

## PRIMARY LAW

## Senatorial Election Law Being Tested For Constitutionality.

Bismarck, N. D., Oct. 23.—A number of attorneys from over the state were at the capital early this morning preparing matters for the argument in the contest of the United States senator feature of the primary law, in the supreme court.

When court opened this afternoon Judge Young for the relators in the action, made an additional application that Charles Stowers of Cass county be made one of the relators in the case and that the county auditor of Cass county be one of the defendants Judge Young held he made the application from the fact that the other relator, Herschell James of Hettinger county, was not in a county that regularly appeared in a legislative district, and that this additional application would help to facilitate the case in the court.

Attorney General McCue presented the secretary of state's return and entered a demurrer to the proceedings and presented a formal motion to have the law sustained by quashing the proceedings on the grounds that relator had no rights in the matter and that there was a lack of jurisdiction because James, the relator, did not have sufficient interest in the matter to bring the proceedings.

All the petitions will be considered by the court when it arrives at its final decision. Judge Young and Attorney Lawrence argued that the law is unconstitutional because the constitution prescribes the qualifications of the legislative members and the legislative has no authority to add to these, qualifications by compelling the legislative candidates to file an affidavit that they would support any certain candidate in the legislative session, who might be designated as the popular choice for United States senator. The relator's attorney argued that the court have the secretary of state annul the notice that the names of Johnson and Marshall shall go on the ballot.

The argument from the array of legal talent before the court continued throughout the afternoon and it is not certain when the court will reach a decision in the matter.

## Special to the Alert.

Bismarck, N. D., Oct. 24.—The arguments for and against the constitutionality of the primary election law as regards the choice of United States senators were completed before the supreme court late this afternoon. It is not known what decision will be made, but the senatorial ballots will sent out as hither to provided for.

## HIGH SCHOOL NOTES

The report cards came out Wednesday with the following ranks: Freshman class, Grace Meeker, 93.5; Sophomore class, Winifred Larrison, 93; Junior class, Edna L. Moore, 93.4; Senior class, Elizabeth Nelson, 91.5. Ethel Rhodes of Dawson returned to school Monday.

Douglas Steele has resumed his studies in high school after an illness.

## Rules for the H. B. Allen Prizes.

October 23, 1908.  
An award of \$15 in gold and an award of \$10 in gold shall be made to the boys in the graduating class of the Jamestown high school who meet the following conditions:

These awards shall be made in accordance with the same conditions as govern the W. B. S. Trimble prize as announced May 27, 1908, with the following exceptions:

Condition II of the W. B. S. Trimble prize shall be changed to read—The \$15 and \$10 awards shall be given to the two boys ranking second and third respectively in scholarship of all who comply with Condition I.

Condition III shall be changed to read October 23, 1908, instead of May 27, 1908.

The rules of the W. B. S. Trimble prize are as follows:

An award of \$25 in gold will be made to the boy in the graduating class who meets the following conditions:

Condition I. He has abstained from the use of tobacco or alcoholic beverages thruout his high school course.

Condition II. He possesses the highest scholarship of all those who comply with condition I.

Condition III. It is further provided that this shall be an annual award and that for boys at present enrolled in a high school, compliance with these conditions may date from this announcement, May 27, 1908, instead of thruout the high school course.

Condition IV. In case there is no one eligible in the graduating class, the award shall be made to the next lower class which can qualify, tho no

person shall be eligible more than once.

Condition V. This award shall be made by the high school faculty.

Note.—This prize was publicly awarded at the Class Day Exercises to Garth Howland. Three boys in the class were eligible. Garth was also valedictorian of his class.

The school is well pleased to be able to announce this generous and unsolicited offer of Mr. Allen's as an index of the stand taken by prominent business men towards tobacco and liquor. It will aid the schools in their stand for clean habits of body and mind. These additional prizes will undoubtedly give greater incentive to a larger number of high school boys as three will now receive recognition instead of one. The honor of being one of these first three boys is worth vastly more than the money value which however is well worth any boy's efforts.

