

EDITORIAL

The United States senate is composed of men who do not readily jump at the presidential mandate to "sign there" like a lot of rubber stamps—since March fourth. And we are glad to note that there are twenty or more sound democrats in the senate as well as a lot of republicans who aim to do their own thinking and voting.

A press dispatch in the Fargo Forum of last night conveys the intelligence that Walter F. Cushing has purchased the Advance at Beach, N. D., the paper he has so ably edited for the people of that city for the past five months. Mr. Cushing is one of the best writers in the state. In buying the Advance he has secured a good newspaper property and at the same time he shows that he has faith enough to believe that notwithstanding all the backsets the printing business has received at the hands of the late lamented legislature, he is going to make a win of it. That's the proper spirit. Success to you, old man.

If President Wilson figures that those of us who do not agree with him on the peace pact are ignorant guys and pro-Germans we wonder in what class he places those distinguished disciples of state socialism Messrs. Lemke, Townley, et al. who are to be in the front of his reception committee. Mr. Wilson must feel that he is in high class company today. While this ignorant newspaper man was buying liberty bonds, using up columns upon columns of our paper boosting for the boys over there in every branch of war work, some of these reception committee fellows were trying their durnest to hinder the progress of the war in every way possible. It seems to us that the president has rather slopped over in some of his statements.

In his speech at St. Paul yesterday President Wilson said that all editors who were opposed to the peace treaty in its present form were "down right ignorant," and also all those opponents to the peace treaty were rising the head of pro-Germanism in this country. Mr. Wilson is getting to be nothing more or less than a demagogue. Last election he forgot his presidential dignity to go out of his way to say that no one but a democrat should be elected to congress. He was rebuked by the people by the election of a republican congress. Ever since he started on his tour of the country calling those who oppose his views ignorant and pro-Germans he has been losing ground for the peace treaty. His own party senators are deserting him and are coming out for reservations and in every instance where there has been a test vote for the election of a congressman on this issue he has lost out. If a vote were to be taken today in the United States we do not hesitate to predict that the peace treaty in its present form would be defeated. The people of the United States as a whole are not an ignorant class of citizens—except the editors, of course—and it is mighty undignified of the president of the United States running around the country telling those who cannot see his viewpoint that they are ignorant and pro-German. Mr. Wilson has had his head turned by the flattery bestowed upon him by the European nations and while the big men of these nations have been patting him on the back they have been slipping something over for themselves in the meantime. Then he comes back and with an exaggerated amount of egotism undertakes to tell people just as well read just as well educated and just as sound in common sense as he is, that they are down right ignorant. No man ever held the office of president of the United States or ever will hold it, who is big enough to assert that he is the perfect man and that his opinion is supreme. There has only been one perfect man in the world—the lowly Nazarene—and he went about the country trying to convince people of their error by teaching gentleness and patience and truth. If the Washington schoolmaster would devote more of his time to trying by real argument to change the minds of those who do not see the treaty as he does instead of standing up and using his position as president of the United States to abuse people, he would be a great deal nearer to having his peace treaty ratified than he will by continuing his present tactics. Up to this time his trip, outside of making a big splurge for himself, has done more harm than good.

BUY 'EM YOURSELVES, BOYS

Those politicians who farm the farmers and work the workers in North Dakota show much greater eagerness to invest their winnings in automobiles than in state bonds to promote the new state enterprises.

Those great unselfish (?) leaders of the league are as careful to avoid buying bonds as they have been to avoid paying taxes in the state. The 10 or 12 men who were the most active in league politics in the state at the last election, didn't pay \$50 in taxes, all told.

Fargo is the headquarters for many of the league enterprises. Mr. Townley might lead the list of buyers for Fargo with one or two \$1,000 bonds. Mr. Lemke might chip in with a few thousand on behalf of his newspaper. The league bank could set an excellent example with the purchase of say \$25,000 or \$50,000 of the state bonds.

