

# Orpheum

Program for  
MON. and TUE. Only

The Only Theatre in Bismarck That Has  
a License to Run Licensed Pictures

**Hamilton & Brown**  
Those California Kids  
"DOWN ON THE FARM"  
With Special Scenery

"The Wrong Patient"  
A Bismarck comedy—here's  
where you get the laughs

"The Miser's Heart"  
He experiences a love greater  
than the love for gold.

"Queer Folks"  
A circus of fun at a circus—  
Come right in and laugh.

**Miss Myrtle Degnan**  
Featuring  
"GIVE ME A SMALL  
TOWN FOR MINE"

"Old Billy" comedy drama  
The story of a veteran fire horse  
—another great Selig fire pic.  
picture.

"The Covert of San  
Celeme"  
Special picture for Holy Week  
A dramatic reproduction of an  
actual historic event.

## BRIEF FILED

(Continued from page 1.)

**Compelled to Reduce Rates**  
The reasons given were that on account of the location of cities on the borders of Minnesota and adjoining states, the railroads would be and had been compelled to reduce their rates between points in Minnesota and cities in other states by reason of the competition of the latter with cities in Minnesota; thus Superior, Wis., on the border of Minnesota is practically the same distance from St. Paul as Duluth, the two in fact, constituting one commercial center. If the rates between St. Paul and Duluth are reduced, it was contended that a reduction of the rate between St. Paul and Superior was necessary and that this constituted a direct regulation of interstate commerce. Several such examples were set forth in Judge Sanborn's court.

The court held that the necessities of competition compelled the railroad so to reduce its rates or "suffer a substantial loss in revenue from its interstate business." Conditions in the respect mentioned are not materially different in Minnesota, than what they are in other states, generally, according to the governor's brief. Thus it is pointed out Kansas City, Kan., and Kansas City, Mo., are one commercial center, as are Omaha, Neb., and Council Bluffs, Ia., East St. Louis, Ill., and St. Louis, Mo., Cincinnati, O., and Covington and Newport Ky.

**Must Apply to All States**  
"We say that if the principal announced in the brief," said the court, "referring to that condition, 'it will undoubtedly be made to apply by showing a similar fact in virtually every state. The vice of the decision lies not in an incorrect statement of conditions in Minnesota and adjoining states, but in its plain disregard of the provisions of the federal constitution which establish the relation between the nation and the state. The operation of these provisions was not made to depend on geography or convenience or competition. They cannot apply in one state and not in another, according to circumstances as they may be found by the court, because they are vital principles which constitute the very structure of our form of government. Commerce is important but we do not live for trade, alone and cannot afford to let our institutions be sacrificed for the sake of it."

**An Inexorable Rule of Trade**  
The governor contended that the basis of the Minnesota case was that the regulation of interstate commerce follows from the regulation of local commerce through "an inexorable rule of trade" as held by Judge Sanborn. In this connection, the brief quoted Mr. Justice Brewer's opinion in the case of Ames vs. Union Pacific. "Neither can I understand how the reduction of local rates as a matter of law interferes with interstate rates. It is true that the companies may for their own convenience, to secure business or for other reason, rearrange their interstate rates to make them conform to the local rates prescribed by the statutes but surely there is no legal compulsion. The statute of the state does not work a change in interstate rates any more than an act of congress prescribing interstate rates would legally work a change in local rates. Railroad companies cannot plead their own convenience as the effect of competition between themselves and other companies in restraint of the otherwise undeniable powers of the state."

It is not held in the Minnesota case that the law was passed or the order of the railroad board made for the purpose of regulating interstate commerce, according to the brief, but only that they are invalid because of their effect on such commerce.

It is contended by the governor that in the absence of such an intention or direct effort, the state's action cannot be overthrown by the court on account of what it is held carriers will be held to do their interstate business, by the laws of the code and competition. The brief quoted Chief Justice White from the Northern Securities case on this principle.

**Stab Regulation Extends to All Lines**  
The brief declared "the right of state regulation extends to every business conducted within its borders although such business may also extend into interstate commerce." It then asked "if the doctrine is to be that the laws of trade may make the performance of a lawful duty by a state in the regulation of corporations doing business therein, a regulation of interstate commerce, who is to prescribe the test of the rule for applying it? Or shall we go to the logical conclusion that the laws of trade are higher than the constitution and must prevail without regard to the directness or extent of real or fancied interference with their full operation and effect?"