## SPECIAL TRAIN FOR LAUNCHING

Final arrangements have been made for the special train which is to carry North Dakotans to Quincy, Mass., Tuesday, Nov. 10th to attend the launching of the Battleship North Dakota in the Fore River shipyards. The special train leaves St. Paul, Nov. 8th, and will carry Gov. Burke, his staff, Miss Mary Benton of Fargo, who will christen the boat, Mrs. Alice Nelson Page of the Grand Forks Herald, and a large party of North Dakotans, every patriotic citizen of the state being invited.

The trip will be made an unusually delightful one. Every comfort will be arranged for in the way of sleepers and diners. Stops will be made enroute at Chicago and Niagara Falls, and on the return a few days will be given to sight seeing in New York and Washington, D. C.

The schedule arranged is as follows, subject to slight changes:

Special train of Pullman sleepers, diners and observation car will leave St. Paul, via Northwestern, Nov. 8, at 10 a. m. Arrive Chicago, via Washington, Nov. 9, 1 p. m. Arrive Niagara Falls, Nov. 9, at 2 p. m. Leave Niagara Falls, via West Shore, Nov. 9, 8 p. m. Arrive in Boston, Nov. 10, 5 a. m.

The fare from Grand Forks will be \$33.45, and from Fargo, \$31.45, one way.

No special will be run on the return trip. This will give the members of the party a chance to visit points of interest not on the route of the special.

## DENIES SEEKING DEM. VOTES

Bismarck, N. D., Oct. 23.—There is quite a gathering of politicians and candidates in the city today and many propositions are being discussed and the sentiment from over the state is being generally sounded. Among the arrivals last night was Tom Marshall and his political manager, Sidney Adams of Lisbon. Marshall gave it out in the hotel lobbies that Adams was preparing a statement which was given out today to the effect that Marshall was flatly refusing the announcement that had gone out over the state that he was now fostering the democrats and their support in this senatorial contest. Marshall stated that he had never been a democrat and that he was not asking or democratic votes.

There is considerable conjecture as to what effect the supreme court decision will have on the senatorial situation and if the law is not sustained there is some speculation as to what candidates will come before the legislature seeking to secure the toga.

## JAMESTOWN GARDEN PICTURES

The "Spectrum," the students eight page weekly at the Fargo Agricultural college has in the current issue, a fine cut and write-up of the Jamestown public school garden, and the "Extension," also one of the college publications has as its leading article for the current month a description of the public school garden at Jamestown. Photographs showing how the plot looked before and after the garden was brought into being accompany the article, which describes in detail how the work was accomplished. Supt. Crane of Jamestown, has very kindly volunteered to give any information that will help those interested in a like undertaking.

## Kern, Jr., Critically Ill.

Indianapolis, Oct. 23.—John W. Kern, the Democratic vice presidential nominee, whose campaign tour in New York and Ohio was interrupted at Syracuse by news of the serious illness of his eight-year-old son, John W. Kern, Jr., has reached Indianapolis. He found the boy in a critical condition and there is slight probability that Mr. Kern will resume his campaign duties before next week, when a number of speeches have been arranged for him in Indiana. He intends, if possible, to fill those engagements.

## GOVERNOR BURKE

## Attempts to Explain Why He Has Failed to Fulfill Promises.

At the democratic meeting in the opera house Saturday night, Gov. Burke spoke at length, the tenor of his argument being a plea for the votes of the republicans, in that the two platforms were similar, and a defense of his administration, in which little has been accomplished, laying the blame upon other officials, and claiming to be the author practically of all the good work that had been done, as has been his attitude during the long campaign, with its many such speeches, that he has been making over the state. Knowing that the majority of the electors of North Dakota are republican he addressed his arguments particularly to the republicans, who constituted the principal part of his audience.

M. D. Williams presided over the meeting, and J. A. Coffey of Courtenay introduced the speaker. Upon the platform were several democratic county candidates, and John B. Fried, democratic candidate for presidential elector.