Step up to the counter, boys, and show you are not "fighting the farmers' movement." Buy some of them yourselves, boys, and set the rest of Fargo a good example. Don't be afraid to bet in your own game.—Forum.

PLACE TO USE THE INITIATIVE

At the earliest possible opportunity, which will be at the primaries next March, a law should be initiated to restore the powers of the state superintendent of public instruction and abolish the board of administration.

school system, after his defeat by the voters, has been a studied, deliberate insult to the majority of the voters of North Dakota. It should not be tolerated any longer than is necessary; and the men who perpetrated it should not be forgotten by the voters of the state.

The women of the state elected Miss Nielson. They have been slapped in the face by Governor Frazier and his board of administration.—Forum.

NEWSY TOPICS FROM CAPITAL

Bismarck, Sept. 10.—Citing the fact that since statehood the course of study in the common schools have been prepared by the superintendent of public instruction, and citing the Senate Journal to show that Senate Bill 134, establishing the board of administration was amended, re-amended and altered a number of times as the result of protests and hearings, Assistant Attorney General Edward B. Cox, before the supreme court Tuesday morning, argued Minnie Nielson's side of the lawsuit to retain in her office the preparation of course of study. Section 7 of the bill placed in the hands of an appointive body the "preparation of course of study for the several classes of public schools." This deprived the state superintendent of all power, and as a result Section 9 was added by the legislature which stated "The powers and duties shall be subject to the control of the board of administration, only insofar as such powers and duties were by law subject to control of the board of boards" consolidated into the board of administration.

An attempt on the part of the attorney to cite the publicity pamphlet and the statements of William Lemke that this did not deprive the state superintendent of powers, provoked a violent outburst from Judge Robinson. Attorney Joseph Coughlin appearing for the board of administration requested time to submit a brief. He was granted four days.

Reports of the examiners who have been working on the records of State Auditor Kositzky's office for the past month were used Tuesday as a basis for the mandamus action brought before the supreme court by Tax Commissioner George Wallace to secure his salary warrant. Kositzky cites in his brief that prior to the Wallace claim there were \$172,875.67 of unpaid bills and since then there have been \$78,464.64 additional claims with no money in the general fund to pay them.

Wallace based his suit on the grounds that Kositzky did not have the right to transfer funds paid by counties for care of insane, feeble-minded or tubercular patients to the three separate institutions. Kositzky cited Section 2572 which reads "And the state auditor shall pass the same to the credit of the hospital for the insane," and clinching his authority by citing Section 2568 which in part reads "Each county shall pay the charges for the care of patients to the state treasury to become a fund for the maintenance of the institution."

Following the lead of governors of other states Lynn Frazier has issued a proclamation setting apart Sept. 17, 1919 as Constitution Day. The proclamation has been received with much interest and it is styled a "self-white wash" of Frazier Labor Day speech. The governor in his second "whereas" indicates that the constitution is not all it should be. The proclamation is as follows:

Whereas, The Constitution of the United States is recognized as the greatest guardian and most powerful champion of the people's liberty—standing like the beacon light of the Goddess of Liberty and guaranteeing to the people the most sacred rights, privileges and opportunities of any land, and

Whereas, In appreciation of the rights and liberties made possible to us through the medium of the Constitution, and believing that this guaranty of the people's rights should at all times be upheld and respected, despite the efforts of the enemies of progress and justice to direct the power of this great institution to further entrench themselves in strategic positions where they may continue to prey upon the producers of all wealth, and

Whereas, The people of this state have proven most conclusively that they stand alike in peace and war for justice to all and special privileges to none—for free assembly—for freedom of speech and press, and for the observance of law and order.

Now, Therefore, as governor of the State of North Dakota, I hereby designate and urge that Wednesday, September Seventeenth, be observed as Constitution Day, and specially urge that in the observance of that day that we as a people re-dedicate ourselves to the high ideals and noble purposes for which the Constitution stands, and be resolved that these liberties shall be safeguarded and held inviolate, not only for ourselves, but for all succeeding generations.

