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Editor Mumby Pleads Guilty

To Publishing Obscene Writings, if Court Thought Same Obscene---Must Publish Apology---Fined \$10

The case of the state vs. W. R. Mumby, charged with publishing indecent matter in his paper, the Berthold Tribune, came to a sudden end Saturday when the defendant pled guilty to the charge, if the court decided that the articles published were of the nature charged in the indictment. Judge Pollock held that the articles were indecent and obscene but, owing to the age of the editor and the circumstances surrounding the case, Mumby was let off with a fine of \$10 and in addition he must publish an apology to the public for the articles printed in his paper. In answer to the court as to whether he had any legal reason why judgment should not be pronounced Mr. Mumby stated he did not know that he had any legal reasons, but that he had plenty of reasons for publishing the articles mentioned. In answer to Mr. Mumby Judge Pollock said:

"The court in this case is confronted with a somewhat difficult proposition. I think I know the reason to which you refer. Your counsel has indicted to me what the reason was. I think, however, that you have failed to properly discriminate. I think you have no reason. Indeed I know that no editor can have a reason for publishing anything in his paper which could be classed under the head of indecent and obscene. An editor may have a personal spite against another one; he might have a personal grievance. He may have been wronged in person or in family, but that does not give him an excuse for putting into the homes of the people where his paper goes an indecent expression, an obscene suggestion growing out of that unfortunate condition with that single individual.

Men do not always speak and use good judgment in the heat of passion, and no doubt frequently overstep the bounds of decency.

I see the situation that you suggest, but as a court I must look at the other situation. You are the editor of a paper. I assume that the paper goes into the homes of the people of

the community in which you live, and really I am confronted with this question:—The public press—what is its mission?—It is unique in power, it is world wide in influence, it is the message carrier of the age; pregnant with possibilities for good or evil; the preacher, the teacher, the guide, the friend. Going as it does, into almost every home in the land it is freighted with a responsibility which cannot lightly be assumed, or easily thrown aside. From the editor's chair emanate those words which enrich and enoble the mind, or deprave and destroy the intellect and the soul. Glad are we that in this country of ours and especially in this state, this noble mission has been so well performed, that the considerate parent puts the printed page in that most sacred spot of all, where around the fireside its columns can be perused with safety by every member of the family. And yet, occasionally, there appears a person who forgets his calling and writes to corrupt and destroy. It is no reflection upon the noble profession to which you have brought disgrace by this act, to cast the brand of shame upon the filthy publication such as was made in this instance, and to fix the penalty of an offended law upon the editor who so unfortunately has proven, in this instance at least, recreant to the duties and obligations of his calling. I regret it exceedingly. You are in a most noble calling; you are a man of ability; you are a man who in your community, if your influence is thrown upon the side of right and of law and order, can accomplish wonders in this particular part of the state. I recognize the frailties of human nature. We can see that in a moment of anger, caused by what we conceive to be a just—rather an unjust provocation, or assertion against ourselves, that we sometimes forget the position which we sustain to society, and while attempting to right our personal wrong, we do greater wrong to society to which we sustain this larger relation."—Williston Herald.

IN MEMORIUM

They located on section 9, township Elsie Ann Tennis, daughter of Samuel and Jane Tennis was born Feb. 6, 1850, at Laporte county, Indiana. At the age of 10 years (1860) her parents moved to Winnebago county, Iowa, Forest City, where she passed youth. She was studious, bright and a general favorite with all her associates at the age of 16 years she took the occupation of a common school teacher which work she followed until her marriage. In 1870-71 she taught the primary department of the graded school at Forest City while her husband E. D. Skinner was principal. During this time they formed an attachment that culminated in a happy marriage on the first day of January, 1877. She and her husband were identified in the early educational development of Winnebago county, Iowa, also active in all the young people's church societies. In the fall of 1896 Mr. and Mrs. Skinner with their family arrived in the city of Minot, the first emigrant car unloaded there. A pile of railroad ties were piled near G. N. freight depot on which Mr. Skinner unloaded his stock Nov. 1, 1886, Mr. Skinner having been up and taken claim and provided hay during summer.

