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OFFICIAL PAPER OF BURLEIGH COUNTY.

OFFICIAL PAPER OF CITY OF BISMARCK.

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TUESDAY, MAY 22, 1912.

SECOND ANNUAL NORTH DAKOTA INDUSTRIAL EXPOSITION, BISMARCK, OCTOBER 1 TO 13, 1912.

TAFT AND ROOSEVELT

The contest in New Jersey today is one of national interest. Three candidates for the republican nomination for the presidency have been disturbing the echoes, and the voters are casting their ballots. The result, it is admitted, will be close.

One of the interesting features of the whole presidential campaign has been the little figure cut by La Follette, who was set forth by some of the real "insurgents" of the north-west as the one and only presidential candidate. He is hardly in the "also ran" class. The Tribune has all the time taken the view that La Follette was not seriously viewed by the voters of the whole country as presidential material. And so the contest has narrowed down to Taft and Roosevelt.

Both are strong men, but in a different way. Mr. Taft is judicial, sane, conservative, anxious that all the people of the United States shall profit equally by its laws. We do not believe any president of the United States was ever actuated by a finer desire to administer affairs of the country for the benefit of the whole people.

Mr. Roosevelt is energetic, impulsive, ambitious, fiery and magnetic. He appeals strongly to the red blooded mass of the people, as is proven by his tremendous campaign. Of the two candidates we believe the country would thrive longest, far best and in the end round out its destiny as a republic better with men of the Taft kind than with such impulsive leaders as Mr. Roosevelt.

But whatever we may say of Roosevelt, he draws to him always a great following, and he is one of the century's most remarkable public men. But we think the country is now in need, more of constructive legislation, following Mr. Roosevelt's activities in his former terms, than of more disturbance. We already know what the problems are before the people. The thing to do is to work them out.

THE COMMISSIONERSHIP

The decision of the supreme court in the matter of the county commissionerships in Burleigh county is interesting, and shows again the wisdom of refraining from hasty judgment and noisy declamation because of political bias. The supreme court has decided that the old board of county commissioners acted legally in filling the vacancies that existed after the voters had declared for new districts and created them.

Because of the anxiety of political partisans to make capital for themselves and their factions, the county any many of its citizens have been put to expense and inconvenience, and many have been the declarations that wrong was being done and the people's rights disregarded. Now it seems that the people's rights were safeguarded by the action of the board, that the appointments were legal and that the partisans of faction and disorder were the ones who placed an unnecessary inconvenience and burden, both upon the board and the citizens of the county. We think it would be well in the future if the voters of the county would beware when notoriously interested partisans and politicians cry "wolf," as was done in this commissionership case.

Judge Winchester's decision of this case was upheld by the supreme court, whose decision the Tribune published yesterday. It will be important that the voters of the county keep the facts of this case in mind in the campaign now in progress. It will enable them to "size up" the judgment and capacity of some of those who were instrumental in bringing this case and who are now candidates for office.

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ENTITLED TO SUPPORT

The report received from Washington that the Borah bill would be reported favorably out of the house and senate conference is of special interest to North Dakotans, especially those who are now residing upon homesteads in the state. The Borah bill provides that a homesteader may prove up on his claim after three years of actual residence instead of five as formerly. At the time Senator Borah introduced his bill in the senate, Congressman L. B. Hanna introduced a like measure in the house of representatives. Mr. Hanna has been leading the fight for the enactment of the bill in the house, and latest reports would indicate that his efforts will meet with success.

Mr. Hanna has always been interested in the welfare of the homesteaders and farmers of North Dakota, and his interest is shown by the good legislation of practical value to North Dakotans that has resulted from his work in congress.

Louis B. Hanna comes before the people of North Dakota and asks them to elect him their governor. He is certainly entitled to their support. His capability has been proven. He is a shrewd, efficient business man with years of practical experience to guide him. This state needs a business administration and Mr. Hanna is the logical candidate.

The insurgents no doubt saw the necessity of calling an elimination banquet at Bismarck early in the primary campaign. Not only are their forces dangerously divided over congressional candidates in the Second district, but the repeated reports that Tom Marshall is supporting Buchanan for governor, while Senator Gronna is supporting the candidacy of C. A. Johnson, probably leads them to believe that the struggle for superiority among their party leaders is already showing signs of damaging effect.

Members of congress must feel that there is no use of trying to compete for public attention with the men who are soon to assemble in national conventions.

NAILED THE WRONG MAN.

The Reporter Didn't Get an Interview, but Did Get a Story.