Done at the Capitol at Bismarck, this 9th day of September, A. D. 1919.

By the Governor:
LYNN J. FRAZIER, Governor.

THOMAS HALL, Secretary of State.

The final hearing of the Neil Macdonald fight for the office of superintendent of public instruction was held before the supreme court Tuesday afternoon. When Miss Nielson appeared to take office Macdonald refused to give up his place, and the supreme court ousted him largely on the showing of the election returns. Neil then brought suit before Judge Nussle in district court, claiming Miss Nielson unqualified not having a certain grade of teachers certificate. Judge Nussle in dismissing the case remarked to Macdonald "You haven't a leg to stand on." Macdonald took an appeal to the supreme court. Evidence submitted and arguments were almost identical with those made in district court before Nussle.

NO EXCUSE FOR VIOLATING LAW

Bismarck, Sept. 9.—"The test of a law is its enforcement," said Attorney General William Langer when interviewed concerning the cigarette law which has been clamped on in the state. "During the war period the Red Cross, Y. M. C. A., Jewish Board, Salvation Army, the Knights of Columbus and kindred organizations collected thousands of dollars for distribution of cigarettes to soldiers. The men deserved the attention of the public. The cigarette was considered by the government as a war necessity. But the war has long been over. North Dakota has an anti-cigarette law. I do not care to express an opinion as to whether I consider it a good or a bad law."

"Two months ago and since the state licensing department sent out notices of laws most apt to be violated. Registered letters were mailed to all pool hall, confectionery stores and other dealers holding state licenses. There is no excuse for violation of the law. The cigarette law is on and on tightly. My job as attorney general is to enforce all laws without fear or favor," he concluded.

The statements is of decided interest in connection with the present conditions. Perhaps the greatest law enforcing campaign in the history of the state has just concluded over the eastern counties. Langer's so-called "Flying Squadron" in ten days caused arrests on 135 charges in 31 towns of 12 counties, secured pleas of guilty in 116 cases and orders holding law violators for trial in district court in 18 cases.

Towns visited and the number of arrests in each were as follows: Medina 7, Jamestown 16, Valley City 7, Casselton 2, Fargo 24 cigarette and 18 other cases, Grandin 2, Grand Forks 4, Larimore 3, Lakota 6, Petersburg 2, Doyon 2, Cray 2, Devils Lake 2, Churches Ferry 4, Knox 2, Rugby 6, Oberon 7, New Rockford 2, Carrington 4, and one each in Spiritwood, Eckelson, Sanborn, Oriska, Tower City, Buffalo, Argusville, Brindmade, Leeds, Lallie, Sheyenne, Barlow.

Seventy-four men pleaded guilty to selling cigarettes, paid fines of \$50 cash and costs and in addition have a ten day suspended jail sentence hanging over their heads to be served for a subsequent violation of the cigarette or other law. One man pleaded guilty and paid \$500 fine for selling snuff. Two others were bound over for trial in district court for "schnooks" sales; seventeen were arrested for gambling and paid a total of \$170 fines and costs; six men were bound over to district court to stand trial for liquor violations; one chief of police was removed; two stills were uncovered and a notorious hotel at Fargo was put out of commission as a bawdy house.

In addition to these prosecutions conducted in the various towns by Assistant Attorney General Albert E. Sheets, Jr., two pool halls were closed and their licenses revoked by order of State Inspector Earle H. Tostevin. One, that of Perry Star located at Oberon, had all the apparatus of a similar place in the pioneer days. The other pool hall, that of Henry Mayhew, Oriska, was closed as a penalty for contempt of the law. Three months ago Mayhew was arrested and convicted of selling cigarettes to minors and was told that further violation of the law would mean his license revoked. He ignored the warning and the lesson.