153, range 81, where they resided when she was called from labor to the refreshment of eternal joy and rest. To Mr. and Mrs. Skinner 7 children were born, 3 of them having gone home before her, 4 are still living, Retta J., wife of J. R. McDougall resides at Winnepeg, Lulu E., wife of Wm. Hodges, Sawyer, N. D., Fannie A., past 4 years in the Merchants State bank at Velva, N. D., Ray E. at home on homestead. Mrs. Skinner was noted for having the true spirit of the pioneer mother. In the early days could be seen the "shake downs" (beds on floor) so thick that you could scarcely cross the room without treading on some one. But her kindness was not in vain. In the sad procession that filed around her casket could be seen many of those faces who came 30 to 40 miles that they might have a look at the mortal remains of Mother Skinner. She was a member of the Congregational church of Sawyer and a diligent worker in The Ladies' Aid of that place. Mrs. Skinner was a true type of the noble wives and mothers who have made North Dakota one of the noblest states in the union.

RESOLUTIONS

At a stated communication held in the Masonic Temple on February 27, 1908, the brethren in and about Minot unanimously adopted the following resolutions:

That whereas in the ordering of Him who doeth all things well and caused all things to work together for good to them that love Him, the home of brother E. D. Skinner has been invaded by the Death Angel, and brother Skinner is bereft of his devoted wife and his children suffer the loss

of the tender care and wise counsel of their beloved mother.

Resolved, that we extend our sincere and heartfelt sympathy to brother Skinner and family in their great sorrow and irreparable loss.

Resolved, further, that a copy of these resolutions be sent to brother Skinner, and that the same be spread upon the records of the Lodge.

Wm. C. HUNTER, Chaplain,
J. M. WILSON, W. M.
JAMES JOHNSON, P. M.
Committee.

HAD A FEELING IN HIS HEART

Kenmare, N. D., Mar. 1, 1908.
Dear Editor:—I would like to write a few lines in your valuable volume if you have no objections but as I am not a very good scholar you will have to excuse me in many instances. I am very much interested in the correspondence of the young ladies and gentlemen of Ward county published in your weekly paper. Especially am I interested in Alice's writing as we are of the same opinion. I like to know where I am at before I get tied up in a deal not that I am of a suspicious nature and afraid but it saves hard feelings and trouble in a great many instances. My home is near Niagara, N. Y. It will be two years in April since I came West. I have met many classes of people in my travels. Nearly all that I have met since I left home were strangers but have been very fortunate in always having a lot of friends after I became acquainted. It would cause me to feel bad when I would bid some of these same people good bye. In fact when it came to part with them I would feel as bad as I did when I left home. Having never been away from home very much it brings rather a strange feeling over a fellow sometimes. I was born and raised upon a farm and never spent much time in town. My parents were very religious and we attended church every Sunday. Since coming out west I have found

surroundings very different and have been unable to attend church as I would have liked to. If Alice has no objection I would be pleased to learn what church she is a member of. I have not taken this matter up as a joke and for what fun there is in it but am writing with the greatest sincerity and would take much pride and comfort in building up a home. I would not want to be a bachelor the rest of my days for all the world. I am a home man and long for companionship. At present I am living with a private family who have three little children and I have become so attached to the little ones that it would be hard for me to part with them. This couple take great pride and comfort in their little ones and I am sure that it is a gloomy home where there are no children. I would like very much to correspond with Alice but prefer to do so by letter. Below I will give her my address and if she will be kind enough to write giving me her address I will be pleased to answer her questions and give her any further information desired.

Miss Alice may then judge for herself as to my qualifications as a worthy companion. My address will be box 288, Kenmare, N. Dak.
Yours very truly,
LEO.

