

# THE DEVILS LAKE WORLD

Vol. I.

Devils Lake, North Dakota, Friday, April 14, 1911

Number 14

## Judge Cowan Reviews Charges Before Senate

### Defendant Jurist Makes Excellent Impression on the Impeachment Court in a Lengthy Address.

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Bismarck, N. D., April 13.—Late this afternoon the senate took a recess. Judge Cowan, after reviewing the charges of drunkenness, took up the delayed cases and was about half way through when a recess was ordered. It is the general impression here that little testimony will be introduced by the defense. Judge Cowan is being congratulated on his masterly speech, which fully answered the charges and brought up against him. \*\*\*\*\*

#### Special to The World:

Bismarck, N. D., April 13.—The opening battle began shortly before ten with John Cowan before the body of distinguished senators making the greatest plea in the history of the state. Notwithstanding the blizzard that is raging on the outside the senate chamber, galleries and foyers were packed with interested listeners to the eloquent efforts of the accused jurist now on trial for impeachment on charges ranging from drunkenness, to crimes, corrupt practices, contempt and malfeasance in office.

Charging Cowan with being a habitual drunkard must prove disastrous to the cause of temperance. The prosecution is directed to the fact that to be a habitual drunkard means to lose control and impair the mind, while never wavering for a moment the accused throughout the morning has given a general recall of the facts in connection with the charges made against him, which he intends to refute in every instance, bringing out the motive for much of the testimony given and winding his way to the unearthing of the political movement behind the scenes. At times during the speech the interest centered upon the argument and then the speaker would convulse his hearers into an outburst of laughter in his drawings of similarities, and then the attention would become intense. It was until President Burdick announced the call for the noon recess that Cowan relaxed.

"It is needless for me under the circumstances of this case to go into lengthy detail for I am fully prepared to say anything but it has been urged upon me by my counsel and friends that I outline the defense from the charges," said Judge Cowan, "and though I am defendant I am sure that I am unequal to the occasion."

I have since the sixth day of February been on the rack from the house continuously and continually. I have done all the work and God knows that I have had a strenuous time. I had no notice until March 23rd and have worked day and night to prepare myself against the terrible charges that have been brought against me. He asked the senators for consideration in any weakness that he might show in the presentation of his case. "Much has been said to the effect of the senate as to whether this is criminal or not. I contend that it is criminal, and from the earliest date in history, the impeachment such as I am charged with all are treated alike as such. Today the state of North Dakota is facing the greatest criminal case in its history. We find the whole material of the state, forty-five counties, all the machinery of the state pitted against me, instead of the states attorney general. You may ask why I maintain the fight, and it for my life, not for the paltry pittance of the district judges. I am fighting for my good name, the name of my wife and children and for the sake of my friends who have stood by me so nobly in all the years that I have been before the public, and until death closes my eyes I will fight to the finish. My life is an open book and I am not a hypocrite. I am leading and have led the same kind of a life you have and ask you to base my argument and your verdict as you would if you were on trial yourself."

The impeachment will soon pass, the first, and the last, he hoped, in the state. He dwelt on the beginning of the case, on its surroundings and the inflamed indignation caused by certain newspapers. But now he had faith in the senate. "The case was started by politicians and for political purposes and today an effort is being made by certain of the press to inflame and carry you away but I know that I have a body of men to deal with who will be fair and judge me according to that which they have heard. I ask you to do your duty as American citizens and citizens of North Dakota. To do your duty and leave out all politics and prejudice received from certain members of the press and I will be satisfied with your verdict."

The first charge that of habitual drunkenness was passed over rapidly, Cowan offering himself as Exhibit One to disprove that charge. He then took up the specifications under the second charge numbering eighteen which he characterized as standard drunks, followed with unspecified drunks. The charge that he had been intoxicated in Rugby June 18, 1909, would be met with evidence showing that the witness testifying for the prosecution contended that he was drunk that day, both in the hotel, on the streets and in the court room. The evidence for the defense would show that he had retired to a room the evening before, being exceedingly hot, that he had rested upon the bed for several hours, hearing groans from another room, and investigating, found a friend who was ill and for whom he called a physician, and

with whom he remained the rest of the night, going to the court room at eight thirty, the morning and holding court. This was the affair testified to by Rex and Campbell. He gave these men credit for being mistaken or being poor judges. The charge that he had slept in the court room, the Judge said, would be disproved by evidence showing that it was a habit with him to sit for a long period in the court room with his eyes closed for the purpose of resting them. He admitted that there had been times when, he believed, the senate would admit that there had been just provocation for sleeping, referring to some of the attorneys that had tried cases before him.