Letters commencing the action of the attorney general are pouring into his office and Mr. Langer admitted that strange as it might seem, the letters are pretty evenly divided between men who have been selling cigarettes and the men who opposed their sale.

The anti-cigarette faction is pleased because the law has been enforced and it has become almost an impossibility to secure cigarettes. The dealers and cigarette smokers are pleased because they believe the rigid enforcement of the law will prove the statute to be decidedly unpopular. They foresee a hard fight at the next or the special session of the legislature to have the law repealed and a statute substituted for it that will provide a high license for cigarette sales and a snuff fine and jail penalty for sale of cigarettes to minors. The anti-cigarette forces believe if cigarettes are hard to get, many will give up the use of them. And Langer says, "The law is being enforced, I've done my bit and any action is up to the people."

SUSPENSE HANGS OVER STATE CAPITOL

Bismarck, N. D., Sept. 2.—The corridors and halls seem to echo it; in the mantle of suspense which hangs over the capitol one seems to feel it; the mice in the attic (of the building of course) squeak out their opinions concerning it; even "Sakakawea" on her pedestal in the grounds seems to have her mouth pursed for the first syllable of the word "Impeachment."

Who will it be?

"Langer and Kositzky," say the Socialist leaders. But Hist! There be rumors that counter impeachment charges will be brought against Governor Lynn J. Frazier, Lieut. Governor Howard Wood, Frank Milhollan and C. F. DuPuis of the Railroad Commission, Larius Wehe of the Workmen's Compensation Bureau and Tax Commissioner George Wallace.

In the developments around the capitol comes the startling information that a large number of the laws passed at the famous 1919 legislative assembly are not only unconstitutional but as if they had never been.

It has been discovered by men with Sherlock Holmesian tendencies that the governor, lieutenant governor and two railroad commissioners are guilty of misdemeanors. Governor Frazier did not file his oath of office and qualify for his job until February 1st. Lieut. Governor Howard Wood failed to file his oath and qualify for office until February 7. Both accepted sal-

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aries for the month of January for which they had not qualified.

Impeachment of Gov. Frazier is no idle murmur of the winds, say attorneys of the capital city. They cite from the Townley Farmer's Press the following quotation from Frazier's Labor Day speech:

"Our forefathers in 1776 had no voice in the taxes they had to pay, so they organized the revolution and broke away from tyranny. It was a just revolution. I hope to God we can change things here by the use of the ballot. I think we can. BUT IF WE CAN'T IT MAY BE NECESSARY TO HAVE ANOTHER JUST REVOLUTION."

On the official books on file in the office of the Secretary of State, Thos. Hall, there is the following oath:

"I, Lynn Frazier of Hoople, N. D., do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Dakota, and that I will faithfully discharge the duties of the office of governor according to the best of my ability. So help me God."

One eminent jurist described the oath as meaning that the affiant "will not try to overthrow the government by physical force, countenance nor advocate such action."

Frazier's Labor Day speech has become historic. However in the other charges, it is alleged that during the time from January 5 when they took up their respective duties until the February dates when they legally became governor and lieutenant governor, Wood in the senate signed many bills which had been or was about to be enacted into law. It is claimed that Governor Frazier signed and made into law many bills without legal authority which had been approved by the Socialist leaders of the secret caucus and subsequently passed.

It is contended that all such statutes are therefore void having been approved and signed by men legally and technically merely private citizens.

In the cases of Milhollan and DuPuis of the railroad commission the same holds true. Both men are claimed to have officiated as duly elected officers without having qualified, and while still private citizens to have exerted authority to which they had no right. All of these charges are classified as misdemeanors, probably not very serious, but nevertheless held by anti-socialists to be serious enough when one considers the vast amount of legislation affected.