The speaker discussed the two state platforms, showing practically the same planks in favor of government regulation of trusts, revision of tariff, popular election of senators, physical valuation of railroads, guaranty of bank deposits, and also compared the two national platforms, and then hurried to a discussion of state policies.

He advanced the charge of absenteeism from office of officials at the state capital, apparently forgetful of his almost continuous campaign tour of the last few months, and the frequent trips away from Bismarck for speeches during the past two years, or explaining them on the ground that he had been "invited to address the audiences": the proposed anti-pass law was next introduced, and the speaker passed on to his length explanation of the failure to raise the railroad assessment to the height assured in his campaign promises of two years ago, namely to \$14,000 per mile as in Montana, as often quoted by him. He also endeavored to explain his claim for the credit of having introduced the motion to have a stenographer take down all the remarks, resolutions, etc., during the sessions of the board of equalization, altho Secretary of State Blaisdell had already introduced a motion providing for the employment of a stenographer to take down verbatim the proceedings of the board, which covered the resolution of Governor Burke.

The speaker then became self laudatory, and described the "impression" he had made upon the other delegates to the water way conventions held in Memphis, Sioux City and Washington. After an attempt to belittle Hon. C. A. Johnson, the choice of the republican voters by a large majority at the June primaries, the speaker stated his position for enforcement of the laws, and particularly the prohibition law, and concluded: "The meeting was ended by a few minutes talk by Mr. Coffey. The above is an outline of the speech that the democratic candidate for re-election as governor is making throughout the state, taking the credit for practically all the good work that has been accomplished, and placing the blame for that which he has not done, upon the shoulders of the other officials. E. H. Wright, one of the soundest, and most logical speakers for the republicans in the campaign, and thoroughly acquainted with the facts and figures, in his speech at Bismarck Thursday exposed clearly the insincerity of the democratic arguments for the re-election of the present governor. We have, said Mr. Wright, a governor of the minority party in the state who seeks re-election. The majority of the voters in the state are republican and the question is whether we should re-elect a democratic governor or elect a republican to the governor's chair. Has Burke measured up to the standard and promises made in his campaign two years ago when he was a candidate and was making liberal promises touching various things? Two years ago Burke was attacking the republicans. Now he is on the defensive and is seeking to explain why he has not carried out the promises he made. In this state, the principal issues of the campaign were the assessment of railroads and the enforcement of the prohibition law. Two years ago Governor Burke in his campaign declared that railroads were not assessed high enough. Then railroads in this state were assessed at \$9,000 a mile on their main line. The governor had stated that in Montana railroads were assessed at \$17,000 a mile, conveying the impression to the people that there was a great discrimi-

ation in this state in favor of the roads.

This statement, without any explanation as to how other property was assessed in the two states, was deceptive and had a considerable effect with the voters who thought that the governor was correctly stating conditions.

This year Governor Burke had stated before the board that railroads should be increased \$1,500 a mile. The other members of the board took issue with the governor, and based their action upon the facts and figures before them. These showed that the highest figures of valuation of the roads were \$40,000 a mile. The board then turned to the assessment and valuation of other property, seeking to adjust it and the railroads on the same basis. The governor stated to the board that real estate he thought was paying on a third of its value. In Cass county the assessed value of real estate was 6.70 an acre. If the governor was right in his statement, then the average value of land in Cass county was only about \$20 an acre. In Bottineau county the assessment of land is \$4.03. If the governor was right, land there is only worth \$12 an acre, when as a matter of fact it cannot be bought for less than \$20 to \$30 an acre. The same facts are true of Burleigh, Stutsman and other counties. The other members found that real estate was in fact only assessed for about a fifth of its value and personal property for sixteen to seventeen per cent. But they placed the valuation of the railroads at \$10,000 a mile, or twenty-five per cent of its value.

The republican members of the board were intent on doing their duty as officials and treating all classes of property alike, and Mr. Wright said that no man who valued his duty as a citizen would stand for a higher rate of valuation of property for the reason that it belonged to a corporation.

The republican members of the board had not acted because they believed an arbitrary and unjust increase of railroads would be popular. They acted because they believed the best information they had justified the figures agreed upon.

