

The Pioneer Abstract Office  
of the County  
Abstracts guaranteed by Surety  
Bond of \$10,000 filed in the office of  
the County Auditor.

References:  
Bismarck Bank  
First National Bank  
Any County Official of  
Burleigh County  
Bismarck, N. D.

## P. E. BYRNE

### Official Abstracter of Titles for Burleigh County

BISMARCK, N. D.

Taxes Paid for Non-residents

Byrne's Abstract Reports issued twice a week, contain the  
current real estate transfers of the county.

## THE CITY

### BANKS WILL CLOSE.

The banks of the city will close  
their doors today owing to the fact  
that it is a general election day.

### BROTHER INJURED.

Miss Cora Johnson of this city has  
received word that her brother was  
seriously injured in a mine explosion  
at Butte, Mont. Her sister has al-  
ready hastened to his bedside.

### ANNUAL MEETING.

The annual meeting of the direc-  
tors of the Bismarck hospital will  
occur today. Rev. Suckow, the su-  
perintendent, has remained in the city  
since Sunday to be present at the  
meeting.

### NEW MINISTER TO BEACH.

Rev. C. R. Stout, formerly of Up-  
land, Ind., has recently been ap-  
pointed by Rev. Danford as preacher of  
the Methodist church at Beach. He will  
preach his first sermon there on the  
first Sunday in July.

### GETTING SETTLED.

Rev. S. A. Danford, district superin-  
tendent of the Methodist Episcopal  
church in the Bismarck district, is  
getting settled in his new home at  
909 Fifth street. His family arrived  
and are prepared to make this their  
future home.

### RETURNED TO MANDAN.

Louis Dreveskracht of Mandan, who  
has been under treatment for some  
time at the Bismarck hospital for an  
acute attack of stomach trouble, has  
returned to his home at Mandan and  
is very much improved.

### NINE POUND GIRL.

A nine pound baby girl was born  
to Mrs. Pearl Grey of Richardson, at  
the home of Mr. and Mrs. Ned Wilton  
of Bismarck, Tuesday morning. Mr.  
Grey died January 5. Mother and  
child are doing nicely.

### WILL LEAVE TODAY.

Mrs. Frank G. Grambs and family  
will leave for Detroit, Minn., this  
morning, where they will spend the  
summer at the lakes. Mr. Grambs  
will accompany them but will at once  
return to care for his business in-  
terests in the city.

### SPECIAL SERMON TONIGHT.

Instead of the regular mid-week ser-  
vice there will be preaching service  
tonight at the German Evangelical  
church. Rev. R. W. Fleishman, pas-  
tor of the Evangelical church at Ab-  
erdeen, S. D., who is in the city, will  
occupy the pulpit. He is a very in-  
teresting speaker. Do not fail to  
hear him.

### DOWN FOR OPERATION.

Judge Gibson is down from Wash-  
burn with Mrs. Gibson, who had an  
attack of acute appendicitis a few

days ago, and will be forced to submit  
to an operation here. Judge Gibson  
is a candidate for nomination as coun-  
ty judge in McLean county, but has  
put aside any campaigning in order  
to be with Mrs. Gibson during her  
illness.

### TWO FILED ON CLAIMS.

There were two homestead entries  
at the United States land office yester-  
day. They were John J. Silbernagle  
of Napoleon, and Michael Nagel of  
Glen Ullin. The Wehringer - Addis  
contest case is still being heard and  
promises to be a record case before  
all the testimony is in.

### DR. SHUTE COMING SOON.

Dr. A. Lincoln Shute, the new pastor  
of the McCabe Methodist Episcopal  
church, will arrive at Bismarck Fri-  
day evening on No. 5. Dr. Shute  
comes to the city bearing a high re-  
putation as a public speaker. He is  
heartily recommended by a large  
number of people who have passed  
here and who have heard of him at  
points further east. He will conduct  
his first services in the city next  
Sunday.

