the afternoon.

Not because the chief of police or sheriff obeyed the order—but because the owners of two or three establishments took cognizance of it.

By evening, some Bismarck folks, denied throughout Sunday the usual privilege of buying cigars, gum, newspapers, etc., had been restored to at least a portion of their long established rights, all because Justice Robinson took up the cudgels for them.

It wasn't long, however, till county officials got on the job, and ordered the places re-closed, and today they promise arrests.

The operations of stands that opened for a short time during the afternoon will make their defense on the orders they received from Justice Robinson.

Attorney General William Langer ordered the enforcement of all state laws.
(Continued on page 4)

CON CON WILL BE FACTIONAL ISSUE

METHODS OF FRAMING AND
ADOPTING NEW CONSTITUTION THE BIG QUESTION

McBride Offers Senate Resolution
That Meets Opposition—League
Forces Have Plan

Bismarck, N. D., Jan. 10.—Official announcement today of the Nonpartisan league's plans for bringing about the adoption of a new state constitution, reveals a movement somewhat different from the previously anticipated theories.

Under the plan that will be pursued, a new constitution that is drafted almost entirely from the present constitution, will be submitted to the legislature, with a resolution passing such constitution on to the people at a special election.

The new proposed constitution will carry provision for state ownership of public utilities, raise the bond limit, provide exemption for farm improvements, provide state insurance features, and probably one or two other features.

McBride Plan Surprise

Bismarck, N. D., Jan. 8.—The first big surprise of the season was sprung like a thunderbolt out of a clear sky this afternoon when Senator McBride introduced a concurrent resolution providing for a constitutional convention with a referendum vote to be taken at a special election Nov. 6, 1917, with the election of delegates to be held in conjunction with the regular primaries the last Wednesday in June, 1918, the convention to assemble July 12, 1918, for a session of forty-five days, and the election for the ratification on the first Tuesday after the first Monday in November, 1918. The compensation for the delegates is placed at \$5 per day and mileage. This resolution puts a crimp in the plan of the Nonpartisan leaders to force a revision by the legislature.

It provides for the holding of but one special election, that being the referendum on the proposition next November. The league leaders' program called for one special election, so the two plans are even on the matter of expense to the state.

The plan proposed by Senator McBride will require less than two years and in fact but eighteen months after the resolution could become effective without an emergency clause, to put the revised constitution into effect.

The league leaders' plan would require one year and give little or no time for consideration by the people.

Lieutenant Governor Kraebel referred the resolution to the judiciary committee, of which Senator McBride is chairman, and it will be reported out at once, passed and sent to the house.

League Opposes

Bismarck, N. D., Jan. 9.—Endorsement last night by the Nonpartisan league caucus of the leaders' plan for a legislatively constituted constitutional convention, which took the form of a resolution committing the league members of the assembly to the plan, really marks the formal opening of a fight that bids fair to attain gigantic proportions within a comparatively short time.

The Nonpartisan leaders said today their bill had not been definitely decided upon.

Any one of several methods of naming delegates may be accepted, but they will stand firm for their principle that the people have already declared their approval of the convention idea, by the manner in which they voted for the league program in recent elections.

Appointment of delegates by the people, or by the governor, or the selection of delegates from among the membership of the two houses, are methods under consideration.

That the Nonpartisan bill will not be introduced till the latter part of the week, is also indicated. Conference during the next two or three days will be held to definitely determine the form of measure.

In last night's caucus, Representative E. E. Cole of Fargo addressed the gathering, declaring himself for the league's program. A general discussion of the state of the entire constitutional convention situation took place, the cause declaring it was absolutely against the proposal contained in Senator McBride's bill, introduced yesterday.

Following is the resolution adopted at the caucus last evening:

"Resolved, That it is the sense of the meeting that the present legislature should submit to the people a draft of constitution for their adoption or rejection which will allow carrying out of the league program and thus avoid the great expense of a special constitutional convention and not wait two years as would be necessary under a concurrent resolution introduced this day in the state senate by Senator McBride."

Marriages

Oscar Knutson and Emma Testegud, both of Tioga, Jan. 2 by Judge Butler.

Patrick Cannon and Teresa Joyce, both of Tioga, Jan. 8, by Father Bernard van Gils.

Peter Pederson of Buford and Anna Larson of Falsen, Jan. 9, by Rev. I. G. Monson.

George Charles Montague and Lena Mathilda McFarland, both of Williston, Jan. 10, by Judge Butler.