But the figures obtained by the governor in his correspondence and inquiries in other states developed other facts. They developed that instead of the railroads in Montana being assessed \$17,000 a mile, as the governor had stated in his campaign speeches of two years ago, the railroads of that state were assessed, three lines at \$17,250 a mile; and other lines down as low as \$2,000 a mile. That branch lines in that state were assessed from \$125 to \$2,000 a mile, while in this state all branch lines are assessed at \$6,500 a mile. That in Montana, the state tax levied was two and a half mills and in this state five mills, so that at \$17,000 a mile on the Montana valuation the roads did not pay as much per mile for taxes. These figures were interesting as showing whether the governor's statements of two years ago as to discrimination in favor of railroads were reliable.

The attitude of Governor Burke in this railroad assessment, was not the attitude of a statesman, who desired only to do justice to all men and all classes of property. It is easy for any man to respond to popular clamor and say that he is against railroads and will, if elected, say that he will see that the railroads are assessed on a higher basis. But it is the statesman who says that if elected he will inquire into the facts and do the right thing by all classes of property, and go no further than that in the making of promises.

The speaker contrasted the attitude of Governor Burke with that of Governor Hughes of New York, who, when asked why he had vetoed a two cent fare bill, said that he had done so because the legislature passed the bill without any knowledge of the actual cost of hauling passengers and that no bill, so passed without knowledge or inquiry, would have his approval while he was governor. This was the difference between the attitude of Governor Burke and Governor Hughes in this important matter of dealing with corporate property.

Now as to Gov. Burke's "stand" in not voting upon the railroad assessment resolution, the following comparisons have weight:

Gov. LaFollette vs. Gov. Burke.—When "Bob" LaFollette, who is campaigning for the election of the republican ticket, was elected governor of Wisconsin and a member of that state's equalization of tax board, he found a majority of the board against raising the tax assessment of railroads and corporation. Governor LaFollette offered a resolution for raising the assessment and went on record, voting for it, and forced the majority to raise the assessment.

Governor Burke says he found a majority of the board against him; he didn't offer any resolution; he didn't force the issue; he says it was no use for him to even vote. In equi-

ty words he did not have the courage to stand against a majority.

Gov. Hughes vs. Gov. Burke.—Burke says the majority of the equalization board were against raising railroad assessments, and there was "no use for him to vote on it."

Gov. Hughes said to the New York Legislature: "I know a majority of your honorable body are against my anti-gambling and anti-corporation laws but I stand for the right and unless you pass these laws your record will be submitted to your constituents," and he forced the passage of those wholesome laws.

Gov. White vs. Gov. Burke.—Governor White found a majority of the equalization board against raising the railroad assessment but said "I want to go on record," and offered a resolution raising the assessment \$1500 per mile and forced the members on record and some who voted against the resolution were not sent back by the voters.

Governor Burke didn't offer any resolution, he said "there's no use to vote" and did not go on record.

Roosevelt vs. Gov. Burke.—The congress of the United States was opposed to the passage of wholesome laws, Roosevelt took the "big stick" stirred up the Platt, DePew, Foraker records and forced the passage of the railway employers liability acts; the pure food act; the rate bills and other wholesome laws.

Gov. Burke says: "There's no use to vote and go on record when a majority are against you," and gives that as his reason for not voting on the equalization of the railroad taxes in 1907.

## DENIES ALLEGIANCE

It was currently reported that Thomas Marshall was in allegiance with the democrats and had made an alliance with Gov. Burke for democratic votes at the polls. In a published statement to the Bismarck Tribune, Mr. Marshall denied the existence of any such democratic alliance and strongly advocated the election of C. A. Johnson, republican candidate for governor. He repudiated the charge that he had made a deal to trade republican votes for Burke for governor for democratic votes for Marshall for United States senator. "Plainly stated," he said, "I have never made, never contemplated making, and shall not make any deal of any kind directly or indirectly with Mr. Burke or any of his associates or representatives. Undoubtedly there is infinitely more smoke than fire about the whole proposition and it has tendency to injure C. A. Johnson, in whose success every republican should be interested."