### OFF FOR EUROPE.

Mrs. Herman L. Michaelson and  
Miss Dora Michaelson will leave to-  
morrow morning for an extended trip  
through the eastern part of the United  
States and through Europe. They  
will visit at Washington, Philadel-  
phia, Boston and New York City be-  
fore sailing. Mrs. Michaelson has a  
brother in New York, whom she will  
visit there. They will sail the middle  
of July. They have already procured  
their tickets for the Passion Play  
at Oberammergau, and will go from  
there to Berlin, Paris and other Euro-  
pean cities. Before returning they  
will visit at the home of Mrs. Mich-  
aelson's parents in Warsaw, Poland.  
Her father is very old, and has not  
seen his daughter for a number of  
years. He sent for her to come over  
and sent her steamer tickets for her-  
self and Dora. They will not return  
until late in the fall.

### THE TRIBUNE A POWER FOR GOOD—SOMETIMES

Bismarck, N. D., June 28, 1910.

Editor of the Tribune:  
I am sure the democrats of North  
Dakota in general, and those of Bur-  
leigh county in particular, will accept  
with due humility, the ponderous  
words of warning from the editorial  
sanctum of the Tribune and appearing  
in the issue of the 28th.

I wish the gifted editor might get  
wise to the beam in his own eye,  
and issue a few words to the right-  
eous adherents of republicanism who  
do not hesitate to lie and misrep-  
resent the situation to democrats in the  
desperate hope of getting the support  
of the said democrats in the effort  
of the republican brother to cut the po-  
litical throat of the other republican  
brother.

For a real nice, refined, compact  
piece of lying, the righteous republi-  
can brother in Burleigh county takes  
the persimmon.

The democratic county central com-  
mittee has been using valuable space  
in the Daily and Weekly Tribune, the  
Settler, Palladium, the Wilton News,  
and the Driscoll News in an earnest  
effort to have the democrats guard  
against the republican liar in this  
campaign; but so far as I have ob-  
served, not a single word has been  
said by the Tribune or those other  
papers condemning the notorious  
methods of the republican brethren in  
their efforts to induce the democrats  
to take part in the republican squab-  
ble.

The Tribune can be a power for  
good on occasion, but the sanctimon-  
ious self-righteous vaporings it occa-  
sionally indulges in make earnest peo-  
ple tired.

P. E. BYRNE,  
Chairman Democratic County  
Central Committee, Burleigh  
county.

### PERPETUAL MOTION.

A new idea in novel mystery is  
shown in the moving whirlwind of  
shirts in Rosen's window on Fifth  
street, and many people are trying  
to study out how the garments are  
kept in motion.

Do you know?

Fireworks at Knappen's.

## The Golden Rule

GROCERIES and NOTIONS

White Wax String Beans, 2 lbs.  
for ..... 25c  
Pineapples, per doz. .... 1.25  
Now is the time to put up pineap-  
ples as we believe they have  
struck bottom.  
Apricots, large baskets, each .... 60c  
Large baskets red Plums, each. .... 60c  
Large baskets Peaches, each. .... 60c  
Warm weather is causing lemons  
to go up in the air, prices now,  
large size, per doz. .... 50c  
Perfection Blend Coffee, regular  
35c grade, per lb. .... 28c  
32 oz. net weight Jams .... 30c  
No woman can put up finer goods  
than this jam is.  
Hiawatha Corn, 2 for ..... 25c  
Hiawatha Peas, per can ..... 25c  
There is no finer goods put up than  
the Hiawatha brand.

## McConkey & Son

PHONE No. 209

Corner Sixth and Broadway

### PERSONAL.

J. H. Shannon of Cogswell, was in  
the city Tuesday morning transact-  
ing some business.

J. F. Chaplin was an arrival in the  
city from Sterling Monday night and  
attended to some business affairs in  
the city Tuesday.

Mrs. Boynton and children have  
gone to Oakes where they will visit  
for awhile with relatives. Boynton is  
employed in the dispatcher's office at  
the Soo.

Philip Blank was an arrival in the  
city from New Salem Monday night.  
He returned to his home Tuesday af-  
ternoon.

B. Lichtenstein was an arrival from  
Glen Ullin Tuesday. He was in the  
city to attend to some business af-  
fairs.

M. M. McGovern of Newburg, N. D.,  
is in Bismarck attending to some busi-  
ness matters.

Ray Scott of Wagonport, came in  
yesterday to transact some business  
matters.

Miss Nan Larson of Mandan, was in  
the Capital City between trains  
Tuesday afternoon.