On the charge, that he had been drunk during the trial of the Slavin case in Rugby during January, 1910, he said, witnesses would be produced who would refute such evidence without any modification, one of the witnesses to be called being a woman who had sat through the trial. This woman, he said, was one of the leaders in North Dakota's W. C. T. U., in whose word the court must place every reliance. "Since the year 1901 I have been charged with habitual drunkenness, in other words being a common drunkard, and much time has been spent by a board of managers and able counsel in unearthing specified and unspecified charges. In plain language it means I have become so addicted to the use of intoxicating liquor and other drugs that I have become impaired and lost control both mentally and physically. He introduced himself as Exhibit One. Then followed a general review of all of the charges of drunkenness.

Bismarck, N. D., April 13.—When the prosecution rested last night it was rumored that Judge Cowan himself would open the address of the defense to the senate today. Such an event will be unprecedented in the history of the impeachment proceedings, though not uncommon in the attempted removal of United States senators.

All were glad to know that at least half of the Cowan impeachment trial is over and that it will now be only a few days more until all the charges will have been answered and put up to the senate for the final decision. Until this week Judge Cowan did not personally show the hard strain under which he has been working, but within the last two days there have been indications that he is beginning to be fatigued with the number of times the prosecution has attempted to bring in the charges in the unspecified cases. Many of the senators are tired of hearing the monotonous testimony day after day in regard to the details of litigation, which in the opinion of many outsiders was not so condemnatory or glaring. The attorneys on both sides appeared to be laboring under a hard strain, so that the end of the charges came as a welcome news to all concerned in the case.

Just what Judge Cowan said today on the floor of the senate was wholly impromptu, as no outline was made of his address in advance last night. Not much time was given for the preparation of any lengthy discussion or answer to the various charges, and after the accused and his counsel had been excused from the senate chamber yesterday afternoon, all repaired to their headquarters at the McKemie hotel, where the balance of the day was spent in the hurried preparation of all the details in connection with the trial. Judge Cowan, assisted by his counsel and an able corps of friends and several clerks, delved deep into work, which they had not been permitted to do until now on account of their entire time being demanded at each hearing of the trial and the preparation of certain arguments to be given before the senate in support of demurrers and objections.

It cannot be exactly foretold just how much longer the trial will continue, though it is generally conceded that the hearing of the testimony of the defendant, that neither he nor his associate counsel, comprising Counselors Cuthbert, McClary, Anderson and Nether, would take any part in the opening address for Judge Cowan today. The accused jurist himself, who is a former Attorney General of the state of North Dakota and a lawyer of exceptional ability, will occupy the principal portion of the morning in all the remarks that are made to the senate.

Judge Cowan last night spent much time in going over the records and in preparing a list of notes on the points brought out in the testimony of the prosecution on the delayed court cases, so that he could speak with accuracy about them this morning. He was closeted with a few clerks and denied everyone the privilege of seeing him. It is understood that it has been a long time since John F. Cowan has addressed a big jury in a criminal case as it has been more than a dozen years since he was actively engaged in the practice of law, but he showed he was an adept when he addressed the jury court in his own impeachment this morning.

Bismarck, N. D., April 11.—Once more the North Dakota court of impeachment voted to exclude the evidence or offer proof with reference to the delayed court cases in the second judicial district, other than those specified in the articles of impeachment, to vote being cast at noon today following a bitter fight that occupied the entire morning session. It was on the question of whether or not these cases should be allowed, and was inaugurated by the filing of an application to that effect by the board of managers, and conducted after the opening counsel and senators had taken an active part in the discussion. In the course of the fight Chairman Homes and Member Nestos of the impeachment board declared that O. P. Jorjal, chairman of the committee which conducted the investigation before the house, had willfully concealed evidence and that he had refused to obey a subpoena of the impeachment court to appear and give testimony, or produce the records of the earlier investigation. The close of the fight came at noon when the vote of twenty-four to eighteen against admitting the unspecified cases was cast, roll call being as follows: Against admitting unspecified cases—Allen, Baker, Carter, Duncan, Gannett, Grosveld, Gunderson, Hookway, Jacobson, Kennedy, Krotzman, Linde, Martin, McDonald, McLean, Sverstrom, Stevens, Talcott, Thoreson, Trimble, Walton, Web and Young. For admitting unspecified cases—Bessessen, Cashel, Davis, Duns, Illin, ell, Overton, Plaun, Putnam, Steele of Stutsman, Steele of Renwill, Turner, Welch, Whit-her and Williams. Today's brilliant finish opened shortly after the morning session had been called.

