

State Arabic Was Sunk in Self Defense

Berlin, via London, Sept. 8.—Germany's note to the United States concerning the sinking of the White Star liner Arabic by a German submarine was communicated to James W. Gerard, the American ambassador yesterday morning. The note ascribes the destruction of the liner to an act of self defense on the part of the submarine, expresses the German government's deep regret that American lives were lost thereby and offers to refer the question of reparation and compensation to The Hague for adjustment.

The note reveals in detail the instructions to the submarine commanders concerning their treatment of liners. They are ordered not to attack passenger steamers except in case of an attempt to escape after it is ordered to halt, or unless its actions indicate an intention to attack the submarine.

The submarine commander, according to his report concerning the sinking of the Arabic, said he believed the Arabic was about to attack the submarine and therefore he acted within his instruction.

German naval experts declare that there is no other course open to submarines under present conditions when they assert every merchantman, from liner to fishing steamer, is presumptively an enemy and perhaps carrying guns and ready to seize an opportunity to attack the vulnerable submarines by gun fire or by ramming.

There is still no report available with regard to the sinking of the Hesperian.

The commander of a German submarine which has returned to its base, has reported to the admiralty that he torpedoed the liner Arabic in the belief that the Arabic's action indicated that she was about to attack the submarine, and that he fired in self defense.

According to the submarine commander's report, the submarine was engaged in destroying a freighter when the Arabic was sighted. The submarine then was on the surface.

The Arabic, the commander declares, swung around and headed toward the freighter as if to attack the submarine. The commander of the undersea craft remained in doubt as to the intention of the Arabic when the latter changed her course a few points but still kept headed in a direction that was bringing her nearer the scene.

The captain of the submarine, reports that he continued to observe the action of the liner until he saw the Arabic again changing her course and

head directly for the spot where the submarine lay, as if the Arabic had sighted the undersea boat. Then the commander of the submarine, believing his craft endangered, he declared, submerged her and fired a torpedo.

Say Hesperian Hit Mine

New York, Sept. 8.—Count von Bernstorff, German ambassador, received a wireless from Berlin late today from the German foreign office in which the statement is made that it appears improbable that the Hesperian was torpedoed and that it was more likely that the boat ran into a mine.

Lost a Valuable Team Monday

Frank Buzzell, of Courtenay lost two valuable horses Monday. Four horses hitched to a load of grain were being driven by a farm hand and were just crossing the track at Courtenay when the leaders were struck by the engine of a through freight and instantly killed, though the driver and the other two horses were not injured. The driver could not see the train as the tracks on both sides were lined with cars. The team of horses lost were the best on the farm.

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WARNS FARMERS NOT TO BUY IMPORTED CLOVER SEED

Washington, Sept. 8.—The department of agriculture warned farmers today against buying imported clover seed of low germination and advised testing before planting. Shortage of the French supply because of the war is said to have resulted in large quantities of dead seed reaching the market.

Minot Was Awfully Dry Saturday and Sunday

Minot, Sept. 11.—Four wagon loads of liquor, mostly beer, with a small amount of wine, were confiscated by the sheriff, under directions of the state's attorney's office, yesterday evening. The goods were found at the freight depots of the Great Northern and Soo and at the office of the Western Express company. It had been consigned to the blind pigs that have been put out of commission in the city during the last few days.

The liquor will be held the requisite length of time and will then be consigned to the thirsty gutters and pools about the city, under an order from the justice.

Sheriff Nedrole says that a new court house is an absolute necessity if goods that are sent to Minot to go down the throats of the thirsty is diverted and placed to go into storage in the court house and jail.

No further arrests in the bling pig cases have been made. In all 29 have walked the plank and a number of places have been closed by the use of injunctions. The officials have positive evidence in every case and convictions will be easy.

Invitations Are Issued For September Wedding

Invitations are out for the coming wedding of Miss Lura Barchus, of Fargo, a former Valley City girl, to Oscar O. Wilcox, of Kempton, N. D., whose engagement was recently announced in the Fargo papers. The wedding will take place Sept. 22 in the First Presbyterian church at Fargo, and it is quite probable a number of Valley City friends of Miss Barchus will attend the wedding.

SUMMONS

STATE OF NORTH DAKOTA, COUNTY OF BARNES. In District Court, Fifth Judicial District.

Thomas Yards, Incorporated, a corporation, Plaintiff,

vs.

Charles T. Dazey, and all other persons unknown claiming estate or interest in or lien or encumbrance upon the property described in the complaint, Defendants.