Col. Frank H. Hyland of Devils Lake, Dakota's most successful auctioneer, has decided to spend half of his time on sales in Ward and adjacent counties in the future. His record of sales in five states, 15 counties in North Dakota during 1907 leads all other auctioneers except one living west of the Mississippi. Many readers of the Independent will recall the large short horn cattle sale held in

Minot last June and the capable manner in which Mr. Hyland conducted it. Mr. Hyland's charges are always less than other auctioneers because he is a professional and spends all his time at it and must do good work and at the lowest price to get the work. Dates can be made at the Independent office or be reached at Devils Lake by letter or by telephone.

WHY NOT MINOT

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(Copyright 1908 by James J. Somers.)
If you're out on a vacation,
If you're searching for a location,
It's the best town in creation,
For a factory or a mill
You may travel where you will
No place will fill the bill
Like Minot.
For every kind of biz,
It's the only town what is,
You will never find her dull,
In business there's no lull,
If you've got a pull, just pull
For Minot.
Ask the drummers what they think
And they'll tip you with a wink,
They say she is the best
Little city in the West
For they've feathered up their nest,
In Minot.

Why-not Minot
Travel till you reach the station
Called Minot
We will entertain you right,
Rounds of pleasure day and night,
That will fill you with delight
In Minot.
This winter is so fine
In Minot
That there's washouts on the line,
Near Minot
After touring thru the South
You'll decide without a doubt,
That forever more you'll about
For Minot.
So let everybody boast
For Minot
Stray birds come back to roost
In Minot
For no matter where they roam,
Thru the South, Klondike or Nome,
They return to make their home
In Minot.
—J. J. Somers.

Somers One of Our Foremost Poets

Poems Appear in Some of Our Best Magazines---The Outing Published One of the Best Ones

With the removal of Jimmie Foley, the famous Bismarck poet, to the east, where he can better handle his journalistic work, J. J. Somers of this city, who stands in the same class with Mr. Foley, can now lay claim to being North Dakota's foremost poet.

Mr. Somers is writing poetry all the time, that is when the inspiration strikes him, for he writes on the impulse of the moment. Often an idea upon which he has been dwelling for months comes to him all in a moment, and he drops whatever work he may be doing, and lets nothing interfere with his penning his thoughts. Mr. Somers has written enough poems to fill quite a large volume and this will soon be published. His poetry is largely on the humorous order for "Jim" can see a joke in nearly everything. His best poems portray the life of the North Dakotan in his true light for Mr. Somers gave up a thriving grocery business in Minneapolis to come out to North Dakota and make up a homestead "Along the Minot trail," forty miles north of this city. This was six years ago and having small means he "farmed with a hoe," doing some extraordinary good trucking. He was not afraid of honest work, and made the prairie blossom like the rose. His hospitable farm home was always open to friends and hundreds and hundreds enjoyed themselves at Jim Somers' homestead.

Mr. Somers has the famous hoe of which he has written so often in his better poems and last week he went to his old homestead near Maxbass especially to get his faithful old friend. He has given it a prominent place in his room in this city and will soon have it silver plated. He brot the hoe down on the train and did not make any effort to conceal it. The idea of a man carrying a hoe at this time of the year thought the occupants of the coaches. One ventured to ask Mr. Somers what he was doing with the hoe so early in the year. Jim just chuckled and said, "Well, I'm going down to Minot, and as politics are warming up here, I may find it necessary to do a little weeding."

Two years ago Jim took considerable interest in Bottineau county politics and happened to be on the "other side of the fence" politically from Peter Scott, editor of the Bottineau Courant at that time. Scott wrote of him:

"The juggler of words and disher of hash who calls himself the critic poet of North Dakota, has gone to raising garden truck in the summer, and Hades in general in the winter, just to keep things warm."

This of course was uncalled for, and Jim sat down one evening and wrote the following about the audacious editor:

And am quite reconciled to my fate.
Your free advertising,
Is somewhat surprising,
Great Scott, I must reciprocate
The Hades in the winter,
I'd prefer to a printer
Confined in the shades of Bottineau
To keep the Courant running,
With news that is slumming
Great Scott, you're away up in Q
If I'm keeping things warm,
I don't need to reform,
Some need applications quite hot,
If this don't explain,
I will make it quite plain,
For my most humble servant, Great
Scott."