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In report made Monday afternoon E. H. Griffin, chief clerk of the House of Representatives and against whom W. S. Crowley of Devils Lake has filed affidavits charging attempt to influence testimony, such affidavits being in turn filed by the board of managers with President Burdick, was completely exonerated of actions as charged. Report shows there was absolutely no foundation in fact for complaint, and evidence taken by special investigating committee, consisting of Senators Krotzman, Cashel and McLean, was submitted to the impeachment court to bear out its report. The senate adopted the report unanimously.

In this evidence taken Friday night from accused, Griffin, and the maker of the affidavit, Mr. Crowley, it is shown that they had two conversations in the lobby of the Grand Pacific hotel. In the first of these it appears that Griffin, not knowing Crowley, had made a statement to the effect that druggists testifying in the Cowan case charging Cowan with making purchases of liquor would incriminate themselves should they testify that they had sold liquor without causing the jurist to sign up drug permit.

The second conversation was shown to have been opened by Crowley, he and Griffin having become acquainted upon occasion of first conversation, at opening of which they were not acquainted. In this second conversation it was shown that Crowley had asked Griffin if it was a fact that a witness testifying that he had sold liquor to Cowan without requiring his signature to the book would incriminate himself, and at that time Griffin stated that he so understood the law, adding a word of warning to Crowley.

Crowley admitted in the testimony that at the time he did not think that Griffin was trying to influence testimony, but that he had afterwards thought about it in that light, and hence his complaint. On the witness stand in the impeachment case Crowley swore that he had sold liquor to Cowan, admitting at the same time that he was aware that he was violating the law in so doing.

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The Saint Paul Symphony Orchestra, which will appear at the Grand Opera House in Devils Lake on April 18th.

The finest organization of any kind ever brought to Devils Lake will make its appearance at the Grand opera house Tuesday afternoon and evening. The bringing of the St. Paul Symphony Orchestra to Devils Lake marks

## ASSESSORS HOLD REGULAR MEETING

SCHEDULE OF ASSESSMENT IS FIXED AT MEETING OF COUNTY REPRESENTATIVES.

LARGE NUMBER ARE PRESENT

RATES FIXED ON PERSONAL PROPERTY IN RAMSEY COUNTY FOR YEAR 1911.

The county assessors met Wednesday afternoon at the court house to reach an agreement regarding the rates for the year 1911. The report of the meeting was taken down by the secretary and was as follows:

Meeting was called to order at 2 o'clock P. M. by County Auditor R. V. Bice. The following assessors being present:

J. J. Annala, Lillehoff Twp., J. S. Kirk, Odessa, Victor E. Lagerstad, Northfield, Ole P. A. Borstad, Minnewaukan, Thos. J. McKegh, Cleveland, G. R. Bottolfson, Burgen, C. H. Weed, Grand Harbor, Peder Sorenson, De Groat, A. E. Gessner, Coulee, Fred Wilberg, Bartlett Vil., S. J. Dean, Crary, K. Vary, Hope, C. E. Wood, Stevens, Chas. Anderson, Ste. Minnewaukan, W. T. Miller, Morris, Jas. Nash, Webster, Mike Coyne, Pleasant, Henry Lake, Dry Lake, E. P. Tinboe, Norway, Aaron Hooker, Brocklet Vil., Norman Nelson, Churchy Ferry.

It was moved that J. S. Kirk act as Chairman of said meeting. Carried. All voting "Yes."

It was moved and carried that Victor E. Lagerstad act as Secretary of said meeting.

The following averages for the assessment of property for the year 1911 was agreed upon as follows: Horses one year old \$15.00 Horses two years old 25.00 Horses three years old 35.00 Stallions kept for service 100.00 Cattle one year old 5.00 Cattle two years old 7.00 Cows three years old 19.00 All other cattle 17.00 Mules one year old 15.00 Mules two years old 25.00 Mules three years old 35.00 Sheep 3.00 Hogs 3.00 Sleights and sleds 5.00 Bicycles 8.00 Wagons and carriages 8.00 Automobiles-20 per cent of actual value.

Organs and other musical instruments 20 per cent of actual value. Pianos 20 per cent of actual value. Household goods 15 per cent of actual value. Agricultural tools, implements and other machinery 15 per cent of actual value. Gasoline engines, 10 per cent of actual value. Threshing gasoline rig, separator 15 per cent of actual value. Steam traction engine 15 per cent of actual value. Goods and merchandise, 35 per cent of actual value. Shares of Bank Stock, 0 per cent of actual value. Elevators and warehouses, 25 per cent of actual value. Flour mills, 25 per cent of actual value. Improvement on farm lands, city and town lots, 20 per cent of actual value. The following resolution was then introduced:

It is hereby resolved that we, the assessors of Ramsey county, North Dakota, meet with the County Board of Equalization at their annual meeting in July, providing the respective township boards will stand our expenses while in attendance at said meeting, to act in conjunction with said board regarding the assessment of each assessor's assessment district and to answer all questions relative to same that may be asked by the County Board of Equalization. Carried. All voting "Yes."