"The well known history of the formation and adoption of the constitution as well as its terms," the brief stated, "makes it certain that the people of the states in conferring upon congress the power to regulate interstate commerce, to give to the national government an authority which would destroy their right to regulate their own commerce. And yet that is the exact result of the decision in question and further carried to its logical conclusion, as under pressure prompt to come, it surely would be, it would make the state of the union impotent to perform those duties which every commonwealth owes to its citizens."

## In Time of Peace--

Prepare for war. In times of prosperity bank against adversity. Yes, bank. We use the term advisedly. Use the bank. Its advantages are all at your disposal. When in doubt ask the cashier. If he knows he will tell you. Let our bookkeepers handle your accounts. They'll keep them straight. Your checks are your receipts when you pay an account. When times are good, pile up a fund in the bank against your rainy day. It will be kept for you more safely than you can keep it. Fire proof vault, insurance against burglary. It's subject to your check when you want it. If you are not already banking with us the time to start is now.

## BISMARCK BANK

T. C. POWER, Pres. I. P. BAKER, Vice-Pres. G. H. Russ, Jr. Cash.

## WILL PROCLAIM WEEK OF APRIL 29 FOR CLEAN-UP

OVER \$10,000 WORTH OF BILLS ALLOWED BY BOARD OF CITY COMMISSIONERS AT REGULAR MEETING MONDAY EVENING—JACKSON ASSIGNED TO DEPARTMENT OF FINANCE AND REVENUE, AND HINCKLEY TO DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS.

\*\*\*\*\*  
"Be it resolved by the board of City Commissioners of the City of Bismarck, that the president of said commission do proclaim the week commencing Monday, April 29, as Clean-up Week, during which period the residents of the city shall clean up their premises, and aid, so far as lies within their power, the work of beautifying the city."  
Resolution adopted by Board of City Commissioners, Monday evening, April 1, 1912.  
\*\*\*\*\*

One of the most important meetings of the board of city commissioners that has been held for several weeks occurred at the city hall Monday evening. President Williams, and Commissioners Hinckley, Jackson, Lucas and Patterson were in attendance.

A petition was received asking for the construction of a sewer on Broadway between Main and West Park Streets. The matter was referred to the commissioner of sewers, and the city engineer was instructed to prepare plans and specifications for the extension of the sewer as asked. The report of the city engineer for the month of March was received and placed on file. It showed that a total of 2,003 loads had been weighed on the city scales during the past month, and that \$200.30 had been turned over to the city treasurer.

The report of the city health commissioner for the month of February was received and placed on file, and was as follows: Report of the Commissioner of Public Health, Bismarck, D., for the Month of February, 1912. Population, estimated, 6,000. Deaths resident 4; nonresident, 0; total 4. Deaths, February, 1911, resident, 4; nonresident, 3; total 7. Births, male, 4; female, 3; total, 7. Births, February 1911, 13.

Causes of death Male Age Pulmonary tuberculosis 1 42 Chronic endocarditis 1 69 Congenital debility 1 3 mos Suicide by firearms 1 42 Stillborn, not included in number of deaths, female, 1. Deaths in hospital, included in above list—St. Alexius, 2. Contagious diseases reported—Consumption, 1; deaths, 1; Typhoid fever, 1; death 0. The case of typhoid fever was from out of town. Health conditions have been good in the city during the month.

F. R. SMYTH, Comm'r of Public Health. The following communication was also received from the health officer and referred to the commissioner of streets and public improvements: Bismarck, April 1, 1912

To the members of the Honorable Board of City Commissioners, Bismarck, N. D.: Gentlemen: I enclose a clipping from the Bismarck Daily Tribune of March 30, 1912, entitled "Why Bismarck Needs Clean-up Week." The clipping describes in a plain and not overdrawn manner the dirt, graceful condition of some of the alleys of the city and gives many reasons why the condition should be remedied.

## Oh, How I Itched!

What long nerve-racking days of constant torture—what sleepless nights of terrible agony—itch—itch—itch,—oh, how I itched, until it seemed that I must tear off my very skin—then— instant relief—my skin cooled, soothed and healed!