The late Representative Bingham of Philadelphia, who was for many years the "father of the house," served in congress with the late General Meyer, who for years represented a New Orleans district in the house. The two generals, one a Yankee, the other a Confederate, were not only good friends, but bore a strong resemblance to each other, each being short, cheery looking, natty dressed and having a pink bald head.

One day the correspondent of a Philadelphia paper was called away from Washington and left a Baltimore man to do his work. The substitute received a telegram from Philadelphia to interview General Bingham on what congress would do with a bill, then pending, vitally affecting the Philadelphia mint.

Hurrying through Statuary hall, the "sub," who was new to Washington, ran into General Meyer. The Louisiana statesman was a little grumpy and when asked for an interview about the Philadelphia mint exploded. The reporter insisted.

"I don't care a—about the Philadelphia mint, I tell you!" shouted General Meyer and tore himself away. The story the correspondent sent to Philadelphia that night sizzled, and the Philadelphia paper the next morning on the front page heralded to the world how profoundly indifferent to the Philadelphia mint General Bingham was. It took Bingham a month to square himself with his constituents.—New York World.

Two of Them.

His companions bent over him with pitiful earnestness and stared beseechingly into his wizen features. Again came the flutter of the eyelids, but this time his will mastered approaching death. His lips weakly struggled to execute his last commands, and the friends bent closer to hear the following whisper: "I am—gone? Yes—er—I know. Go to Milly. Tell her—I died with—her name on—my lips; that I—er—have loved—her—alone—er—always. And Bessie—tell—er—tell Bessie the same thing."—London Telegraph.

The Twin Cities.

The tourist was for the first time viewing the Panaman city of Colon and the American city of Cristobal sitting side by side at the Atlantic end of the canal.

"What is it they call the American city?" he asked.

"Cristobal."

"That is too bad," he said. "It should be Colon and Semicon."—St. Louis Post-Dispatch.

News of the State

The band at Beach has reorganized.

Sargent county wants better roads.

The creamery at Ashley is flourishing.

Weather forecast for Bowman county—Very windy.

Yeggmen are said to be headed for North Dakota.

Some of the newspaper at Fargo will consolidate.

A Rebekah lodge has been organized at Belfield.

Insurance statements seem to be as plentiful as ever.

The Spiritwood Bugle is an adjunct to the Courtenay Gazette.

Sunday night's deluge seems to have been general over the state.

Spring rains have given Mercer county crops a good start.

The business men at Glen Ullin want the farmers to organize.

There is no reason why anyone cannot have faith in North Dakota.

A county corn contest and a street fair will be held at Mott this fall.

The democrats of Grand Forks have put up a complete county ticket.

The Hebron drug store has been purchased by New Salem parties.

Band concerts seem to be popular in every town—that can have them.

The Mandan News predicts a majority for Hanna in Morton county.

Jamestown is receiving bids for the construction of its white way lights.

Lidgerwood is attempting to organize another fast ball team for this season.

The Adams County Record at Hettinger contains 35 political announcements.

Editor Neils Olsson of the Mercer Telegram is a candidate for the legislature.

Wimbledon has its Fourth of July committees working for a big celebration.

Some of the insurgent newspapers seem to be afflicted with a political nightmare.

The Gackle Republican evidently wanted more than two insurance statements.

A quietus has been put on a family quarrel which lasted for several weeks, at Bentley.

The Webster theatrical exchange at Fargo is booking 94 theaters throughout the northwest.

The mayor of Grafton has ordered a slower rate of speed for automobile drivers of that town.

Herb Hallenbergs, the Carson banker, has withdrawn from the Morton county legislative ticket.

A Belfield bidder was awarded the contract for the creamery building to be erected at New England.

Alfred Blaisdell was the guest of honor at a meeting of the Ambrose Commercial club the other evening.

Mott is preparing to give Governor Burke a reception when he arrives there June 3rd for a democratic rally.

The ministers of Grand Forks are making an effort to stop the league from playing Sunday ball games there.

Congressman Hanna is to be commended for his efforts towards the passage of the three-year homestead law.

The women of Fargo have fallen into the habit of removing their hats in church since Billy Sunday was there.

With Senator Gronna supporting C. A. Johnson for governor there is no telling what turn politics are apt to take.

The man who failed to register with the assessor will probably experience some trouble in voting at the primaries.

The editorial chorus will cause no fright in Minot. The Magic city has passed through thrilling experiences before.

Hay promises to be a good crop in North Dakota this year. A few bales will probably be used before the campaign ends.

The Mott Pioneer Press says that L. B. Hanna is the only man who can carry this state to a republican victory this fall.