Threshed and seconded to adjourn. All voting "Yes." (Signed) VICTOR E. LAGERSTAD, Secretary.

Arrested Doctor. Dr. J. E. Doran, one of the United Doctors, whose recent trip to Devils Lake was so widely advertised in the Journal and Inter Ocean, was arrested at Grand Forks under the new medical law. Doran did not have a permit to practice in this state. The sooner this class of practitioners are ruled out of the state the better.

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## Water Situation In City Is Reaching the Limit

### Effort Being Made by Kerlin to Give the People Water from Sweetwater Lake Through Road Pipes

After drilling but two wells in his attempt to live up to his contract with the city and furnish an adequate supply of good general service water, President Kerlin of the Devils Lake Improvement Company has announced that he has completed arrangements with the Great Northern for connections with the Sweetwater pipe line and that hereafter that will be the water given the people of Devils Lake. The new arrangement does not meet with the general approval of the people of the city and it is doubtful if the council will stand for any such arrangement. Some weeks ago when Mr. Kerlin saw the handwriting on the wall and realized that his lack of activity on the water problem was about to be aired, he took a trip to St. Paul and

attempted to arrange this Sweetwater matter. While there he telephoned to the Commercial club asking them to send the Great Northern officials telegrams, one from the city council and the other from the club, asking them to grant him permission to tap the pipes of the company. He even dictated over the phone the exact words he wanted used. The members of the council were interviewed and the Board of Directors of the Commercial club with the result that a telegram was framed asking the Great Northern to permit the Improvement Company to tap the main TEMPORARILY, setting May 1st as the date of the expiration of the favor. Mr. Kerlin called up again before this message was sent and was informed of the action with

the result that he then cancelled his request. The city council and the citizens generally will not stand for the Sweetwater plan as a permanent remedy. The water is not fit for general purposes, could not under any circumstances be used for drinking purposes and it is not suitable for washing or bathing. Any of the firemen who remember the appearance of the water when they used it for a short time would prove an excellent witness as to its fitness for general service. The sudden turn taken by the officers of the Improvement Company will not justify even the most conservative members of the council in voting for the submission of municipal ownership to the people.

## FORMER ATTORNEY HELD AT WILLISTON

E. L. SUTTON, FORMER MINOT ATTORNEY WHO WAS IN CITY, IS IN BAD.

E. L. Sutton, who was in the city the latter part of last week on his way west, was arrested at Williston according to the Crookston Times for passing bogus checks. Sutton was formerly practicing law at Minot, leaving there to go to Minneapolis.

The Crookston article is as follows: Yesterday, acting under advice wired by Sheriff Daniels of this city, E. L. Sutton was arrested at Williston, N. D., where he is being held on a charge of having passed various and sundry checks in Crookston.

He was here for several days at the Hotel Crookston with a pad named Claude Keenan and passed a check for \$25.50 in payment of his account. He also passed a \$10 check in Chris Hoch's, where he hung out for a good portion of his time.

He was in good standing here, having been connected with Col. Dodge's law office in St. Paul, and when he went to Chas. Loring to have a check cashed, Mr. Loring cashed a \$15 check without hesitation and would have cashed one for \$50 just as quickly as he had known Sutton for several years and believed him to be o. k.

The county attorney at Williston has the affair in charge out there and advises that Sutton says he will settle by payment in full in a few days. It appears that about two weeks ago Sutton was arrested by Sheriff Daniels for passing a worthless check off on Judge T. A. Sullivan, of East Grand Forks, and this he settled, it is supposed, by the money he got from the checks cashed here. Whether or not he intends to settle here by passing a few more at Williston will remain a matter of conjecture until further developments.

## DEVILS LAKE TO HAVE FAST TEAM

BASEBALL ORGANIZATION IS COMPLETED WITH GOOD PLAYERS ALREADY ENGAGED.

At a meeting held the first part of the week the following officers were selected to head the Devils Lake Baseball Association: Pres. L. P. Dawson, Vice Pres. Geo. Chaffee, Secretary, Jos. Foubert, Treasurer, S. C. Jones, Playing Manager, H. W. Shaulis. The directors are Geo. Chaffee, L. P. Dawson, Jack Duis, L. A. Stevens, Jos. Foubert and S. C. Jones. With these men at the head of the Association the success of the season is already assured. The committee in

## DESIGNATED PLACES

MARKET PLACES FOR SALE OF CHATELLES DESIGNATED BY BOARD UNDER LAW.