Then too, if there must be impeachment hearings, Larius Wehe of the Workmen's Compensation Bureau also comes in for a inning. It is charged that he sold to the Bureau which he heads, just \$200 worth of furniture which he personally owned, and this

in violation of the statute which provides "no official shall directly or indirectly in any contract or sale of goods to the department of which he is a member."

Then too, there is the case of \$124 which George Wallace, One-Man Tax Commissioner, is alleged to have handled in ways other than prescribed by law. It is alleged that he collected \$124 in moneys belonging to the state Lyman Baker, a clerk in the tax office was denied a claim for salary by the auditing board. Wallace insisted that Baker be paid and without proper authority used the \$124 for that purpose, as it is alleged. It was also claimed at the time the auditing board turned down the voucher that Baker did not work during the time that the vouchers covered. Statements to this effect were made by a former member of the tax commission.

Impeachment! Langer, Frazier, Wallace, Wehe, Kositzky, Milhollan, DuPuis and Wood,—all due for a hearing in a special session of the legislature is called!

Next!

JUDGES ARRANGE COURT SITTINGS

Judge C. M. Cooley of Grand Forks will hold the November jury term of court in Cass county the term to extend until the Christmas holidays, and Judge M. J. Englert of Valley City will hold the January jury term in the county, it was decided yesterday at a conference of the three judges of the First Judicial district in the county court house.

These two, with Judge A. T. Cole of Fargo, are the judges in the district. The latter will hold a special jury term of court in November in Nelson county, and the regular October jury term in Steele county, this fall.

Yesterday's conference was the first held by the judges of the district since it was established in July. Judge Cooley was the presiding judge of the old First district, embracing Grand Forks and Nelson counties. He is the senior judge of the new district.

Judge Cole was the presiding judge of the old Third district, including the counties of Cass, Traill and Steele. Judge Englert was appointed recently to fill the vacancy in the new First district, and will have his chambers in Valley City. He was practicing law in Valley City when appointed.

Judge Cooley returned to Grand Forks last night. Judge Englert remains to hear the divorce action of Samuel Case against Anna Case, trial

of which begun yesterday afternoon. The arrangements for holding the jury terms of court, as agreed upon at the consultation yesterday, follow:

November, 1919, jury term, Cass county, Judge Cooley.
January 1920, jury term, Barnes county, Judge Cooley.
May, 1920, jury term, Griggs county, Judge Cooley.
June 1920, jury term Steele county, Judge Cooley.
June, 1920, Traill county, jury term, Judge Cooley.
November, 1919, jury term, Griggs county, Judge Englert.
January 1920, jury term, Cass county, Judge Englert.
June, 1920, jury term, Grand Forks county, Judge Englert.
July, 1920, jury term, Nelson county, Judge Englert.
Nelson county, November special jury term, 1919, Judge Cole.
Steele county, October, 1919, jury term, Judge Cole.
Grand Forks, January, 1920, jury term, Judge Cole.
Traill county, February 1920, jury term, Judge Cole.
Barnes county, June, 1920, jury term, Judge Cole.
Judge Cooley of Grand Forks, being the senior judge in the district, will, as provided by law, notify the clerks of the several counties as to the calling of juries and the number of jurors to be drawn for each term.

RACE MEET AT VALLEY CITY SEPT. 18

The Barnes County Fair Association will put on a race on Sept. 18. There will be auto races, horse races, mule races and foot races. Liberal purses are offered and the many entries already made smow the interest of the racers. There are already eight automobiles entered and five Barnes county trotting and pacing horses and several miles who will compete in a running race.

Lieut. Axberg, that dare devil flyer, has been engaged and will open and close the meet with flying exhibitions. This promises to be one of the greatest race meets ever pulled off in the state. This will be pulled off at the fair grounds at Valley City on the afternoon of Sept. 18.

There may also be a race between the winning auto and the airship.

Miss H. Bowles arrived in the city Thursday from London, England, having completed five years of war work in a military hospital. She is now the guest of her sister, Mrs. William Herzberg.