Mrs. W. A. Dillon, who has been vis-  
iting at the home of Bradley C. Marks,  
for the past two months, has returned  
to her home at Spokane, Wash.

Mrs. Ed. McCadams of Mandan,  
spent a few hours in the Capital City  
Tuesday afternoon.

Dr. A. M. Fisher has returned from  
a trip to the Twin Cities.

T. M. Skinner went to Britton on  
the south Soo Tuesday morning on  
business, and returned to Bismarck  
via the same route the same after-  
noon.

Mrs. Phoebe Brooks of McKenzie,  
was a visitor in the city on Tuesday.

Bernard J. O'Neill of McKenzie, was  
a visitor in the city Tuesday after-  
noon.

Mrs. J. W. Avery was an arrival in  
the city Tuesday afternoon.

George M. Zickert of Ashley, was in  
Bismarck Monday afternoon and  
evening.

E. E. Troxel of McKenzie, was in  
the Capital City attending to some  
business matters Tuesday.

Attorney John F. Sullivan was in  
Bismarck between trains yesterday.  
He returned to his home in Mandan  
in the afternoon.

W. F. Burnett was in the city from  
Dickinson Tuesday afternoon to trans-  
act business.

A. W. Bartz of Garrison, was an  
arrival on the north Soo Tuesday  
afternoon.

A. E. Johnson of Underwood, came  
down to the Capital City Tuesday af-  
ternoon.

S. D. Frost of Leola, S. D., was in  
the city Tuesday to attend to some  
business affairs.

### Fireworks at Knappen's.

For sale, first-class feed. Go to A.  
Logan's.

The Malleable Range, made in  
South Bend, is for homes where the  
best is none too good. See it at the  
Walper Hardware store's exhibit this  
week. Hot coffee and biscuits free.

### AN INVESTMENT.

A savings account is a safe invest-  
ment. Our savings department is un-  
der National bank supervision and we  
pay 4 per cent, payable quarterly.  
\$1.00 will open an account. Start to-  
day.

### THE CITY NATIONAL BANK.

### GIFT FOR YOU.

A valuable cook book and useful  
souvenir given free to every visitor  
attending the range exhibit this week  
at Walper's hardware store.

### Will Lunch.

Hot biscuits and coffee served free  
every day this week from 2 5 at the  
Malleable Range demonstration at  
Walper's hardware store.

### NO EXPERIENCE.

Mr. Buchanan says he still lives  
on his homestead taken in 1880, con-  
sequently he has no experience in  
legislation nor as an executive. A  
large number of business men won't  
employ inexperienced help for the  
store nor office, and even on the farm  
inexperienced help is not wanted. If  
experience is necessary on the farm,  
in the store, in the office, how much  
more so in the chief executive of the  
state. Prof. Aaker has experience,  
has made good and will get the solid  
support of all thinking voters for gov-  
ernor.—Advt.

Fireworks at Knappen's.

## In the Supreme Court

Emerado Farmers' Elevator Co., plain-  
tiff and respondent, vs. The Farm-  
ers' Bank of Emerado, defendant  
and appellant.

1. In case the treasurer of an eleva-  
tor company, also acting as cashier of  
a bank in which the Elevator com-  
pany has money on deposit, and auth-  
orized to draw checks in the name of  
the Elevator company upon its bank  
account for the purpose of paying  
debts and obligations of the Elevator  
company, misappropriates funds of  
the bank and for the purpose of cov-  
ering up a shortage in the bank's  
funds until such time as he expects to  
be able to replace the same, draws  
checks of the Elevator company pay-  
able to the bank and charges these  
checks against the Elevator company  
on the books of the bank, without in-  
tention to transfer funds from one  
corporation to the other but only for  
the purpose of temporarily concealing  
his defalcation, such checks create no  
liability in favor of the bank and  
against the Elevator company.

2. In case the cashier of the bank  
having misappropriated funds of the  
bank or become in some manner in-  
debted thereto, as treasurer of the  
Elevator company, draws checks upon  
it payable to the bank and uses the  
same to pay his personal indebted-  
ness to the bank, such checks, by  
their form, of themselves operate as  
notice to the bank of a misappropri-  
ation of the funds of the Elevator com-  
pany and the bank, after accepting  
them with such notice cannot pre-  
tend upon them a claim for liability  
against the Elevator company.