The very first drops of D.D.D. Prescription for Eczema stopped that awful itching instantly—yes, the very moment D.D.D. touched the burning skin the torture ceased. A 25c bottle proves it. D.D.D. has been known for years as the only reliable remedy for the disease germs and leaves the skin as clear and healthy as that of a child.

All other druggists have D.D.D. Prescription—so to them if you can't come to us—but don't accept some big profit substitute. But if you come to our store, we are so certain of what D.D.D. will do for you that we offer you a full size bottle on this guarantee:—If you do not find that it takes away the itch AT ONCE, it costs you not a cent. Adam's drug store.

## How To Be Certain of Curing Constipation

Prejudice is a hard thing to overcome, but where health is at stake and the opinion of thousands of reliable people differs from yours, prejudice then becomes your menace and you ought to lay it aside. This is said in the interest of people suffering from chronic constipation imaginable can be cured by a brief use of Dr. Caldwell's Syrup Pepsin. You may not have heard of it before, but do not doubt its merits on that account, or because it has not been blatantly advertised. It has sold very successfully on word of mouth recommendation. Parents are giving it to their children today who were given it by their parents, and it has been truthfully said that more druggists use it personally in their families than any other laxative.

As health officer, and in accordance with law, I have on several occasions drawn attention to your honorable body to the necessity of the appointment of a public scavenger or sanitary contractor, whose duty it would be to regularly remove all rubbish and garbage from alleys, backyards and vacant lots. On March 27, 1911, I presented to you, for your approval, some rules governing the removal of rubbish but, as far as I am aware, nothing has been done in the matter. Possibly you have formulated some method of abating the insanitary conditions complained of and if so I would urge, as a needed measure, the immediate application of the method.

The death rate of the city has been reduced from 21 per 1000 in 1909, to 15.4 per 1000 in 1911, a saving of over 30 human lives per year, and with a clean city I believe the death rate will be still lower. I shall be pleased at any time to confer with your board or any committee appointed as to the best method of cleaning up the city and keeping it clean.

Respectfully,  
F. R. SMYTH,  
City Health Officer.

The report of the city treasurer was received and referred to the commissioner of finance. It showed a balance in the treasury of \$42,203.38, on March 22, 1912. The city auditor also submitted his report which was received and ordered to be published in the official paper.

The matter of the resignation of Commissioner Jackson from the department of streets was taken up, action having been deferred thereon at the meeting of a week ago. Upon motion Commissioner Jackson was assigned to the department of finance and revenue, and likewise Commissioner Hinckley was assigned to the department of streets and public improvements.

The matter of a sewer on the south side of the Northern Pacific tracks was deferred until some later time. The question of street sprinkling invoked considerable discussion, Commissioner Hinckley was instructed to confer with the city attorney and prepare a proper ordinance to create sprinkling districts. In the meantime what sprinkling is to be done will be done in the manner formerly employed.

There was some discussion as to the advisability of using the fire team upon the sprinkling wagons, but sentiment was strongly against using them for any such purpose. The point was emphasized that where the fire team is employed on the streets and is some distance away from the fire, serious loss might ensue from the delay in reaching the blaze which would thereby be necessitated.

Upon motion the president and the commissioner of finance were instructed to negotiate for the sale of bonds for the municipal auditorium. An ordinance amending Ordinance 208 came up for its first reading. The ordinance is designed to cut down the license of the motion picture shows to \$50 per annum.

The most important part of the evening's session, however, was the allowing of a huge list of bills which have been accumulating for the past six months. The amount of the bills which were allowed and for which warrants were ordered to be drawn, was \$10,317.21. Several bills were held over until they could be O. K'd by the proper departments. A bill from the Times Publishing Company and another from the Palladium Publishing company for "official printing" were not allowed because they were not designated as official papers.

Commissioner Hinckley introduced a resolution instructing the city engineer to prepare plans and specifications for grading Mandan avenue between Thayer and Avenue B. The resolution was carried.

A resolution providing that the president of the commission proclaim the week commencing Monday, April 29, as Clean-up Week was carried.

After some minor business was attended to, it was voted to allow the city auditor to employ an assistant for three days, the salary not to exceed \$10. The board adjourned thereupon until Monday evening, April 8.