The Glen Ullin News says that county politics in Morton are insignificant compared with the question of county division.

Nearly all of the candidates of Sargent county landed in Minot on the same day and it is said hand shaking was something furious.

The Diamond Bee is of the opinion that L. B. Hanna will run better for governor than he did for congress. That will be going some.

Supreme Court

In the Supreme Court, State of North Dakota, April Term, 1912.

William F. Albrecht, Petitioner.

vs.

J. T. Zimmerly, as Clerk of the District Court of Sheridan County, and S. L. Nichols, as Presiding Judge thereof, Respondents.

On an application for writ of certiorari to review proceedings of the district court of Sheridan County, and an alleged excess of jurisdiction of said court concerning a proceeding pending for removal of petitioner as a county commissioner of said county, it is HELD:

1. The appearance by defendant in said removal proceedings at the time fixed in the notice of hearing therein, and the filing with the clerk by the defendant in said proceedings of written objections challenging the sufficiency of the accusations to constitute grounds for removal under the statute, Sec. 9646, R. C. 1905, all made under a purported special appearance, is the equivalent of a general appearance and the filing of a demurrer to said written accusations, and thereby confers jurisdiction in said proceedings even though no jurisdiction over the person existed prior thereto.

2. Without determining whether an order continuing said proceedings and holding defendants to have waived the right to trial by jury is voidable or void, the portion of the order holding the right to trial by jury to have been waived is contrary to the fact and premature in that the time has not yet arrived when defendants may be asked to enter plea to said accusations for the reason that a demurrer in substance is pending in said proceedings and not ruled upon or disposed of and at least such portion of the order should be vacated.

3. The time within which the trial provided by Sec. 9646 should have been had on the accusations in the proceedings below having expired, pending hearing herein, therefore, on the state's application, a thirty day extension of the time within which to try and determine the issues therein involved in said removal proceedings is granted the same to be calculated from the date of the filing of the remittitur herein in the lower court.

4. No excuse of jurisdiction appearing in the writ is denied with no costs taxed.

(Syllabus by the court.)

On application for writ of certiorari an order to show cause was issued, on petitioner's application, returnable before this court, and on hearing is quashed and the writ denied.

Opinion by Goss, J.

O. J. Jordal and Geo. Thom Jr., of Denhoff, N. D., attorneys for petitioner.

Thos. D. Morrow, State's Attorney of McClusky, N. D., and C. S. Buck of Jamestown, N. D., attorneys for respondents.

In the Supreme Court, State of North Dakota, April Term, 1912.

Charles A. Stollard, et al., Plaintiff and Respondent.

vs.

The German Alliance Insurance Co., Defendant and Appellant.

1. The local agent of the defendant insurance company was fairly and fully informed of the plaintiff's title to the property insured, and accepted the premium and issued the policy thereafter. HELD that the knowledge of the agent was the knowledge of the company, and the company is therefore estopped to set up, as a defense to a loss, facts of which they had knowledge before the issuance of the policy. Leisen v. Ins. Co., 20 N. D. 316, 127 N. W. 837, 30 L. R. A. 539 followed.

2. Evidence examined and found that plaintiffs became the owners of the building insured, either upon a parol contract or upon a written contract of very similar terms, but whether the title was obtained either way was immaterial in this case wherein it appears that the title was in fact obtained either way and the company was fully informed of its nature before the policy was issued. (Syllabus by the court.)

Appeal from the district court Ramsey County, Cowan, J.

Affirmed.

E. R. Sinkler and J. A. Heder of Minot, N. D., for appellants.

P. J. McClary and W. M. Anderson, of Devils Lake, for respondents.

Opinion of the court by Burke, J.

Would Make a Good Governor.

Buffalo Express: Hon. L. B. Hanna has returned from Washington, D. C., and is preparing to enter upon his campaign work. He has thousands of friends in North Dakota as proven by the enormous vote given him two years ago. The people will search a long time to find a man in whose charge as governor the state affairs would be more conservatively and consistently conducted.

SEED FLAX.

Seed flax for sale. \$2.50 per bushel. W. E. Breen.

Use Gussner's home-cured Ham and Bacon.

NOTICE TO CREDITORS.

In the matter of the estate of John Plath, deceased.

Notice is hereby given by the undersigned Samuel J. King, administrator of the Estate of John Plath, late of the Town of Mott, in the county of Burleigh and State of North Dakota, deceased, to the creditors of, and all persons having claims against said deceased, to exhibit them, with the necessary vouchers, within 4 months after the first publication of this notice, to said administrator, in the Town of Mott, in said Burleigh county.