The State of North Dakota to the above named Defendants:

You are hereby summoned to answer the complaint in this action, a copy of which will be filed in the office of the Clerk of the District Court in and for the County of Barnes, and State of North Dakota, and to serve a copy of your answer upon the subscriber within thirty days after the service of this summons upon you, exclusive of the day of service; and in case of your failure to appear or answer judgment will be taken against you by default for the relief demanded in the Complaint.

Dated August 19, 1915.

ENGERUD, HOLT & FRAME,
Attorneys for Plaintiff,
Rooms 308-313 deLendrecie Building,
Fargo, N. Dak.

To the above named Defendants, and each of them:

You, and each of you, are hereby notified that the above entitled action relates to Lots numbered five (5), six (6) and seven (7), and also that part of Lots eight (8), nine (9), ten (10), eleven (11) and twelve (12), described as follows, to-wit: Commencing at the Northwest corner of Lot 12, thence running South along the West side of said lot, 80 feet; thence running East at right angles 125 feet to the East side of Lot 8; thence running North at right angles along the East side of said lot, 80 feet; thence running West at right angles along the North end of said lots 8, 9, 10, 11 and 12, 125 feet to the place of beginning; all situated in the North Half of Block 18, of the Original Townsite of Dazey, Barnes County, North Dakota.

And you are further notified that the object of this action is to exclude you, and each of you, from any right or title to, or interest in, or lien or encumbrance upon said above described property, and the whole thereof, and to quiet the title of the plaintiff thereto.

ENGERUD, HOLT & FRAME,
Attorneys for Plaintiff,
Fargo, North Dakota.
(Last Pub. Oct. 14.)

Girl Was Thrown Through Windshield

Tolna, N. D., Sept. 11.—Carl Schindele had a rather bad automobile accident while going home from the W. G. Ward farm. A heavy rain had fallen, which left the roads slippery, and while trying to dodge a stone, the car skidded and went into the ditch, turning over. His sister, Mrs. W. G. Ward, who was with him in the car, was thrown through the windshield, and received several severe cuts about the head and face from the broken glass. Carl escaped without injury, but the car was badly damaged.

Miss Jennie Loftus, who has been the guest of Mr. and Mrs. H. H. Jensen, left Saturday morning for Nome, where she will visit with friends.

Says Mothers' Pension Law Is Not Good

Jamestown, Sept. 7.—The application of Josephine Fahey for a "Mother's Pension" came on for a hearing and consideration Aug. 4, at 10 a. m. R. D. Chase, state's attorney, appeared especially for some of the county commissioners and objected to the jurisdiction of the court on the ground that only one county commissioner was served with notice, which objection was overruled.

The state's attorney then filed answer to the petition and objected to the jurisdiction of Judge J. U. Hemmi on the ground that the so-called "Mother's Pension" law, is unconstitutional and void and also made other objections.

The court overruled all the other objections raised and took the question of constitutionality under advisement. After hearing the testimony of Mrs. Fahey, the further consideration was postponed to Sept. 7.

The case came up Tuesday morning at 10 a. m. and the court made the following findings:

That the said law, House Bill No. 118, laws of 1915, is unconstitutional and void.

It is ordered and adjudged that the said application for mother's pensions, be, and hereby is denied, and that all proceedings thereunder be, and same hereby are, dismissed with prejudice.

We are loath to pronounce the "Mother's Pension" law unconstitutional; but a careful examination of section 111 of the constitution and House Bill No. 119, laws of 1915, impels us to that conclusion.

The jurisdiction of county courts is limited within certain bounds by the constitution, to-wit: "Probate and testamentary matters, the appointment of administrators and guardians, the settlement of accounts of administrators, executors and guardians and such other probate jurisdiction as may be conferred by law." It also provides for jurisdiction in certain civil and criminal cases conferred by majority vote of electors in counties having the necessary population. A small number of the counties have adopted this "increased jurisdiction" for county courts. This "increased jurisdiction" may also be abolished by a majority vote.

Said house bill, section 1, provides: "In every county in the state of North Dakota any woman who has one or more children under 14 years of age who are dependent upon her for support shall receive an allowance of not more than \$15 a month for each such child, such sum to be paid out of the county treasury as hereinafter provided."

Section 2 provides: "Such allowance shall be made by the county court and only upon the following conditions."

After enumerating the conditions, section 4 provides that the county court may modify or discontinue such allowance.

Section 6 provides for the filing of an application, the giving of notice of hearing to the overseers of the poor of the city, town or village where the applicant resides, and the county commissioners; also for appeal from the action of the county judge to the district court.