3. In case the cashier of a bank,  
who has misappropriated its funds or  
otherwise become indebted to it, in  
order to conceal his defalcation or  
pay his indebtedness transfers funds  
to an Elevator company of which he  
is treasurer, to the bank, and in order  
to account for such transfer drawn  
checks upon the Elevator company  
payable to the bank and charges the  
amount of the same against the Ele-  
vator company upon the books of the  
bank the bank having accepted such  
payment through its cashier, cannot  
retain the benefits of his act without  
accepting the consequences of his  
knowledge. After receiving funds un-  
der such a state of fact the bank can  
retain them only through ratification

of the fraudulent act of its agent, the  
cashier; and in doing this it becomes  
particeps criminalis with the cashier  
and liable at the suit of the Elevator  
company to the amount of the fund  
so fraudulently transferred.

4. A banking institution is not au-  
thorized to pay out funds entrusted  
to it on deposit to a person known  
by it to stand in a trust relation to  
the depositor, when it has notice that  
such person intends to misappropri-  
ate and divert the fund received to  
his own uses when paid over; and in  
case such payment is made the  
amount so paid may be recovered at  
the suit of the depositor.

5. In case the cashier of a banking  
institution who has the entire man-  
agement, control and conduct of its  
affairs and stands as sole representa-  
tive of the bank in all transactions  
relating to the receipt and disburse-  
ment of the funds of the depositors,  
while so acting draws checks of an  
Elevator company of which he is the  
treasurer, payable to the bank, pre-  
sents such checks as treasurer to him-  
self as cashier, takes the sum of mon-  
ey paid over thereon and misappropri-  
ates it, the bank for which he is act-  
ing will be held to knowledge of his  
fraudulent purpose at the time of  
presenting the checks and cannot base  
thereon a claim of liability in its favor  
against the Elevator company.

Syllabus by the court.

Appeal from the district court of  
Granite Forks county; C. F. Templeton,  
Judge.

Action by Emerado Farmers' Ele-  
vator company against the Farmers'  
Bank of Emerado, to recover a bal-  
ance alleged to have been received  
by it upon deposit.

Plaintiff had judgment and defend-  
ant appeals.

Affirmed.  
Bangs, Cooley and Hamilton, for  
appellant.

Scott Rex, for respondent.

Opinion of the court by Ellsworth,  
J., all concurring.

George Schlosser, plaintiff and re-  
spondent, vs. Great Northern Rail-  
way Company, defendant and ap-  
pellant.

Action to recover damages for neg-  
ligently killing three horses belong-  
ing to plaintiff while being shipped from  
Grand Rapids, Minn., to Hunter, N. D.  
Plaintiff. In the fall of 1907, shipped  
twenty-two head of horses from Hun-  
ter, North Dakota, to Grand Rapids,  
Minn., to the firm of Sutton and Mac-

key, over defendant's line. Sutton and  
Mackay were engaged in logging in  
northern Minnesota during the winter  
months, and plaintiff's horses were  
shipped by him to them for work in  
the woods. Under the agreement, the  
plaintiff was to and did pay the ex-  
penses of shipping the horses from  
Hunter, N. D., to Grand Rapids, Minn.  
Sutton and Mackay, in addition to  
compensating paid said plaintiff for  
the use of his horses, were to deliver  
them after the season ended to plain-  
tiff at Hunter, N. D., free of charge.  
On March 19, 1908, one of Sutton and  
Mackay's men, Crocker by name,  
brought the horses to Grand Rapids,  
and shipped them over defendant's  
line to plaintiff at Hunter. Defend-  
ant's agent at Grand Rapids filled out  
the ordinary form of live stock ship-  
ping contract, upon information given  
by Crocker, and Crocker executed the  
contract in the name of the plaintiff,  
by Crocker. The rate charged for the  
shipment was based on a valuation of  
\$75 per head. Held, that plaintiff was  
not a party to the contract between  
Sutton and Mackay and defendant  
that Crocker had no right or authority  
to sign plaintiff's name to the contract  
and that plaintiff was entitled to re-  
cover full value for the horses that  
were killed.

Syllabus by the court.

Appeal from the district court of  
Grand Forks county, Templeton, J.

Action by George Schlosser against  
Great Northern Railway Co.