Dated 24th day of May, A. D. 1912.

S. J. KING, Administrator.

First publication on the 28th day of May, A. D. 1912.

Mandan Dept.

Dick Coonen Sold Cafe.

R. D. Coonen, familiarly known as "Dick," has sold his new and up-to-date restaurant in this city to H. H. Landers of Fargo. The cafe was opened only a few weeks ago and had already built up a splendid run of custom, but the proprietor wished to return to his farm near Bismarck, hence the sale. Mr. Landers, the buyer, comes as an experienced restaurant man, and will undoubtedly keep up the good name of the place.

Junior Banquet Friday Night.

In accordance with the annual custom, the class of 1913 of the local high school will banquet the class of 1912, the affair to take place Friday night at the Commercial club rooms. After the banquet a few toasts will be responded to and dancing will be the amusement for a few hours. Examinations are in full swing now and will be completed by Thursday.

No Memorial Celebration.

Owing to the fact that Mandan's squad of old soldiers is sadly decreasing, there will be no general observance of Memorial day in this city, such as there was last year. However, there will be special Sunday services at all of the churches, one of which will probably be attended by the soldiers. The graves of the many who have answered the final roll call will be decorated by the survivors Thursday.

O. C. Gross on Trial.

Otto Charles Gross of Underwood is on trial in the district court for obtaining money under false pretense; the case was called at 9 a. m. yesterday and the following jury was obtained: John Stewart, Stewart Steed, L. M. Hamery, Harry Kelsey, S. C. Hill, F. J. Harnisch, James Neamith, Albert Hegge, Fred Rau, William Myers, James Chorley, W. D. Dopping, the last two being talesmen. Testimony taken from the cashiers of the two Glen Ullin banks and some Glen Ullin merchandise dealers and from the cashier of the Underwood bank was to the effect that the defendant had funds in the Underwood bank, but that, in paying bills in Glen Ullin, writing two checks for \$10 and \$15 each, he greatly overdraw his account. He was, on complaint of Glen Ullin parties who lost, arrested while at Leipzig last February and brought to this city under custody. State's Attorney Blazing is prosecuting, and Attorneys Lanterman and Hanley defending.

Ships Cattle From Texas.

W. S. Parkin of this city, who owns and manages a large ranch on the Standing Rock Indian reservation near Shields, this county, has been spending several weeks in Texas purchasing cattle for his ranch, and during the past few days three trainloads have been shipped from various Texas points to Shields, containing 1,800, more or less, long horn Texas cattle. These are probably the largest single consignments which have ever been shipped in, and are attracting considerable attention. Large gangs of cowboys are taking care of the cattle at the ranch.

JAMESTOWN COLLEGE.

The third annual commencement of the college since its doors were reopened in September, 1909, will occur the first week in June, 1912, the program continuing from Sunday, June 6th, when the annual president's reception will be held at Sanford dormitory.

Program of Events.

Sunday, June 2—Baccalaureate sermon by the Rev. J. W. K. Kingston, Courtenay, N. D., Presbyterian church.

Monday, June 3—Address to the Christian associations by the Rev. Frederic E. Behner, Fargo, N. D., College chapel.

Wednesday, June 5—The annual Coffey Oratorical Contest. College chapel.

Thursday, June 6, 8 p. m.—Commencement exercises. College chapel.

Thursday, 10 p. m.—President's reception, Sanford dormitory.

The commencement exercises will be of unusual interest this year. The Monday evening address will be by Rev. Behner, who was recently selected pastor of the First Presbyterian church at Fargo, and is an eloquent speaker. A beautiful program has been prepared for the school of music graduation.

The roll of students as published in full in the new college catalogue shows a net enrollment of 165, a substantial gain over last year.

Miss Jessie Custer was absent last Friday at the County Sunday School convention held at Cleveland. She remained in Cleveland over Sunday, returning Monday afternoon.

Last Saturday evening the students of the four college classes entertained in honor of the graduates from the preparatory department. The affair was a seven-course banquet given at the residence of Mrs. Harrington, the caterer, and charmingly served by the Misses Evelyn Dennis, Daphna Hauser and Gertrude Kribbs. The rooms were prettily decorated with pennants with plum blossoms upon the table and the glass colors, canary and wine, carried out in the menu. The guests were Florence Woodward, Helen Kingston and Homer Wallin of the class, and Prof. T. C. Mabon, their faculty advisor. After the banquet, Miss Ruth Tweed, the sophomore class president, presided as toast-mistress and introduced the following speakers:

Class of 1912—Winifred Harrison. Response for Class—Homer Wallin. Address—Anne Buck.