The following section of the county commissioners proceedings is of special interest, coming as it does under the new law recently passed by the state legislature. The section follows: Moved and carried that in accordance with Section 7506 of the R. C. of 1905, the following public places be designated as the only market places for the sale of chattels under Article 4, Chapter 20, Revised Codes of North Dakota, 1905. (Forfeiture of mortgages upon personal property.)

Churchy Ferry, at front door of the post office. Penn, at front door of Chas. Gessner's Livery Barn. Grand Harbor, at front door of post office.

City of Devils Lake, at front door of the court house. Crary, at front door of the postoffice. Dyon, at front door of postoffice. Bartlett, at front door of Reddick's hotel. Brocklet, at front door of postoffice. Lawton, at front door of postoffice. Elmora, at front door of postoffice. Starkweather, at front door of postoffice. Garske, at front door of Garske Mercantile Co.'s store. Welster, at front door of postoffice. Hampden, at front door of postoffice. Derrick, at front door of postoffice.

## CANDO WITNESS INSANE

CLAIMS ATTORNEYS FROM THIS CITY BOTHERED HIM UNTIL HIS MIND GAVE AWAY.

Bismarck, N. D., April 12.—The strain of the Cowan trial seems to have been too much for George Larson of Cando, one of the witnesses subpoenaed by the prosecution. Larson is now in the county jail here, with an unbalanced mind. For several days Larson has labored under the delusion that Bismarck and Devils Lake are both in a very bad condition and that both towns need the devils driven out of them. Larson seems to think that the infernos are after him, and has changed boarding places several times. The unfortunate fellow called on the Governor, who advised him to see a physician, which he did, and was later removed to the hospital. His condition became worse Monday night and he was later removed to the jail for safe keeping by the sheriff of Burleigh county.

Today the sheriff of Townier county arrived and will take the man back to his home. He seems to be much better but persists in saying that the evil spirits are after him and spends much of his time in jail in prayer. Larson was interviewed this afternoon by a reporter and seemed to be rational at times, but when asked as to the purpose of his visit would only answer that "Wewe Wewe" and "Brannon" had bothered him so much that the devils had come to get him. Efforts were made to get him to talk of the Cowan case, but he steadfastly refused to mention the affair, excepting that the lawyers from Devils Lake were bothering him.

The sheriff is expected to leave with his man tomorrow and he thought that when he returns home he will recover.

## INSPECTED COMPANY

ADJUTANT GENERAL WITH REGULAR ARMY OFFICERS INSPECTS LOCAL COMPANY

Adjutant General Truman, Major Stedman and Lieut. Herbst of the regular army arrived in the city Wednesday night on their annual trip of inspection through the state. Their program had included a trip yesterday morning to the storehouse at the military grounds, but the inclemency of the weather made the drive an impossibility. Last evening they inspected Company M and the men from all indications were well up to the standard.

Adjutant General Truman is making an excellent adjutant general and the guard is rapidly advancing. Shaw Was Here. Rev. E. S. Shaw of Minot, Assn. Supt. of the Congregational Home Missionary Society, was in the city the first of the week conferring with the Chautauque management. Mr. Shaw has accepted the position of platform manager and is a happy choice. He is well known throughout the state and is a splendid lecturer.

Editor Here. C. H. Crookard, editor of the New England Post and the Elgin Times was in the city the first of the week on his way west. Mr. Crookard was formerly located at Douglas and is a popular member of the editorial fraternity. --Job Printing at The World Office--

## ALLOW ORGANIZATION

SENATOR L'FOLLETTE WRITES LETTERS TO EMPLOYEES OF MAIL SERVICE.

Senator LaFollette intends to establish by legislation if he can, the right of government employees to organize unions in the same manner that trades are organized and affiliate with the American Federation of Labor. His purpose has been made plain in a letter sent to all employees of the railway mail service bearing upon the issue that has been raised between such employees of the government and Postmaster General Hitchcock, Assistant Postmaster General Stewart and other officials of the postoffice department.

Several of the circular letters sent out by the Wisconsin senator were received by the mail clerks running out of this city. Accompanying it is a list of questions seeking to disclose whether any employees have been intimidated in any way by the efforts of the postmaster's postal service from organizing.

Mme. Rothwell-Wolf, the Prima Donna, ranks at the very top. Director Rothwell is world famous. There are lots of good seats left yet—over 150 in the parquet—but they are going fast.

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