From a judgment in favor of plain-  
tiff, and from an order denying de-  
fendant's motion for judgment non-  
withstanding the verdict and for a new  
trial, defendant appeals.

Affirmed.

Murphy and Duggan, for appellant.  
Skulason and Burtness, for respond-  
ent.

Opinion of the court by Carmody,  
J., all concurring except Morgan, C.  
J., not participating.

Richard G. P. Vallancey, plaintiff and  
appellant, vs. Martha Hunt and ohn  
C. Hunt, defendants and respond-  
ents.

1. In an action in claim and deliv-  
ery for the possession of personal  
property, mortgaged to secure a note  
given for a part of the purchase price,  
a defense to the note that the prop-  
erty was warranted on the sale, to do  
good work, may be shown under an  
answer that is a general denial only.

2. Under the general denial in a  
claim and delivery action, any fact  
may be shown that shows or tends to  
show that the detention of the prop-  
erty by the defendant is not wrong-  
ful.

3. There can be no waiver of the  
right to rescind a contract or to re-  
turn a machine sold under a warranty  
pursuant to contract, where a pur-  
chaser retains the same under an ex-  
press consent and request of the seller  
to do so until the seller puts the  
same in working order.

4. A party is not estopped to in-  
terpose a defense by reason of his  
representations or silence after the  
transaction has been excepted and the  
money paid over.

5. On an appeal from a judgment  
after trial where a jury has been  
waived by the parties and the trial  
court has made findings of fact, such  
findings of fact will not be disturbed  
unless shown to be clearly against the  
preponderance of the evidence.

Syllabus by the court.

Appeal from the district court of  
Rolette county, Cowan, J.

Action in claim and delivery.  
Judgment for the defendant, plain-  
tiff appeals.

Affirmed.

Skulason and Burtness and W. H.  
Thomas, for appellants.

C. R. Galfue and Burke, Middaugh  
and Cuthbert, for respondents.

Opinion of the court by Morgan, C.  
J., all concurring.

THE PLACE TO BUY  
Ground feed, oats, corn, bran,  
shorts and poultry supplies at Will's  
Seed Store.—Advt.

## THE CAPITOL STEAM LAUNDRY

We are giving especial attention to  
Hand Finished Work; also shirts  
and collars.

A part or all your laundry work  
solicited. Our wagons will call

PHONE 220

The  
Northwestern  
Laundry Co.

# ONE WEEK WHITE SALE OF Embroideries

During this week we offer our entire  
stock of embroideries, consisting of all  
overs embroideries and tuckings, bands,  
flouncings, edges, galloons, medallions  
and waist frontings, in Swiss, Nainsook,  
Batiste, Cambrics, etc., at a  
Discount of 20 per cent

## TWO BIG SPECIAL BARGAIN LOTS

LOT 1 Broken sets of very fine  
Sheer Swiss and Nain-  
sook and Batiste Edges and Bands,  
worth 65, 75 and 85 cents a yard; spe-  
cial during this sale only

39 cents per yard

LOT 2 Broken sets of our finest  
embroideries in flounc-  
es wide edges, bands, etc., on Swiss, Nain-  
sook and Batiste cloths; worth from  
90c to \$1.75 a yd.; special this sale only

59 cents per yard

Remnants of Embroideries and Laces at one half regular price

# A. W. LUCAS CO.

## Ambitious Young Men

will win a reputation for  
thrift and responsibility, by  
having a savings account.  
The young man who can  
save for himself can save  
for his employers. He's in  
a direct line for promotion.

## Start a Savings Account

One great secret of success  
is being ready for your op-  
portunity. A few hundred  
dollars may mean riches, if  
you're ready when the  
chance comes. We pay 4  
per cent interest quarterly,  
and your balance will grow  
surprisingly. START TO-  
DAY.

## City National Bank

## Real Estate and Investments

FARM LOANS IN MISSOURI  
SLOPE COUNTRY SOLICITED

D. T. OWENS, Tribune Bldg., Bismarck.

E. J. GORMAN F. J. GORMAN, Manager T. J. GORMAN

BISMARCK ELECTRIC CO.  
Electrical Wiring and Supplies  
BISMARCK, N. D.

Phone 489

108 Third Street

Fireworks at Knappen's.