**KNIGHTS TEMPLAR ATTENTION!**  
Easter service will be held at 3:30 P. M. Sunday, April 7th, in the Masonic Temple.

Sir Knight Rev. S. E. Ellsworth will conduct the service.  
You are requested to appear at the Asylum at 2:30 P. M.  
All Masons are invited to attend the service.

## THE TRUTH ABOUT BLUING.

Talk No. 1.  
Avoid liquid bluing. Every drop of water is adulterated. Half a cent's worth of blue in a large bottle filled with water is sold for 5 cents or 10 cents in many places.  
Always use RED CROSS BALL BLUE, the blue that's all blue. A large two-oz. package, all blue, sells for 5 cents or 4 oz. for 10 cents. De-light the laundress. ALL GROCERS.

## EASTER WINDOWS

A decidedly attractive window display is being shown at Web Bros., all windows having the Easter decorations in clever arrangement which has become recognized as one vital selling factor in present day merchandizing.

## Dr. Pierce's Favorite Prescription

is the best of all medicines for the cure of diseases, disorders and weaknesses peculiar to women. It is the only preparation of its kind devised by a regularly graduated physician—an experienced and skilled specialist in the diseases of women.

It is a safe medicine in any condition of the system. THE ONE REMEDY which contains no alcohol and no injurious habit-forming drugs and which creates no craving for such stimulants.

THE ONE REMEDY so good that its makers are not afraid to print its every ingredient on each outside bottle-wrapper and attest to the truthfulness of the same under oath.

It is sold by medicine dealers everywhere, and any dealer who hasn't it can get it. Don't take a substitute of unknown composition for this medicine of known composition. No counterfeit is as good as the genuine and the druggist who says something else is "just as good as Dr. Pierce's" is either mistaken or is trying to deceive you for his own selfish benefit. Such a man is not to be trusted. He is trifling with your most priceless possession—your health—may be your life itself. See that you get what you ask for.



**RESIDENCE FOR SALE**  
Eight-room modern house, desirably located. Mrs. W. Hoover, 601 Sixth street. Phone 185.

**EASTER SHOES**  
Showing the new Coronation Pump, White Buck and Imperial Browns—just in. WEBB BROS.

## Easter Hosiery

One of the most essential accessories to new Easter Garments you will need to match your new suit or those new pumps, perhaps both. Why not obtain the fullest value in HOSIERY it is possible to obtain anywhere at the price. We have an exceptionally large and varied line as to qualities, sheerness and price. Each range representing the utmost hosiery value possible to produce at the price asked.



## Easter Hosiery for Women

**At 25c per pair.** We offer Sheer Silk Lisle light and medium weight durable fine cottons in black, white and tans, and solid blacks with split soles.

**At 35c per pair.** Fine quality light weight lisle and fine sheer mercerized silk lisle in black white and tans and Wayne knit and Everwear guaranteed-box lot hosiery.

**At 50c per pair.** A guaranteed serviceable sheer silk lisle Gordon hose. The handsomest silky hose made, in black, white, tan and all colors.

Also a fashioned genuine pure silk hose with reinforced lisle heel, soles and top the best 50c silk hose made. Colors black and white.

Gordon and Wayne knit \$1 silk hose represent the biggest dollar value in silk hosiery known.

We have them in all colors. Other qualities at \$1.50, \$1.75 and \$2.00 per pair.

**GUARANTEE**—Every pair of hose sold by us is guaranteed to give you full value and service.

## Children's Hosiery

Wayne knit fashioned and seamless hosiery for children guaranteed satisfactory service at 25c per pair. All sizes and colors in silk lises, plain black in fine plain lises, fine cotton with linen thread reinforcements, fine cotton with split soles and medium heavy weight cotton for boys.

Baby may have fine cotton hose at 15c, silk lisle at 25c, casameres with silk heels and toes at 25c or all pure silk at 50c per pair.

## Easter Red Cross Shoe

## Footwear

Now on Exhibition

## Featuring

## Pingree Made---Red Cross Plain and Colonial Pumps

In Black Satin, White Canvas, Fancy Calf, Patent, Dull and Suede Leathers in all sizes and widths.

at \$3.50 and \$4.00 a pair

## A. W. LUCAS COMPANY