## ADVERTISED LETTERS.

List of letters remaining uncalled for at the Jamestown, N. D. postoffice for the week ending Oct. 17, 1908:

Barbara Anthony, Frank Bellum, James Berry, R. Beyer, Dee Brown, Mabel Brophy, Frank Clock, J. C. Campbell, Harry Dammerling, Cora Gordie, Norman Gossitt, Jack Green-trick, Johannes Hansen, Jacob Horder, W. C. Irons, C. J. Johnson, A. D. Kleser, G. E. Keough, Thomas Kennedy, Ray Leeding, J. R. McMaster, Mary Nugent, Deluca, Pautale, Thomas Phillips, Jno. Parry, Lillian Putney, Ross Randall, G. Sandes, Emma Smith, Stephens Vane, Chas. Sherman, John Shultz, Lewis Stanley, D. E. Stuart, L. V. Thistle, Wm. Van Vleck, J. H. Wilson, Goldie

Wright, John Weber, C. H. Larson.

Post cards wholly written: Gallie Ashwill, Ella Ashlin Syme Brown, F. Burnes, Alex. Böttcher, K. Baguard, Thirise Brashill, James Berry, L. F. Beaulieu, Mrs. Bob Bayers, Miss Maggie Crawford, Miss Isabelle Carley, Donald Campbell, Esq., J. J. Dunn, Miss Flora Edwards, Miss Ruby Hultgren, Mr. Albert Haugan, Mr. M. Heale, Mr. P. J. Howard, C. C. Hanning, Mrs. Nella Hawstrander, J. W. Johnson, Mrs. H. H. Kranzisch, Miss Erma Kauler, Mr. Grover Leach, Alfred Lynch, Miss Daisy Morrill, Mr. B. Pierce, Alvina Peterson, Mr. Harvey Peterson, A. M. Spencer, Mr. Raymond Shubbert, Miss Stella Schmidt, Mr. Ralph Starke, Edd Weasy, Mr. Van Stephens.

These letters will be held 21 days after which they will be sent to the dead letter office. When calling for these letters always say advertised and give date of this list.

John Severn, Acting Postmaster

## DREW LUCKY NUMBERS

Out of the six thousand people who were successful in drawing land in the Tripp county, South Dakota, land opening only six were North Dakota people.

There were 6,000 farms to be divided among 114,000 applicants and this left 108,000 people who were disappointed in not getting a farm. The drawings were concluded Thursday. Following are the names of North Dakota people who were successful in drawing a farm and the number of their selection:

No. 164—Lois B. Klogstad, Sawyer, N. D.

No. 516—John F. Mills, Ellendale, N. D.

No. 599—Henry Sagert, Cugusa, N. D.

No. 673—Charles Suesmlich, Gene seo, N. D.

No. 808—Joseph I. Long, Flaxton, N. D.

No. 1375—Nels Rasmussen, Langdon, N. D.

## INSANE MAN CREMATED

Minot, N. D., Oct. 24.—An unknown man, supposed to be insane, was burned to death in the jail at Donnybrook Thursday night as the result of a fire, set by the victim himself.

The man was brought to Donnybrook from Aurelia late in the evening with the intention of taking him to Minot for examination by the insanity board today. The fire started shortly after 2 o'clock and before the department or the marshal could arrive, the building was in ruins. The body was found with the hands clasped around the iron bars.

A watch chain, a key, a ring and a key that resembled a Northern Pacific switch key were found beside the remains and one in the bones that formed the hand a ring was found with the initials "P. F." The man is not known at Aurelia, but is reported to be from Minnesota. The coroner will make an investigation today.

## Serious Water Shortage.

New York, Oct. 23.—From all parts of the state come complaints of water shortage. So serious is the situation in many parts of the state that extreme measures will soon be needed to prevent actual distress. In various places dairymen are compelled to drive their cows for miles to obtain water and in other it is being carried for miles to supply domestic wants. In the Hudson valley the shortage is particularly serious.

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