J. C. and its Future—Alex Woychik. Later in the parlors Miss Inez Atwood and Mr. Mabon favored the com-

KUPITZ
The Leading Grocer
Nothing but first-class Goods
Everything the Market Affords.

**THE GROCER
BUTCHER
AND BAKER**

pany with vocal solos, and Mr Alex Woychik with a violin solo.
Amusements
ORPHEUM
Where Everybody Goes.

A packed house was the rule at the first performance last evening to see the new two-act program offered by Manager Bauer. In addition to the two acts, three reels of good comedy pictures were shown that could not be better. Jacobs and Bertrand, the American laugh brokers, were well received and surely pleased all. Mae Rose has a neat character turn in which she seemed to please. Tonight will be the final appearance of this all comedy program.

BISMARCK THEATER.
Last Time Tonight, Countess De Swirsky in Classical Dances.

Everyone enjoyed the many specialties which the Bismarck theater has secured at heavy expense. The reel portraying the Russian Countess De Swirsky, whose dances have created a furore all over the world, is one. It is a big relief from the common place, "The Tankville Constable" will also be presented tonight. It is a rattling good comedy. "The Tramp's Gratitude" is a dairy charming story touching deeply the chord of sympathy. You will find the "On the Stroke of Three" intensely interesting, while "In the Northern Woods" is the most realistic photoplay of the far north ever filmed. Two beautiful songs, "I Wonder How the Old Folks Are at Home" and "Melody Lane," were received with enthusiastic applause. The entire program will be presented again tonight.

SOUTH DAKOTA NEXT
HURON, S. D., May 28.—La Follette's manager, W. L. House, has completed arrangements for a speaking tour of the state for La Follette, beginning tomorrow morning and closing next Monday night, one day before the primary.

**Stop, Read & Hurry
or Phone 86
Gem Grocery**
212 6th Street
Breakfast bacon, by the slab, lb 19c
Pickles, sweet or sour, qt. jars...30c
Strawberries extra choice 15c, 2 for 25c
Fine brick cheese, per lb.....25c
First quality peaches, No. 3 can...18c
Crown brand Sardines, regular 15c, today 10c
6 bars Santa Claus soap35c
FULL LINE OF COOKIES.

**The Square Deal
Grocery**
Headquarters for
Fresh Fruits & Vegetables
Of all kinds
If you are looking for service and
qualities in your groceries
we have it
Once a customer always satisfied.
Try us. Satisfaction guaranteed.
John Dawson & Son
205 Fifth St. Phone 196

IN THE
Lodge
Room

G. A. R.
JAMES B. McPHERSON POST NO. 2, Department of North Dakota, Grand Army of the Republic. Meets at their rooms in the Army on the fourth Thursday of each month. George Gibson, commander; George Ward, adjutant.

MASON C.
BISMARCK LODGE NO. 5, A. F. & A. M. Meets first and third Mondays in each month at Masonic hall. William O'Hara, W. M.; Bradley Marks, secretary.

TANCRED COMMANDERY NO. 1, George H. Russ, Jr., E. C.; G. W. Wolbert, recorder. Regular meeting first and third Thursday of each month.

O. E. S.
BISMARCK CHAPTER NO. 11, meets first and third Fridays in each month at Masonic hall. Mrs. Mary A. Lehart, worthy matron; Mrs. Gertrude Miller, secretary.

KNIGHTS OF PYTHIAS.
ST. ELMO LODGE NO. 4, Meets each Wednesday evening at K. P. hall. L. K. Thompson, C. C.; C. C. Watson, K. of R. & S.

PYTHIAN SISTERS.
LINCOLN TEMPLE NO. 9, Meets second and fourth Mondays of each month at K. P. hall. Mrs. Laura Sanders, M. E. C.; Mrs. Nellie Everts, M. of T. & C.

A. O. U. W.
BISMARCK LODGE NO. 120, Meets the first Tuesday of each month at K. P. hall at 8 o'clock. Bradley Marks, M. W.; E. M. Thompson, financier; Roy M. Halliday, recorder.

TYPOGRAPHICAL UNION NO. 140, Meets first Monday in each month at 5 p. m. J. A. Smith, president; B. C. Sweeney, secretary.

ELKS
B. P. O. E. No. 1199 meets at Elks hall first and third Fridays of the month. Visiting brothers welcome. T. R. Mockler, E. R.; Carl Pederson,