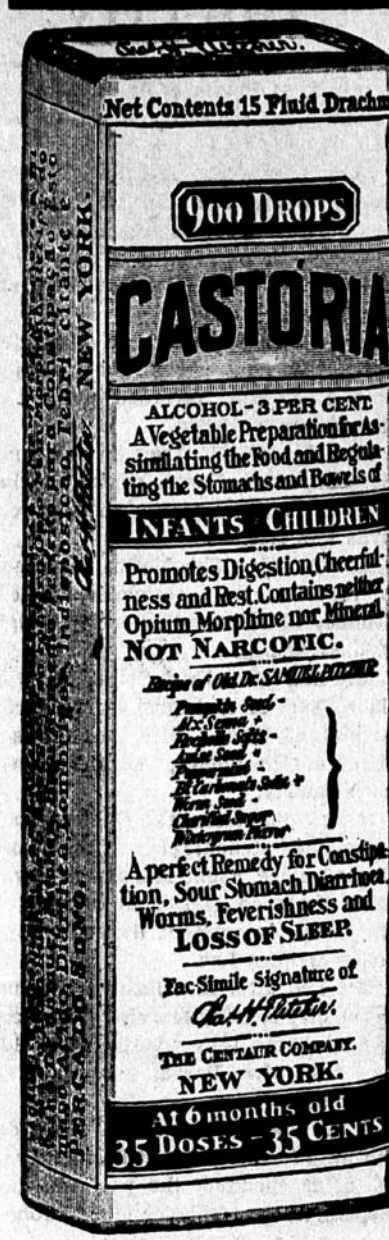
Do the provisions of this bill, and the powers therein conferred upon county courts, come within the prescribed limits of the constitution?

We know of no other state with a like constitution and a similar statute, hence we have no precedent to guide us.

The word "probate," when used in matters of jurisdiction of county courts or probate courts, relates to the establishment of wills; the word "administration" relates to the management of estates of deceased persons and incompetent or insane persons and minors. The appointment of administrators, executors, and guardians is for the purpose of having some one manage the estate of decedents and incompetent persons or the protection and care of incompetent persons (which includes minors).

It is clear that the said bill applies to all county courts and not merely those having "increased jurisdiction." It is also clear that it does not apply to matters of establishment of wills or the management of estates of deceased persons or incompetent persons or minors.

The Epworth league of the Epworth M. E. church met at the home of Miss Carrie Green on Fifth avenue Friday evening. There were about 25 present. They had a short program after which parlor games and refreshments were enjoyed.



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NOTICE!

Bismarck, N. D., Aug. 27, 1915.

Notice is hereby given that Nottmiller School District of Barnes County has filed with the Board of University and School Lands an application to purchase a certain parcel of land containing 40 acres in the SE. 1/4 of Sec. 16, Twp. 141, Rge. 57, Barnes County, for school site purposes, and the Board of University and School Lands has fixed a price of \$15.00 per acre.

Further, the Board fixed the 30th day of September, 1915, at 2 o'clock p. m., at the office of the State Land Commissioner at the Capitol in Bismarck as the time and place for hearing said application and any citizen interested may appear and show cause why such application should not be granted or the price is insufficient.

FRANK S. HENRY,
State Land Commissioner.
(Last Pub. Sept. 23.)

Normal Barn Is Under Way

Work on the big barn to be erected for the stock of the Normal school is now under way, Bob Bailey having the contract for its erection. The Jeffrey Lumber Co. furnishes the material.

Peter Ottinger, wife and son, Albert and daughter, Marie, of Oriska, accompanied by Mr. Ottinger's brother and wife, of Chaska, Minn., were taking in the sights in Valley City Friday.

Uses Knife on Robber; Stabber Gives Self Up

Grando, N. D., Sept. 11.—In an effort to recover \$2 which he claims Paul Chudob robbed him of, J. W. Woodson slashed Chudob in a horrible manner last night, and today surrendered to authorities.

Chudob is in such serious condition he may die, receiving deep wounds about the abdomen and the head.

Woodson says he attacked Chudob just after being robbed, when Chudob turned to leave him.

To the Public.

"I feel that I owe the manufacturers of Chamberlain's Colic, Cholera and Diarrhoea Remedy a word of gratitude," writes Mrs. T. N. Witherall, Gowanda, N. Y. "When I began taking this medicine I was in great pain and feeling terribly sick, due to an attack of summer complaint. After taking a dose of it I had not long to wait for relief as it benefited me almost immediately." Obtainable everywhere.

State Apportionment Received

The state apportionment for the quarter ending with July has been received at the county superintendent of schools' office in the city, and will be apportioned to the various districts in the county.

The state apportionment is 84 cents per child, and the county apportionment is 12 cents.

Mrs. W. C. Lyon entertained all the lady teachers of the public schools at the parsonage Saturday afternoon at a thimble bee. Tasty refreshments were served and all enjoyed a social time.

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