Scott failed to make any reply to this.

Mr. Somers naturally endured hardships in the early days when he rode in all kinds of weather forty miles to his homestead. He tells a nice little story of his homestead life in the following verses which the editor of the Outing, one of the best known magazines in the United States, thought was good enough to publish with many favorable comments:

"I am one of the Pioneers,
Of North Dakota state,
At Hill's request, I came out west
In search of real estate.
I filed along the Cut Bank creek,
Just forty miles from rail,
And I started farming with a hoe,
Along the Minot Trail.

The hardships that we did endure,
From hunger and from cold
I haven't time to tell you
Or it never will be told.
To start from Minot with a load,
And face a northwest gale,
It would break your heart, right on
The start,
Along the Minot trail.

The rivers they were far apart
And a well was something new,
It often tickled us to find,
Some water in a slough,
I used to have a demijohn—
I called it "ginger ale."
Once in a while we'd take a smile,
Along the Minot trail.

The only fuel that we knew,
Was prairie hay and straw,
From November until April
We never had a thaw.
I often thought, I'd rather be
In some good warm fall,
While twisting hay, both night and
day,
Along the Minot trail.

And when the snow would disappear
The gophers would begin
They'd eat up everything we sowed,
And then we'd sow again
If I could scheme some new device,
To kill the flickertail
I might stand a show with my old hoe,
Along the Minot trail.

In a more jubilant strain this poet
sang a sequel to his tale of stress of
tale and woe:
"There's no corporation,
Can distance our ration,
For strikes or for boycotts,
We don't care a whoop."
His muse sings a top note of triumph
in these lines, where it is fitting
that we leave him:
"The gophers we've banished,
The shacks have all vanished,
Except for an old odd one,
That's used as a coop;
On each claim there's a mansion
Where stockmen were ranchin'
Just four years ago,
In the Mouse River Loop."

" WEDDING RINGS "

The superior reputation of our plain ring is due to the care that is paid to the making.

We carry them in all the desirable shapes and positively guarantee them.

W. H. REIGHART
THE EXCLUSIVE JEWELER
WATCH INSPECTOR G. N. RAILWAY.

Retaliation.
Great Scott
I'm no juggler of words,
Or no lover of birds,
That resemble the sand hill crane.
I'm no hasher of hash
Or don't wax my mustache.
Or I have no disease of the brain.
I'm no critic of Dakota,
I've written in Minnesota
And I have scribbled in Iowa too,
Great Scott, you're not posted
You ought to be roasted.
Have you heard of the road called the Soo?
I haven't gone trucking,
Or I haven't gone glueking,
Like some poor old eggless hen
I haven't gone crowing
I have kept right on hoeing
And garden truck growing

Banquet at Bradley's Sale.
There's going to be a regular high old time at F. H. Bradley's sale north of Surrey on March 18th and talk about your banquets, why the old boy has set all the bakers in Minot to working for him. He has ordered fifty apple pies, 50 dozen buns, baskets of the old fashioned ginger (like mother used to make) and fifty pounds of weiners. Then there will be boilers and boilers of coffee, but nothing stronger. Mr. Bradley is going to sell all of his belongings and will soon leave for British Columbia, where he is heavily interested in real estate. Mr. Bradley is one of the most successful auctioneers in this part of the state, and will be missed. Among the others who will go to British Columbia from the Surrey country are D. S.

Petry and family, Sam Ream and family, Earl Gordon and W. B. Burbanker and their families. We understand that there are others. These are among Surrey's best people and the Independent regrets that they are going to leave.

After the Subscribers.
We are still after them. The Independent's solicitor brought in fifty-six new names, everyone of them from the county, secured in one week. They are from the towns of Tagus, Berthold, Palermo and Stanley.

Andrew Jacobson says the Independent is better than a policeman. He recently had a pair of valuable mittens stolen and advertised a reward for the apprehension of the thief. The mittens were returned.